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 West Lothian Council  
 West Lothian Civic Centre  
 Howden South Road  
 Livingston  
 West Lothian  
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## **APPLICATION FOR VARIATION OF PREMISES LICENCE**

### **Licensing (Scotland) Act, 2005, Section 29**

ALL SECTIONS OF THE APPLICATION FORM MUST BE COMPLETED. THE APPLICATION SHOULD BE ACCOMPANIED BY THE PRINCIPAL PREMISES LICENCE TO WHICH THE APPLICATION RELATES (COPIES CANNOT BE ACCEPTED (SEE QUESTION 5) – FAILURE TO COMPLETE ALL QUESTIONS, WILL RESULT IN THE APPLICATION BEING RETURNED TO YOU AND NOT PROCESSED, WHICH WILL DELAY THE APPLICATION PROCESS

### **QUESTION 1 – TYPE OF APPLICATION**

*Tick one box only*

- ☐ *Is the application for a major variation of the premises licence under terms of Section 29(5) of the 2005 Act? – (see note 1)*
- ☐ *Is the application for a minor variation of the premises licence under terms of Section 29(6) of the 2005 Act? – (see note 2)*

### **QUESTION 2 – PREMISES INFORMATION**

*Name, Address and licence number of premises to which the variation applies*

**QUESTION 3 – PREMISES LICENCE HOLDER INFORMATION**

*\*Name, Address, postcode, e-mail address and contact telephone number of licence holder*

***\*MUST BE COMPLETED IN FULL***

**QUESTION 4 – DETAILS OF VARIATION**

*(a) Is the variation to any of the local conditions in your licence? YES/NO*

**If Yes, describe below which condition(s) is to be varied and the variation sought.**

*(b) Is the variation to the existing Operating Plan? YES/NO*

**If Yes, describe the variation to the existing Operating Plan and attach a new operating plan including the changes only**

*(c) Is the variation to the Layout Plan? YES/NO*

**If Yes, describe the variation to the existing Layout Plan and describe the variation sought. 3 copies of the proposed Layout Plan must accompany this application.**

(d) Do you propose to vary any other information contained in or referred to in the licence, including an addition, deletion or other modification? YES/NO

**If Yes, describe the variation below**

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(e) Is the variation a minor variation in terms of section 29(6) (see note 2) YES/NO

**If Yes, describe the variation sought.**

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**QUESTION 5 – DOES THE APPROPRIATE PRINCIPAL PREMISES LICENCE (NOT A COPY) ACCOMPANY THIS APPLICATION?**

YES/NO

IF THE ANSWER IS NO, PLEASE PROVIDE A DETAILED EXPLANATION BELOW

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**DECLARATION BY LICENCE HOLDER OR AGENT ON BEHALF OF LICENCE HOLDER**

I confirm that the contents of this application are true to the best of my knowledge and belief.

***IT IS A CRIMINAL OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION***

Signature of Licence Holder .....

Print Name .....

Date .....

Telephone number and email address of licence holder .....

.....

If this form was completed by someone authorised to make the application on behalf of the licence holder i.e. an agent, please complete

Name of Agent .....

Signature of Agent .....

Date .....

Telephone number and email address of agent .....

.....

**Privacy Statement – Data Protection**

All personal information that you supply will be used to process your application in accordance with data protection law and the Licensing (Scotland) Act 2005. In terms of the 2005 Act we may be required to share this information with the following bodies and individuals:-

- Police Scotland
- Scottish Fire and Rescue Service
- NHS Lothian
- West Lothian Council
- Community Councils in West Lothian
- Neighbours within 4 metres of the premises

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

The information provided by you on this form will be held on an electronic register which will be available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A hard copy of our Privacy Notice is available on request by contacting the Licensing Team, email: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), telephone: 01506 281632

# OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

## Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	YES/NO*
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES/NO*
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES/NO*
*Delete as appropriate	

## Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES/NO*
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\*If YES – provide details

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation		N/A	N/A
Conference facilities			
Restaurant facilities			
Bar meals			
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.			
Club or other group meetings etc.			
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)			



<i>Live performances – see 5(g)</i>			
<i>Dance facilities</i>			
<i>Theatre</i>			
<i>Films</i>			
<i>Gaming</i>			
<i>Indoor/outdoor sports</i>			
<i>Televised sport</i>			
<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>			
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core</b> <b>licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>			

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

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## 5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

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## 5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

**Question 6 (On-sales only)**

## CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

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6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**Question 7**

**CAPACITY OF PREMISES**

*What is the proposed capacity of the premises to which this application relates?*

**Question 8**

**PREMISES MANAGER** (**NOTE: not required where application is for grant of provisional premises licence**)

*Personal details*

8(a) *Name*

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8(b) *Date of birth*

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8(c) *Contact address and Telephone No*

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8(d) *Email address*

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8(e) *Personal licence*

<i><b>Date of issue</b></i>	<i><b>Name of Licensing Board issuing</b></i>	<i><b>Reference no. of personal licence</b></i>

## **LICENSING (SCOTLAND) ACT 2005**

### **Application for Variation of Premises Licence (Section 29)**

### **Guidance Notes**

#### **Note 1: Section 29(5) - £100**

A variation, in relation to a premises licence and referred to as a major variation, means any variation of:

- a) any of the conditions to which the licence is subject (other than mandatory conditions),
- b) any of the information contained in the operating plan,
- 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.

When an application for a major variation is accepted for processing by the Licensing Board, they must give notice of it, together with a copy of the application to the Chief Constable who must respond to the application within twenty-one days.

#### **Note 2: Section 29(6)**

A variation referred to as a minor variation is :

- a) Any variation of the layout plan which does not result in any inconsistency with the operating plan.
- b) Any restriction of the terms on which children/ young persons are allowed entry to the premises.
- c) Any variation of the information relating to the premises manager (including substitution of a new premises manager).
- d) Any change in the name of the premises.
- e) Any reduction in the licensed hours which does not result in the premises opening any earlier or closing any later.
- f) Any increase in the minimum age at which children/young persons may be allowed onto the premises.
- g) Any reduction in the times at which children/young persons are allowed onto the premises.
- h) Any restriction in the access of children/young persons to certain parts of the premises.
- i) Any reduction in the capacity of the premises whether resulting from a variation to the layout plan or otherwise.
- j) Any variation resulting in the cessation of the provision of live or recorded music at a decibel level exceeding 85 decibels.
- k) Any variation to provide that when the premises are fully occupied, more customers are likely to be seated than standing.

### **Lodging of Applications under the Licensing (Scotland) Act, 2005**

• **By email:** You should download a copy of the most recent version of the form from our website and complete it by typing the information into the boxes on the form. You must sign the form to confirm that the information is correct by typing your name in the declaration section. The council accepts this as a signature. You should then check that the form has been fully completed and email it along with any supporting documentation to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) You will receive an emailed acknowledgement if it has been successfully delivered. Once your form and documents have been checked by the Licensing Team you will be emailed with information about how to make an online payment of the fee. Details of fees are available at the bottom of the webpage for each licensing scheme.

• **By post:** You should download a copy of the most recent version of the form from our website and complete it by hand and sign the form to confirm that the information is correct at the declaration section. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee which is applicable to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF. Details of fees are available at the bottom of the page on the webpage for each licensing scheme.

### **APPLICATIONS CANNOT BE SUBMITTED AT THE CIVIC CENTRE OR AT ARROCHAR HOUSE**

Information on fees and the supporting documents to be submitted with each application is available on the Board's webpages at [www.westlothian.gov.uk](http://www.westlothian.gov.uk) and search for personal licence.