

BRISTOL CITY COUNCIL
LICENSING OFFICE (TEMPLE STREET
PO BOX 3399 BRISTOL BS1 9NE
www.bristol.gov.uk/licensing

Licensing Act 2003
How to Apply for the Minor Variation of a Premises Licence

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Scope

This document is intended to give general guidance on how to make an application to vary a premises licence under the Licensing Act 2003.

The Licensing Team are unable to assist you with the detailed completion of the application form or provide any advice over and above that contained in the guidance document. If you require help we recommend you seek your own independent advice.

Before completing the application form, please read this guidance. Application forms and further information can be found on our website at www.bristol.gov.uk/licensing

This information has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. The information in this guidance was accurate when produced but you are always advised to seek your own legal advice should you have any queries and you should note that the Council cannot be liable in any way for the contents of this guidance.

When can I apply for a minor variation?

An application for a minor variation offers a simplified process for small scale changes to premises licences and club premises certificates.

The simplified process may be used for the following variations:

- Small changes to premises layouts or structures
- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions
- Addition of volunteered conditions
- Addition of licensable activities
- It is important to note that minor variations can only apply to the sale or supply of alcohol where the application is to reduce licensed hours, or to move them without any overall increase between the hours of 7.00am and 11.00 pm

We will consider whether the variation may have a negative impact on the promotion of any of the licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. If we don't think it will have a negative impact we'll grant the application. Where we think the change may have a negative impact we'll refuse the application.

Are there any changes I cant use a minor variation for?

The process may not be used for the following purposes, which would be subject to the full variation process:

- To extend the period for which a licence may have effect
- To vary substantially the premises to which it relates
- To specify an individual as a designated premises supervisor
- Add the sale by retail or supply of alcohol as a new activity authorised by the licence or certificate
- Extend the sale of alcohol at any time between 11.00 pm and 7.00 am the following morning
- Increase the amount of time on any day during which alcohol may be sold or supplied.

Some deregulatory changes mean that no licence is required for some activities in certain

Guidance minor variation applications circumstances. For more information please see our guidance for applications for the grant or variation of premises licences.

Last updated 13.03.23

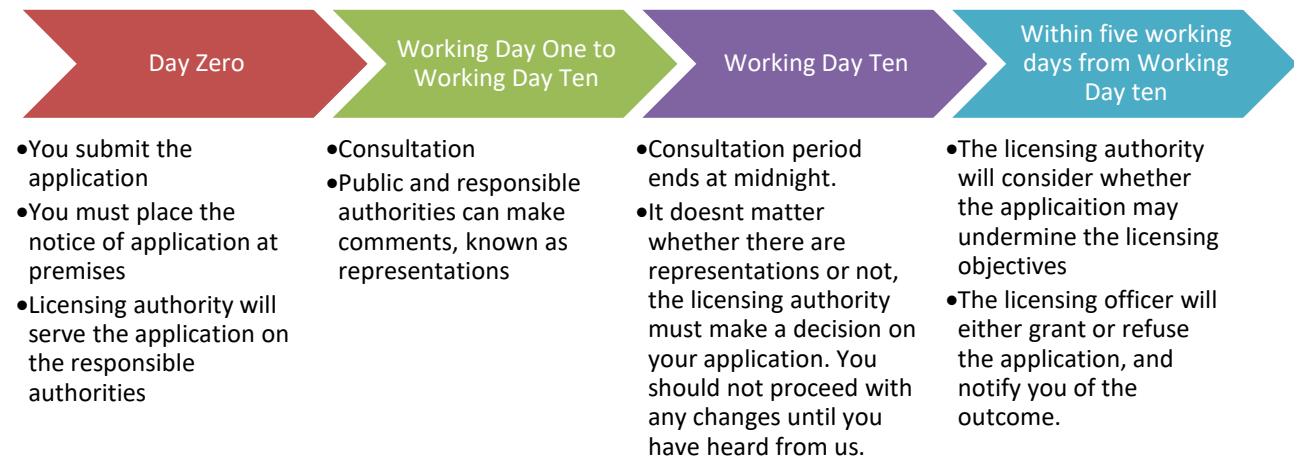
How do I make my application?

