

Appendices

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NORTHAMPTON
BOROUGH COUNCIL

Item No.

7

Ward: N/A

Name of Group:	LICENSING
Meeting Date:	15 September 2009
Directorate:	Public Protection
Head of Service:	Steve Elsey
Corporate Director	Julie Seddon

Report Title	Licensing Act 2003. Section 182 Introduction of a simplified process for minor variations to premises licences and club premises certificates.
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1. Recommendations

That the report be noted.

2. Summary

On 29 July 2009 the Government introduced a new supplement to the Licensing Act 2003 in order to deal with 'minor variations' to Premises Licenses.

Minor Variations fall into four categories: -

- Minor changes to structure or layout of premises
- Small Adjustments to Licensing Hours
- Removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions.
- Overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

A Minor Variation does not include an application wishing to change a Licence to include the Sale of Alcohol or extend their Alcohol Sale times between the hours of 23:00 and 07:00

3. Procedures

- Fee £89
- Notice must be displayed on White Paper and not Blue for a period of 10 working days starting on the working day after the minor variation application is given to LA.
- Notice title must be in size 32 font and rest of text in size 16
- No requirement to advertise in newspaper or circular.
- No requirement to serve copy of application on responsible authorities.
- Interested Parties have a right to object within 10 working days from the day after the application is received by the LA.
- No requirement to consult all responsible authorities and LO can make decision without consultation.

In considering application, if any doubt LO must consult with relevant responsible authorities and seek specialist advise and take their views into account in reaching a decision (i.e if concerns re crime and disorder discuss with Police, if concerns re noise discuss with EHO).

- If representations received from Interested Party - There is no right to a Hearing but LA must demonstrate that have taken any representations into consideration.
- LA must respond to applicant within 15 working days of receiving application that it is either granted or refused.
- If LA do not respond within 15 working days application treated as refused and must return the fee – LA can agree with applicant if undetermined that will keep fee and treat again as new application.
- If LA refuses application then applicant must re-submit the application as a full variation and the 28 days will apply from when the new application is received.

3A. Any Relevant Policies

Guidance issued under Section 182 of the Licensing Act 2003.
Northampton Borough Licensing Policy

4. Options and Evaluation of Options

That the Committee note the report.

5. Resource Implications (including Financial Implications)

N/A

6. Consultees (Internal and External)

Internal	N/A
External	DCMS

7. Compliance Issues

Finance Comments
N/A
Legal Comments
N/A
Crime and Disorder Issues
N/A
Equality Impact Assessments
N/A
Human Rights Act Implication
N/A

Other compliance issues

None

8. Background Papers

DCMS	Guidance issued under section 182 of the Licensing Act 2003	
	Supplementary Guidance	July 2009

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