

Appendix 1 – What Constitutes a Minor Variation

Sections 41A(3) and 86A(3) state that an application under these new provisions cannot be made in certain circumstances which are listed below –

- (A) Extend the life of a Premises Licence (where an Applicant requested that the Premises Licence be issued for a limited period only.
- (B) Specify a Designated Premises Supervisor on a Premises Licence;
- (C) Include the Alternative Licence Condition on a Premises Licence
- (D) Re a Premises and Club – Authorise
 - (i) the supply of alcohol at any time between 11pm and 7am or
 - (ii) an increase in the licensable hours in which alcohol may be sold by retail or supplied/supplied to members or guests
- (E) Add the supply of alcohol as an activity authorised by the Premises Licence/Club Premises Certificate; and
- (F) Vary substantially the premises to which the Premises Licence or Club Premises Certificate relates.

Variation A would need to be the subject of a new Application for a Premises Licence pursuant to Section 17 of the Act.

Variations B to F would need to be made through the normal variations procedure under Section 34 of the Act.

Whilst the Act does not define what a Minor Variation is, the DCMS Guidance (paragraph 8.42) advises that Minor Variations will generally fall into four categories) all of which are discussed in more detail in paragraphs 8.43 to 8.60 of the DCMS Guidance:

- Minor changes to the structure or layout of a premises – but not if it will increase the capacity for drinking on the premises; affect access/exits or effect noise reduction measures;
- Small adjustments to licensing hours - i.e. to either reduce hours or to move hours around within the permitted time bands without increasing the licensed hours;
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions - The Council cannot impose its own conditions and the application should be refused if additional conditions would be required as a result of the application;

- The removal of a Licensable activity - should normally be approved as a minor variation; and

The addition of certain licensable activities i.e. live music films and plays depending upon the effect on the licensing objectives.