The application must be made to the licensing authority who issued the current premises licence.

The following must be provided:

- The completed application form
- Application Fee of £89.00
- Plan of the premises which is clear and legible in all material respects (If changes to the plan are being made).

Timelines



Completing the application form

If you submit an application which is incomplete, or incorrect your application will not be valid. The consultation period will not begin until the issues are resolved.

Part 3 - Variation

You can indicate the date you wish the variation to have effect from.

Description of the variation

Please describe the proposed variation and explain why you consider it would not have an adverse impact on the promotion of any of the licensing objectives. For example, if the variation was to make changes to the plans you could say: *“To amend the ground floor plans to show a new seating area. We do not consider this change will have an adverse impact on the licensing objectives as it does not increase the capacity of the premises and is within the existing footprint of the premises”*

If you wish to add or amend conditions you must provide the specific wording of new or amended conditions. You must also clearly state the annex and number of the condition(s) to be amended. Unlike with the grant and variation application process the legislation does not allow us to amend or interpret the proposals that you have made.

For example, if you wish to amend a condition you could state:

“To amend condition 2 of Annex 3 from:

*'On Fridays and Saturdays there will be a minimum of **three** door supervisors on duty from 22.00 hours, and a minimum of **five** from 23.00hours until the premises closes.'*

To

*'On Fridays and Saturdays there will be a minimum of **two** door supervisors on duty from 22.00 hours, and a minimum of **four** from 23.00hours until the premises closes.'*

It would not be acceptable to state: *"To change the door staff condition to have one less door supervisor than currently required."*

Similarly, conditions or amendments to the application cannot be agreed during the application process. Responsible authorities must decide whether to make comments based on the application alone and not whether additional conditions can be imposed.

Prior to submitting an application, applicants may wish to speak to the responsible authorities to discuss the proposals.

Part 4 - Operating Schedule

Licensable Activities

You must state what licensable activities you intend to change as part of the application and whether these will be provided indoors, outdoors or both.

Part 5 – Signatures

If the application is made by a limited company, partnership or unincorporated association, someone who has the capacity to bind the company or partnership should sign. Your agent (e.g. a solicitor) may sign providing he or she has actual authority to do so.

Where there is more than one applicant, they must all sign the form.

Plans

If plans are required, the information contained in the plan must be clear and legible in all material respects.

The plan shall show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and from the premises;
- c) If different from paragraph (b) above, the location of escape routes from the premises;
- d) In a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- i) The location and type of any fire safety and other safety equipment; and
- j) The location of a kitchen, if any, on the premises

The plan may include a legend through which the matters mentioned or referred to in a) to j) above are sufficiently illustrated by the use of symbols on the plan.

Advertising Your Application

An application for the minor variation of a premises licence must be advertised only at the premises (unlike a full variation there is no requirement to advertise in a locally circulating newspaper).

Site Notice

The notice must be displayed for a period of no less than ten working days commencing on the day after the day the application is lodged with the Licensing Authority.

The notice must be:

1. A4 sized or larger
2. On white paper
3. Printed legibly or typed in black, the font size for the heading must be in a font size of 32 or larger and the remainder of the notice must be in a font size of 16 or larger.

The notice must in all cases be displayed prominently at or on the premises to which it relates in such a position that it can be easily read from outside of the premises. Where premises cover an area in excess of fifty metres square, a further notice in the same format shall be displayed every fifty metres along the perimeter of the premises abutting the highway.

Common issues with the display of notices that may result in the application having to be resubmitted include:

- placed too high or too low to be easily read.
- obscured by closed shutters
- placed on doors which are regularly opened or left open.
- removed by contractors or obscured by building works.
- printed on the incorrect colour paper.

