

# SHETLAND ISLANDS AREA LICENSING BOARD

## LICENSING (SCOTLAND) ACT 2005, SECTION 29

### APPLICATION FOR MINOR VARIATION OF PREMISES LICENCE

**This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.**

**Acceptance of this application does not prejudice the rights of the Licensing Board to determine that the variation is not a minor variation and to seek the balance of the appropriate fee.**

#### SECTION 1: TYPE OF VARIATION

##### 1(a)

This application for Minor Variation of Premises Licence is made under Section 29(6) of the Licensing (Scotland) Act 2005 in order to vary –

*(Tick all relevant boxes)*

- The Layout Plan which does not result in any inconsistency with the operating plan  
*(See Note 1)*
- The Operating Plan to restrict the terms on which children and young persons are allowed entry to the premises
- The information contained in the licence relating to the Premises Manager (including the substitution of a new Premises Manager)
- Any other minor variation as prescribed by The Licensing (Minor Variations) (Scotland) Regulations 2011 *(See Note 2)*

#### SECTION 2: PREMISES LICENCE DETAILS

##### 2(a) Licence Number of Premises

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##### 2(b) Name and Address of Premises

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|                  |  |                  |  |
|------------------|--|------------------|--|
| <b>Post Code</b> |  | <b>Phone No.</b> |  |
|------------------|--|------------------|--|

**2(c) Full Name and Address of Current Licence Holder**

|                  |  |                  |  |
|------------------|--|------------------|--|
|                  |  |                  |  |
| <b>Post Code</b> |  | <b>Phone No.</b> |  |

**SECTION 3: NATURE OF VARIATION**

Complete the relevant section(s) regarding the variations sought:-

**3(a) Variation to the Layout Plan which does not result in any inconsistency with the operating plan**

7 Copies of the proposed Layout Plan **must** accompany this application. *(See Note 3)*

In addition please provide details of the proposed change to the layout of the Premises.

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**3(b) Variation to the Operating Plan to restrict the terms on which children and young persons are allowed entry to the premises**

Provide details of the proposed restrictions to the current Operating Plan

*Terms under which Children and Young Persons will be allowed entry*

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|--|
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*Ages of Children and Young Persons to be allowed entry*

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|--|
|  |
|--|

*Times during which Children and Young Persons will be allowed entry*

|  |
|--|
|  |
|--|

*Parts of the premises which Children and Young Persons will be allowed entry*

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**3(c) Variation to the information contained in the licence relating to the Premises Manager (including the substitution of a new Premises Manager)**

(i) If variation is only to amend details of Current Premises Manager then complete this part

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(ii) If variation is to intimate the substitution of a new Premises Manager then complete this part

*Full Name and Address of Proposed Premises Manager*

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|                  |  |                  |  |
|------------------|--|------------------|--|
| <b>Post Code</b> |  | <b>Phone No.</b> |  |
|------------------|--|------------------|--|

*Date of Birth of Proposed Premises Manager*

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|--|
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*E-Mail Address of Proposed Premises Manager*

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*Details of Personal Licence held by Proposed Premises Manager*

| Date of Issue | Name of Licensing Board issuing | Licence No. of Personal Licence |
|---------------|---------------------------------|---------------------------------|
|               |                                 |                                 |

***Please note that the holder of a Personal Licence may only be named as the Premises Manager of one premises in Scotland at any time subject to Article 4 of the Licensing (Vessels etc.) (Scotland) Regulations 2007.***

**3(d) If the variation is another type of prescribed minor variation (See Note 2) then please provide details here.**

**SECTION 4: LICENCE TO BE AMENDED**  
*(See Note 4)*

Does the appropriate Premises Licence accompany this application?

**YES**       **NO**

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because.

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details) .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is –

- **£31** for the substitution of a new Premises Manager (this can also include any additional minor variations sought under part **1(a)**)
- **£20** for any minor variation under part **1(a)** which does not include the substitution of a new Premises Manager

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £      is enclosed.

**Signature** ..... *(See Note 5)*

**Date** .....

Capacity: APPLICANT / AGENT (delete as appropriate)

**If agent, please provide name, address,  
phone number and (if applicable) e-mail address** .....

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### **Note 1:**

Section 29(6)(a) of the Licensing (Scotland) Act 2005 intimates that a variation to the Layout Plan of a Premises qualifies as a minor variation **only** *'if the variation does not result in any inconsistency with the operating plan'*. Since the Operating Plan contained within the Premises Licence reflects the relevant 'on sales' and/or 'off sales' capacity figures, a variation to the layout of the premises will only be considered 'minor' if the changes **do not** increase the capacity figures.

If an application to vary the Layout Plan is submitted to the Licensing Board as a minor variation then Licensing Staff may seek clarification from Building Control Officers before the application is accepted. Only once the Board are satisfied that the application is for a minor variation will said application be lodged.

### **Note 2:**

The Licensing (Minor Variations) (Scotland) Regulations 2011 prescribe the following additional forms of variation as minor variations:

- (a) where the name of the premises is disclosed in the premises licence, any change in that name;
- (b) a temporary or permanent reduction in the licensed hours which does not result in the premises opening any earlier or closing any later than stated in the premises licence and operating plan;
- (c) in relation to the access of children or young persons onto the premises any variation to the operating plan so as to –
  - i. increase the minimum age at which children or young persons may be allowed onto the premises;
  - ii. reduce the times at which children or young persons are allowed onto the premises;
  - iii. restrict the access of children or young persons to certain parts of the premises;
- (d) any reduction in the capacity of the premises whether resulting from a variation to the layout plan or otherwise;
- (e) any variation resulting in cessation of the provision of live or recorded music at a decibel level exceeding 85 decibels;
- (f) any variation to provide that, when the premises are fully occupied, more customers are likely to be seated than standing.

### **Note 3:**

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

### **Note 4:**

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forwarded to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

**Note 5:**

**Data Protection Act 1998**

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

**Contact Us:**

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| <b>FOR OFFICE USE ONLY</b>        |                       |                       |
|-----------------------------------|-----------------------|-----------------------|
| <b>Received &amp; Receipt No.</b> | <b>System Updated</b> | <b>Licence Issued</b> |
|                                   |                       |                       |