

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

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

1. What is a Minor Variation of a Premises Licence?
2. Who can apply?
3. How do you apply?
4. What needs to accompany the application?
5. How much is the application fee?
6. How will the application be processed?
7. How long will it take to process the application?
8. What happens after my application is granted?
9. Other FAQs

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

An application for minor variation allows the holder of an existing Premises Licence issued under the Licensing (Scotland) Act 2005 ("2005 Act") to apply to make one or more of the following minor variations to their Premises Licence:

- Change the information contained in the licence relating to the Premises Manager (including the substitution of a new Premises Manager)
- Vary the Layout Plan which does not result in any inconsistency with the Operating Plan (except the possible reduction in the capacity of the premises).
- Vary the Operating Plan to
 - a) restrict the terms; and/or
 - b) increase the minimum age; and/or
 - c) reduce the times; and/or
 - d) restrict the access;
- of which children and young persons are allowed entry to the premises
- Change the name of the premises as disclosed in the Premises Licence
- Vary the licensed hours in respect of a temporary or permanent reduction in the hours which does not result in the premises opening any earlier or closing any later than stated in the Premises Licence and Operating Plan
- Vary the Operating Plan resulting in the cessation of the provision of live or recorded music at a decibel level exceeding 85 decibels

- Vary the Operating Plan to provide that, when the premises are fully occupied, more customers are likely to be seated than standing
- Vary the Operating Plan to reduce the capacity of the premises without altering the layout of the premises

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.

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 and, if necessary, supporting documents.

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.

Please note that if the application is to substitute the current designated Premises Manager named on the Premises Licence then the application must be accompanied by a copy of the full Personal Licence of the proposed designated Premises Manager, unless the Personal Licence was issued by East Lothian Licensing Board.

If the application proposes to amend the layout of the premises then a copy (preferably electronic) 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 \(legislation.gov.uk\)](#).

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 Minor Variation are set by the Scottish Government and cannot be changed by the Licensing Board.

The fee for applications that include a variation to substitute the designated Premises Manager named on the licence is £31.

The fee for applications that **do not** include a variation to substitute the designated Premises Manager named on the licence is £20.

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.

If the application proposes to substitute the designated Premises Manager then the Licensing team will make enquiries to confirm that the proposed designated Premises Manager is not named as a designated Premises Manager on another Premises Licence issued by East Lothian Licensing Board. In terms of Section 19 (2) of the 2005 Act, a person cannot be a designated Premises Manager in more than one licensed premises.

Please note that if you do not have a premises manager at the Premises then no alcohol can be sold in terms of paragraph 4(1) of Schedule 3 of the 2005 Act.

If the application relates to a change of designated Premises Manager, under Section 54(4) of the 2005 Act an application to nominate a new designated premises manager must be lodged within 6 weeks of the change of manager taking place, only if you have notified us that the previous manager is not in post within 7 days of them leaving. If an application is not submitted within the 6 week period then no alcohol can be sold at the Premises in terms of paragraph 4(1)(a) of Schedule 3 of the 2005 Act.

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

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.

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

Do I need to lodge a Minor Variation form to only change the Designated Premises Manager's home address? – No, a letter detailing this information together with the full premises Licence, submitted to the Licensing Authority at the address below is sufficient.

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