



## **Licensing Act 2003**

### **Briefing Note 3 – Hearing to Consider a Premises Licence Variation Application**

#### **Background**

The holder of a premises licence can apply to vary the terms of that licence. A variation application cannot be used to extend the life of a time-limited premises licence or to substantially alter the premises covered by the licence. A new premises licence application would be required to achieve this involving a fresh "Operating Schedule" and plan.

A hearing is required because "relevant representations" (i.e. relevant to the licensing objectives) have been made by a "responsible authority" (i.e. police, fire or local government agencies) or any other person or both.

#### **Section 182 Guidance (Apr 2018)**

Particular reference should be made to Parts 8.66f, 9 and 10.

#### **Local Statement of Licensing Policy (2016)**

Particular reference should be made to Parts 4, 5, 6, 7

#### **Human Rights Act**

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to vary a licence will only be regarded as infringing the Article 8 rights of local residents/businesses if any noise/disturbance likely to be caused is of an extreme nature. Given the police powers to close premises in these circumstances this is unlikely to be an issue at application stage.

#### **The Sub-committee's powers**

Having heard from the applicant and the other parties the sub-committee may:

- (a) grant the application; or
- (b) grant the application in part or with additional or modified conditions; or
- (c) reject the application outright

Different conditions can be made to apply to different areas of the premises or to different licensable activities taking place on the premises.

#### **Rights of Appeal**

An aggrieved applicant can appeal to Coventry Magistrates' Court against any decision made by the sub-committee that falls within (b) and (c) above. An aggrieved objector can also appeal against the grant of an application (i.e. (a) and (b) above).

### Monitoring/Enforcement

If an application is approved, monitoring and enforcement of Premises Licence conditions will be carried out in accordance with the Licensing Enforcement Policy.