



THE NATIONAL ORGANISATION OF RESIDENTS ASSOCIATIONS

Response to Suggested “Minor Variations” to Premises Licences

Summary

Members of the National Organisation of Residents Associations were asked to suggest a list of variations affecting Premises Licences, which would be considered sufficiently “minor” not to merit a full licensing application for a variation to a premises licence.

Residents have a particular interest in changes to premises licences of all sorts, because of the perceived effect they can have on their environment and their ability to enjoy their property. Accordingly some felt that any variation of the Premises Licence could interfere with the four licensing objectives, and they feared that giving freedom for “minor variations” to be exempt from a licensing application could be detrimental to residents. The legislation, as interpreted by many licensing authorities, is already balanced too much in favour of applicants with too little emphasis on the problems faced by residents.

Members had the same problem as the Department officials in listing specific examples and definitions of such “minor variations”. Many expressed their views in lists of variations that merited full applications and gave only a few examples of those that might not. Their views are simply expressed in this document.

Matters that merit full applications

IN NORA's opinion any variation to an existing Premise Licence, which could impinge on any of the four licensing objectives, relating to premises in the vicinity of residents must require a full application for a Variation to a Premises Licence.

This applies most strongly to any increase in hours. Problems arise when strict definitions of the term vicinity are used to exclude residents affected by the opening hours of licensed premises, whether pubs, clubs, late night refreshment take-aways, warehouses selling drink at night, etc., so NORA's view is that any changes to the opening hours of any establishment must require an application for a Variation to the relevant Premises Licence.

NORA members considered that adding and removing licensable activities could result in changes to the operation of the licensed premises to the detriment of one or more of the four licensing objectives, in particular the "prevention of public nuisance". Amending, adding and removing conditions within a premises licence could result in the same detriment. Altering the layout of the premises, such as extending the premises, adding smoking shelters, changing the use of beer gardens, could all result in breaching one or more of the licensing objectives. Accordingly all these matters should normally merit an application for a Variation to the Premises Licence.

Matters that might not merit a full application

Any variation to an existing Premises Licence, which does not impinge on any of the four licensing objectives, may not necessarily require a full application for a Variation to a Premises Licence.

To list such “minor variations” proved as difficult for NORA members as it has proved for officials. There are relatively few variations that could be always considered exempt, since in some instances exemption would be unwise. Fears were expressed that, granting ways for those holding Premises Licences to avoid scrutiny of their operation by residents suffering from their operation, would add to the problems they already experience.

Exemptions could apply to the removal of conditions unrelated to the promotion of the four licensing objectives, which had been included in the Premises Licence submitted by the applicant, but not made a condition by the Licensing Authority. Such additions to Premises Licences are uncommon.

Only if there are no residents within the vicinity might removing or adding licensable activities be exempt, but it would be advisable to seek the opinion of the police.

Changes to the layout of licensed premises could also be exempt provided they were not included in conditions imposed by the Licensing Authority. This could include replacing and moving furniture and fittings, though this should not apply to fixed tables and chairs, which were imposed to control the use and functional size of the premises.

Additions to the layout such as smoking shelters, beer gardens and loud-speakers could only be exempt if there are no residents in the neighbourhood likely to be unreasonably affected by these additions.

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