

Information and Guidance for Applicants

The Licensing Act 2003 has been amended by the insertion of sections 41A to 41C relating to minor variations. These sections were commenced on 29 July 2009.

Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

Small variations that will not impact adversely on the Licensing Objectives are subject to a simplified 'minor variations' process.

Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice in order to distinguish it from the blue notice used for full variations and new applications under the Licensing Act 2003.

The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the Licensing Authority to allow for representations to be made by the Responsible Authorities, and "interested parties" as defined by the Licensing Act 2003.

On receipt of an application for a minor variation, the Licensing Authoritylicensing authority must consider whether the variation could impact adversely on the Licensing Objectives which are:licensing objectives.

- The prevention of crime and disorder
- Public Nuisance
- Public Safety
- Protection of children from harm

Interested parties have ten working days from the 'initial day', i.e., the day after the application is received by the licensing authority, to submit representations in respect of the application.

Representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but

licensing authorities must take any representations into account in arriving at a decision.

Minor variations will generally fall into four categories:

- minor changes to the structure or layout of a premises
- small adjustments to licensing hours
- the removal of out of date, irrelevant or unenforceable conditions and the addition of volunteered conditions
- the addition of certain licensable activities

The following are **excluded** from the minor variations process and must be treated as full variations in all cases:

- To extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

Applications to reduce licensing hours for the sale or supply of alcohol or to or move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.

The licensing authority must determine the application, within 15 working days, beginning on the first working day after the authority received the application, with affect either that:

- the minor variation is granted; or
- the application is refused.

If the licensing authority fails to respond to the applicant within 15 working days, the application will be treated as refused and the authority must return the fee to the applicant forthwith.

However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Please contact the Customer First Team to discuss any queries you may have - email customerfirst@lewes-eastbourne.gov.uk or telephone us on 01323 410000.

Further information, application forms and additional copies of this document are available from our website

www.lewes-eastbourne.gov.uk/licensing

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