

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.

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*'.

Appendix 1 sets out the current types of variation that are considered '*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 Licensing (Scotland) Act 2005 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 online application form which can be found at https://www.glasgow.gov.uk/Business/Licences/Information_on_Alcohol_Licences. Where required, your application must be accompanied by the supporting documents set out in part 4 of the guidance.

4. WHAT NEEDS TO ACCOMPANY THE APPLICATION?

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

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 application fee is £210.

Applications can only be lodged online and preferred payment should be made by BACS Transfer (electronic banking) to the Licensing Account.

When making payments please quote your licence reference number as detailed below:-

Account Name: Glasgow City Council - Licensing
Account No. 00116224
Sort Code: 83-44-00
Reference: GCxxxx/Major

Please note that your application will not be formally lodged until payment has been received. The fees are non-refundable.

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.

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 email 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 all outstanding issues have been resolved, we will refer your application to a meeting of the Licensing Board. You will receive an 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, by email, after the meeting to advise you of the Board's decision.

8. HOW LONG WILL IT TAKE TO PROCESS THE APPLICATION?

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

9. 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.

CAN I GET FURTHER INFORMATION?

Yes, if you have any further questions about the application process please complete the licence enquiry form on our webpage. Please note that the Licensing Team cannot offer you legal advice.

You can contact us by email at LicensingBoard@glasgow.gov.uk

Licensing Team
City of Glasgow Licensing Board
City Chambers
George Square
Glasgow G2 1DU

Appendix 1:

Variations that are considered to be minor variations of a 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

Privacy Statement:

Licensing schemes administered by the City of Glasgow Licensing Board

WHO WE ARE

The City of Glasgow Licensing Board is a public body established under the Licensing (Scotland) Act 2005. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: dataprotection@glasgow.gov.uk, and by telephone on 0141 287 1055.

WHY DO WE NEED YOUR PERSONAL INFORMATION AND WHAT DO WE DO WITH IT?

You are giving us your personal information to allow us to carry out our statutory functions in relation to licensed activities regulated by the City of Glasgow Licensing Board. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

LEGAL BASIS FOR USING YOUR INFORMATION

We provide these services to you as part of our statutory function as a public body. You can find more details of our role on our website at www.glasgow.gov.uk/privacy and www.glasgow.gov.uk/licensingboard. Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law. In addition, we may also process data about any criminal convictions you may have. This is because we are required to ascertain the suitability of individuals to hold licences and, to do this, we may need to process information on an individual's criminal convictions.

WHO DO WE SHARE YOUR INFORMATION WITH?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services.

This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

We are required by law to enter personal information about applicants and other relevant persons on a public register of applications for licences. This register can be accessed by any member of the public. We may publish this register or extracts of the register online. We may also provide the register to other public bodies to support a national register of licences.

In processing an application for a licence or a complaint, we may need to refer you to a meeting of the Licensing and Regulatory Committee. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at www.glasgow.gov.uk/privacy

Licensing Board meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to.

We will also share your personal data with other public bodies and statutory consultees as required by law.

HOW LONG DO WE KEEP YOUR INFORMATION FOR?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at www.glasgow.gov.uk/rrds or you can request a hard copy from the contact address stated above.

Your rights under data protection law

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - II. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
 - III. our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

INFORMATION YOU HAVE GIVEN US ABOUT OTHER PEOPLE

If you have provided anyone else's details on this form, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. If they want any more information on how we will use their information they can visit our web site at www.glasgow.gov.uk/privacy or email dataprotection@glasgow.gov.uk.

COMPLAINTS

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at dataprotection@glasgow.gov.uk or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at www.glasgow.gov.uk/complaints.

MORE INFORMATION

For more details on how we process your personal information visit www.glasgow.gov.uk/privacy

If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.