

GENERAL

This guidance is to assist applicants when applying for a Minor Variation to either a Premises Licence or Club Premises Certificate. Further information about the Licensing Act 2003 and other sources of information can be found on the Department for Culture, Media and Sport website www.culture.gov.uk. Alternatively you can contact the Licensing Authority for assistance with any queries you may have concerning your application. You may also consider obtaining legal advice or advice from a relevant trade body.

INTRODUCTION

Minor variations will generally fall into four categories:

- Minor changes to the structure or layout of a premise;
- Small adjustments to the licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
- The addition of certain licensable activities.

The minor variations process cannot be used to:

- Substantially vary the premises;
- Specify an individual as the Designated premises supervisor;
- Add the supply of alcohol as a licensable activity;
- Authorise the supply of alcohol between 11.00 pm and 7.00 am;
- Increase the amount of time during which alcohol may be sold or supplied;
- Remove the requirement for a Designated premises Supervisor in a community premises; and
- Transfer a licence from one premises to another.

If you are in about doubt as to whether you are able to apply for a minor variation, please contact the Licensing Authority.

APPLICATION PROCEDURE

In order to apply for a Minor Variation you must provide:

- A completed application form;
- A plan of the premises (if necessary) on a scale of 1:00 (see notes);
- The application fee; and
- The existing Premises Licence or Club Premises Certificate.

PLAN OF PREMISES

The plan must 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 locations of escape routes from the premises;
- (d) In a case where the premises is to be used for more than one 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 equipment and other safety equipment including, if applicable, marine safety equipment; and
- (j) The location of a kitchen, if any, on the premises.

To assist the Licensing Authority, the plan may include a legend through which the matters mentioned or referred to in the above list are sufficiently illustrated by the use of symbols on the plan.

HOW MUCH DOES THE APPLICATION COST?

Licence fees have been set by the Government to recover the Licensing Authority's costs of administration and inspection. Details of the fees set for all Licensing Act 2003 applications are shown on a separate sheet. Exemptions from the fee do exist for certain premises such as church halls, community centres, schools and colleges. Please contact the Licensing Authority for more information.

WHERE DO I SEND MY APPLICATION?

You should send your application form with all the relevant documentation as referred to above to:-

The Licensing Section
Caerphilly County Borough Council
Public Protection
Penallta Park
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

(cheques should be made payable to Caerphilly County Borough Council)

ADVERTISING YOUR APPLICATION

You are required to advertise your application by way of a notice on the premises to which the application relates, where it can be read conveniently from the exterior of the premises. The notice must be displayed for a continuous period beginning on the first working day after the day on which the application was submitted to the Licensing Authority and ending at the expiry of the 9th consecutive working day after that day

The notice should be:

- Of a size equal to, or larger than A4;
- On white paper; and
- Printed legibly in black ink or typed in a black font equal to or larger than size 16 and the heading in a black font equal to or larger than size 32.

In the case of a premises covering an area of more than 50m², a further notice, in the same form and subject to the same requirements, must be placed every 50m along the external perimeter of the premises abutting the highway.

There is no requirement to advertise an application for a minor variation in a local newspaper.

REPRESENTATIONS

When considering an application, the Licensing Authority must consult with relevant Responsible Authorities if it considers the variation would have an impact on one of the Licensing Objectives, which are:

- The Prevention of Crime & Disorder;
- The Prevention of Public Nuisance;
- Public Safety; and
- The Protection of Children from Harm

Responsible authorities and any Other Persons may object to an application for a Minor Variation. Any Other Persons includes any individual, body or business entitled to make representations, to the Licensing Authority regardless of their geographical proximity to the premises. Whilst any of these persons may act in their own right, they may also request that a representative makes the representation on their behalf.

Any representations must clearly relate to the likely effect of the grant of the variation on at least one of the Licensing Objectives.

In the case of Minor Variations, there is no right to a hearing. Representations or objections to the application must be received within 10 working days, beginning on the first working day after the day on which the application was submitted. At the end of this period, the Licensing Authority must determine the application and can either grant or refuse the application. In either case, the Licensing Authority must notify you within 15 working days, starting on the 1st working day after the application was received.