

## **Legislative Reform Order: Proposal to Introduce a Simplified Process for Minor Variations to Premises Licences and Club Premises Certificates**

### **Consultation response from the Covent Garden Community Association**

Qu.1: Do you agree that the requirement for licence holders to apply for a variation to make small, low risk changes to their licences represents a burden as defined in section 1 of the Legislative and Regulatory Reform Act 2006?

**Yes**

Qu.2: Do you agree with the broad definition of a ‘minor variation in paragraph 3.2? If not, please explain why and give an alternative.

**Yes**

Qu.3: Do you agree that the risk to the promotion of the four licensing objectives from minor variations to licences does not justify the current level of control afforded by section 34-36 and 84-86 of the Licensing Act 2003?

**Yes – although of course this depends on the interpretation of the definition in 3.2**

Qu.4: Do you agree that Option 3 – No Change – should be rejected? If not, please give your reasons.

**Yes**

Qu.5: Do you agree that licensing authorities should only be required to consult relevant RAs as they judge necessary, depending on the individual circumstances of the variation application?

**Yes**

Qu.6: If not, what arrangements do you think should be in place, and why?

Qu.7: Do you agree that there should be no right of appeal against a licensing authority if it rejects a request to process a variation through the minor variations process? If not, please explain why.

**Yes**

Qu.8: Do you agree that licensing authorities should have 10 working days to consider minor variation applications and either agree the variation or require the applicant to submit it to the full variation process?

**Yes**

Qu.9: If not, what period do you think would be appropriate?

Qu.10: Do you agree that the full 28 days should apply if the licensing authority decides that a variation should be processed through the full procedure? If not, please explain why.

**Yes, but the 28 days should start from the date the decision is made that the application should go through the full variation process. Otherwise the time available to Interested Parties to make representations is too short.**

Qu.11: Do you agree that the applicant should be required to copy the application to all RAs, including those previously consulted, if the variation is referred to the full procedure? If not, please explain why.

**Yes, because the way in which the application is viewed by the RA’s may be different if they understand that the LA has decided that the full process is necessary.**

Qu.12: Do you agree that licensing officers should be able to make decisions on minor variations (where appropriate) rather than the licensing committee? If not, please explain why.

**Agree that they should make decisions on ones which are minor. However they should NOT make the decisions on what is defined as Minor. This should be done by the LA within its Licensing Policy. In addition the LA should be allowed to decide that ALL applications within a Special Policy Area have to follow the full process.**

Qu.13: Do you agree that the required changes identified under Options 1 and 2 cannot be achieved by non-legislative means? If you consider that the change can be given effect by non-legislative means, please provide your reasons.

Qu.14: Do you agree that the proposal to introduce a new process for minor variations to licences is proportionate to the policy aims set out above?

**Yes**

Qu.15: Do you agree that Option 1 strikes a fair balance between the public interest and the interests of those affected adversely by the proposal? If not, please explain why.

**Yes**

Qu.16: Do you agree that whether this Option strikes a fair balance between the public interest and the interests of those affected adversely by the proposal will depend on how a minor variation is defined? If not, please explain why.

**Yes**

Qu.17: How do you think a minor variation should be defined in order to strike a fair balance? Please be specific and refer to the four types of variation discussed in Chapter 7 and the different approaches outlined in paragraph 7.10.

**Option 1 – a list of items which are regarded as minor variations – with caveats**

Qu.18: Do you agree that Option 1 would not remove any necessary public protection, but would remove unnecessary protection afforded by the current variations process?

**Yes**

Qu.19: Do you agree that, although Option 2 would not remove any necessary protection, it is likely to afford a higher level of protection than is necessary if minor is defined too narrowly? If not, please explain why.

**No – it is difficult to foresee the consequences of even minor changes and by not having a specific list of minor changes non-specific it is likely that changes which will have an impact on the licensing objectives will be allowed under the minor changes process, contrary to the objective and the definition.**

Qu.20: Do you agree that Option 1 is the best option?

**Yes**

Qu.21: If not, which option would you like to see adopted?

Qu.22: Do you consider that there are other options that should be explored which are not identified in this consultation document?

Qu.23: Do you agree with the costing and underlying assumptions in the Impact Assessment at Annex B? If not, please explain why and give alternatives.