

Licensing (Scotland) Act 2005 Guidance on Applying for a Major Variation

Before lodging your application for a Major Variation of your existing Premises Licence please ensure that you have read the following guidance.

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1. What is a Major Variation of a Premises Licence?

The Licensing (Scotland) Act 2005 allows the holder of an existing Premises Licence to make a number of '*minor variations*' to their Premises Licence under the minor variation provisions. A '*major variation*' is any variation to the Premises Licence other than those defined as a '*minor variations*'.

The 2005 Act defines variation in relation to a Premises Licence as the variation of:

- a) any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of section 27(1));
- b) any of the information contained in the operating plan contained in the licence;
- c) the layout plan contained in the licence; or
- d) any other information contained or referred to in the licence

and includes an addition, deletion or other modification.

2. Who can apply?

An application can only be made by the holder of the relevant Premises Licence issued under the 2005 act or an agent authorised to act on their behalf. The application process for a major variation is complex; applicants are strongly encouraged to consider taking independent legal advice before submitting their application.

3. How do you apply?

To apply for a variation you should complete the appropriate application form and submit it to the Licensing Authority with the relevant fee. Where required, your application must be accompanied by the supporting documents set out in Part 4 of this guidance.

By Email:

To licensing@eastlothian.gov.uk. You must also email any supporting documents and proof of the relevant fee being paid.

By Post:

Licensing
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

In Person:

Your application can be submitted at any of our local offices:

Bleachingfield Centre	Brunton Hall	George Johnstone Centre
Countess Crescent	Ladywell Way	35 Winton Place
DUNBAR	MUSSELBURGH	TRANENT
EH42 1DX	EH21 6AF	EH33 1AE

Please note, staff cannot complete the form for you.

4. What needs to accompany the application?

The relevant Premises Licence, inclusive of the Summary Premises Licence, Operating Plan and Layout Plan should be submitted with the application.

If the application proposes to amend the layout of the premises then a copy of the appropriately amended layout plan for the premises should be provided and a detailed description of the amendments provided. Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans [The Premises Licence \(Scotland\) Regulations 2007 \(legislation.gov.uk\)](http://www.legislation.gov.uk).

In addition to the above, the Licensing Board may request information in respect of any application if such information is considered necessary in order to determine the application.

5. How much is the application fee?

The fees charged for applications for Major Variation are set by the Scottish Government and cannot be changed by the Licensing Board. The fee for a Major Variation is £200.

- Applications lodged in person can be paid by Cash, Cheque, Postal Order or Credit/Debit Card.

- Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).
- Payments can be made online at [Pay for it | East Lothian Council](#)
- Cheque and Card payments will only be accepted from the applicant or their registered agent. Cheques should be made payable to East Lothian Council.

APPLICATION FEES WILL NOT BE REFUNDED IF AN APPLICATION IS WITHDRAWN OR REFUSED

6. How will the application be processed?

Once an application has been received it will be passed to the Licensing team for review in order to determine if the application is competent. Most applications for minor variation are processed with 4-6 weeks of submission. Applications that seek to amend the layout of the premises may take longer depending on the complexities of the application and the time it takes for Building Control to review the application.

The Licensing Board will then arrange to carry out a 28 day consultation on your application. During the consultation period any person can make an objection or representation to the Board, either for or against the application.

We will write to you advising when the consultation period will begin and providing you with a statutory public notice for your application. This notice must be displayed on or near the Premises for the first 21 days of the consultation period. If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate of Compliance to the Licensing section. If you do not follow this part of the process, your application may not be considered.

During the consultation period your application will be sent to the following consultees:

- Police Scotland
- Scottish Fire & Rescue
- Licensing Standards Officers
- Building Control

In addition a notice will be sent to:

- a) the local Councillors for the area in which the Premises is located;
- b) the local Community Council for the area in which the Premises is located; and
- c) the occupier of any property within 4m of the Premises.

The notice will provide details of the application and advise them of the last date for making an objection or representation.

Once the 28 day consultation period is complete, we will review your application and check that your Certificate of Compliance has been returned.

Once any outstanding issues have been resolved, we will refer your application to a meeting of the Licensing Board. You will receive a letter or email requesting your attendance at the meeting and explaining the reason you are being cited. Although you are not legally required to attend it is

recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Board's decision.

7. How long will it take to process the application?

Most applications for major variation are determined within 9 months of being lodged.

8. What happens after my application is granted?

The Premises Licence will be updated to reflect the variation and forwarded to the Licence Holder or agent.

9. Other FAQs

Can I get further information? – Yes. If you have any further questions about the application process, the Licensing team will be happy to assist you. Please note that the Licensing Team cannot offer you legal advice.

You can contact the Licensing Team by phone or email:

Phone: 01620 827664

Email: licensing@eastlothian.gov.uk