



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Variation of premises licence

30 Determination of application for variation

- (1) A premises licence variation application received by a Licensing Board is to be determined by the Board in accordance with this section.
- (2) If the variation sought is a minor variation, the Board must grant the application.
- (3) In any other case, the Licensing Board must hold a hearing for the purpose of considering and determining the application.
- (4) Where a hearing is held under subsection (3), the Board must consider whether any of the grounds for refusal applies and—
 - (a) if none of them applies, the Board must grant the application,
 - (b) if any of them applies, the Board must refuse the application.
- (5) The grounds for refusal are—
 - (a) that the application must be refused under section 32(2), 64(2) or 65(3),
 - (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (c) that, having regard to—
 - (i) the nature of the activities carried on or proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation,
 - (d) that, having regard to the number and capacity of—
 - (i) licensed premises, or

Status: This is the original version (as it was originally enacted).

- (ii) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation),
in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.
- (6) Where the Licensing Board grants the application, the Board may make a variation of the conditions to which the licence is subject.
- (7) Where the Licensing Board refuses the application—
- (a) the Board must specify the ground for refusal, and
 - (b) if the ground for refusal is that specified in subsection (5)(b), the Board must specify the licensing objective or objectives in question.
- (8) In subsection (5)(d), references to “licensed premises” do not include references to licensed premises in respect of which an occasional licence has effect.