The site notice must state the following:

- Name of the applicant for a variation of the premises licence
- The postal address of the premises. If there is no postal address a description of the premises sufficient to enable the location and extent to be identified
- The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected
- Describe the proposed variation. In order that the public can make a properly informed decision as to whether or not to make representations you must include the proposed days and times of licensable activities, opening hours if different and the type of licensable activities proposed at the premises. It is not sufficient to state "regulated entertainment", each individual activity must be listed. If the times sought for different activities are the same you may list those activities together and list the times only once. For example:

"Plays, Films, Indoor Sporting Events on Monday to Sunday from 10:00 to 23:30

Live Music on Monday to Sunday from 10:00 to 01:00

Alcohol on Monday to Sunday from 10:00 to 02:00

Opening Hours on Monday to Sunday from 10:00 to 02:30.”

- The date by which an interested party or responsible authority may make representations to the Licensing Authority
- That representations shall be in writing
- That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for such an offence.

Common issues with the content of notices that may result in the application having to be resubmitted include:

- Description of the activities being insufficient or incorrect
- Incorrect representation end date
- Incorrect postal address for the licensing authority – Bristol has two addresses that are required to be displayed, one for post and one for where the register can be viewed.

A sample site notice format is attached as Annex A for premises licence applications and Annex B for club premises certificate applications, should you wish to use it. We would advise applicants to regularly take photographs of the site notices on display at the premises and make a note of when they have been displayed.

What happens if relevant representations are made?

Representations may be submitted by a responsible authority or interested party. All representations must relate to the impact the grant of the application would have on the promotion of the licensing objectives.

We must then take those into account when making our decision. In those cases where we are satisfied that the variation(s) applied for could not have an adverse effect on one or more of the licensing objectives we must grant the application.

Where we consider the variation may have a negative impact on promotion of the licensing objectives the application will be rejected. In this instance the fee is not refundable.

We will determine the application within five working days after the representation end date. If we do not determine the application in this time frame it is deemed rejected. In this instance the fee is refundable.

Can I challenge a decision?

There is no right of appeal.

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Application for the Minor Variation of a Premises Licence

I (Insert full name of applicant).....

Of (Insert the full postal address of the premises).....

.....
.....
(Where there is no postal address a description of the premises sufficient to enable the location and extent of the premises to be identified)

I have submitted an application for the minor variation of a premises licence to Bristol City Council, Licensing Authority 100 Temple Street, Bristol BS1 6AG. The record of the application may also be inspected at this address between 9.00 am and 5.00 pm Monday – Friday, with the exception of Wednesday when the opening hours are 10.00 am and 5.00 pm or on the Council’s website at www.bristol.gov.uk.

Details of application (Type of licensable activity, proposed days & times of activities and opening hours of premises, details of any non standard timings & any seasonal variations).....

.....
.....
.....
Relevant persons and responsible authorities may make written representation to the relevant Licensing Authority by..... such representation shall be made in writing to Licensing Team(100TS) PO BOX 3399 Bristol BS1 9NE or via email: licensing@bristol.gov.uk

It is an offence to knowingly or recklessly make a false statement in connection with an application, the maximum fee for which a person is liable assuming conviction for the offence is level 5 on the standard scale.

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Minor Variation of Club Premises Certificate

Name of Club.....

Of (Insert the full postal address of the club).....
.....
.....

(Where there is no postal address a description of the premises sufficient to enable the location and extent of the premises to be identified)

I have submitted an application for the minor variation of a club premises certificate to Bristol City Council, Licensing Authority 100 Temple Street, Bristol BS1 6AG. The record of the application may also be inspected at this address between 9.00 am and 5.00 pm Monday – Friday, with the exception of Wednesday when the opening hours are 10.00 am and 5.00 pm or on the Council’s website at www.bristol.gov.uk.

Details of application (Type of licensable activity, proposed days & times of activities and opening hours of premises, details of any non standard timings & any seasonal variations).....
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Relevant persons and responsible authorities may make written representation to the relevant Licensing Authority by..... such representation shall be made in writing to Licensing Team(100TS) PO BOX 3399 Bristol BS1 9NE or via email: licensing@bristol.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is an unlimited fine.