

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

29TH JANUARY 2010

**Delegation to Licensing Officers to deal with decisions on
Minor Variations under the Licensing Act 2003**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
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APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 The Government has issued Supplementary Guidance to Local Authorities under Section 182 of the Licensing Act 2003 on a simplified process for minor variations to Premises Licences and Club Premises Certificates. It recommends that all decisions in the administration process should be delegated to Licensing Officers.

2. RECOMMENDATION

The Committee is asked to **RECOMMEND** to Council that:

- 2.1 All decisions in the administration process should be delegated to Licensing Officers in respect of:
- Change of name and address of someone named in the Premises Licence – Section 33 of the Licensing Act 2003.
 - Application to change the Designated Premises Supervisor – Section 37 of the Licensing Act 2003.
 - Application in relation to licence for community premises that authorises the sale of alcohol to disapply the mandatory conditions concerning the supervision of alcohol sales by a Personal Licence Holder and the need for a Designated Premises Supervisor – Sections 25A and 41D of the Licensing Act 2003.
 - Application for Minor Variation of Premises Licence; to add a licensable activity e.g. the addition of live or recorded music - Sections 41A to 41C of the Licensing Act 2003.

3. BACKGROUND

- 3.1 The Government has issued guidance to local authorities outlining a simplified process for minor variations to premises licences and club premises certificates.
- 3.2 The Guidance revises and replaces the Guidance on Variations of Premises Licences published on 28th June 2007.
- 3.3 The Licensing Authority must consider whether an application for minor variation could impact adversely on the licensing objectives.
- 3.4 The Government recommends that decisions on minor variations should be delegated to licensing officers. In considering the application, the Licensing Authority must consult relevant responsible authorities if there is any doubt about the impact on the variation, and to take their views into account in reaching a decision.

4. KEY ISSUES

- 4.1 The Licensing Authority must consider any relevant representations received from Interested Parties within a period of 10 working days.
- 4.2 Within 15 working days, the Licensing Authority must determine the application to the effect either that:
 - the minor variation is granted; or
 - the application is refused.
- 4.3 If the Licensing Authority fails to respond to the applicant within 15 working days, the application will be treated as refused and the Local Authority must return the fee to the applicant forthwith.
- 4.4 Minor variations will generally fall into four categories:
 - Minor changes to the structure or layout of premises
 - Small adjustments to licensing hours
 - Removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
 - Addition of certain licensable activities.
- 4.5 In all cases the overall test is whether the proposed variation could adversely affect any of the four licensing objectives.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Licensing authorities will need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant but which cumulatively may impact adversely on the licensing objectives.
- 6.2 Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 6.3 The Act covers a wide range of other licensable activities and the Licensing Authority will need to consider each application on a case by case basis and in the light of any licence conditions put forward by the Applicant.
- 6.4 Licensing Officers should bring their own experience and knowledge of licensing to bear when considering applications.
- 6.5 Licensing Authorities cannot impose their own conditions on the licence through the minor variations process. If the Licensing Authority considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed they should refuse it.
- 6.6 Any other changes to the licence require an application to vary under Section 34 of the Licensing Act 2003.

7. RISK MANAGEMENT

- 7.1 The Licensing Authority should consider if there is any likely impact on the promotion of the licensing objectives.

8. CONCLUSION

- 8.1 The delegation of power to Licensing Officers will enable swift changes to be made to permit minor variations of a premises licence or club premises certificate within prescribed time periods.

9. CONSULTEES

- 9.1 Director of Planning and Regulatory Services.
- 9.2 Director of Legal and Corporate Services.

10. BACKGROUND PAPERS

- 10.1 Supplementary Guidance issued under Section 182 of the Licensing Act 2003.