

Building Standards Service

Licensing (Scotland) Act 2005

Guidance for applicants for a new premise licence

Premises Licence

Section 20 of the Act allows any person over the age of 18 to make an application to the Licensing Board for a premises licence in respect of any premises. This can be a 'provisional premises licence', under Section 45, if the proposed premises are not yet built, or have still to be converted for use as licenced premises.

Section 50 Certificates

Section 50 of the Act states that a premises licence application must be accompanied by a planning certificate, building standards certificate and, if food is to be supplied on the premises, a food hygiene certificate. Before the Licensing Board can consider your application, you must submit to Legal Services Section 50 Certificates of suitability from Planning and Building Standards confirming that the premises have the necessary approvals in place. If food is to be supplied on the premises, a Section 50 food hygiene certificate is also needed from Environmental Health.

How to apply

The application form for a Section 50 Certificate from Planning and Building Standards is available from reception at Opera House, 8 John Finnie Street, Kilmarnock, KA1 1DD.

The application form for a food hygiene certificate is issued to the applicant with their Licence application form from Legal, Procurement and Regulatory Services. The fee that is charged for the section 50 food hygiene certificate is incorporated in the overall Licence application fee.

Please indicate on the application form the date of the meeting of the Licensing Board you wish to consider your application. You should submit your Section 50 application at least 14 days prior to the meeting, but we will endeavour to meet tighter deadlines if necessary.

The cost

The fee payable at the time of application can be found here:

[Payment of Building Warrant Fees \(Other Fees and Services\)](#)

The Food Hygiene team at Environmental Health can advise on the fee for a Section 50 Food Hygiene Certificate.

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The process

Applicants should complete the appropriate forms, and return them to the address on the form, together with the appropriate fee. It is important that you ensure that all sections of the form have been completed; enter N/A if a section is not applicable. The application should include detailed architectural plans of the premises providing full information relating to construction layout, fire escapes, drainage, ventilation, lighting, accessibility proposals, water supply, washing facilities and toilet provision.

If you are applying for a 'provisional licence', only a certificate from Planning will be needed, to confirm that planning permission or planning permission in principle has been obtained for the premises, or that no such planning permission is required.

If any alterations to the premises are needed, or there will be a change of use, you may need to obtain permission from the Council to carry out the necessary works. When you fill in your Section 50 application form, you will need to provide dates and reference numbers for any planning permission, certificate of lawfulness, building warrant, certificate of completion, or other relevant documents issued by the Council in respect of the premises. If you consider that no such documents are required, indicate the reason why in the appropriate box.

East Ayrshire Council will review your application and request any further information or drawings as necessary. Note that a Planning certificate cannot be granted until you have received planning permission, and that a Building Standards certificate cannot be granted until any completion certificates have been accepted. If the necessary approvals are not all in place, you will be asked to submit the relevant applications to allow any outstanding approvals to be progressed. If your Section 50 application cannot be determined within 3 months of submission, your request may be rejected.

Once the Council is satisfied that your application is in order, the requested Section 50 Certificates will be issued to you. You can then lodge your licensing application with Legal Services. If you are applying for a provisional licence, your subsequent application for confirmation of licence under Section 46 must be accompanied by the planning certificate (if the provisional certificate related to planning permission in principle), a building standards certificate and a food hygiene certificate if food is to be supplied on the premises.

East Ayrshire Council, Planning and Building Standards
Opera House, 8 John Finnie Street, Kilmarnock, KA1 1DD
telephone: 01563 57679
email: BuildingStandards@east-ayrshire.gov.uk
www.east-ayrshire.gov.uk

LICENSING (SCOTLAND) ACT 2005

Application for Planning & Building Standards Certificates under Section 50 of the Licensing (Scotland) Act 2005

Insert Full Name, Address and Contact Details of Applicant (PLEASE PRINT)

Name.....

Address.....

.....

Telephone.....email.....

I hereby make application to East Ayrshire Council, Planning & Economic Development Division for a Certificate of Suitability for the premises at:-

Insert Full Name and Address of Premises

Name.....

Address.....

for which a Grant / Provisional Grant* of a new licence is sought.

Type of Licence applied for (Tick licence sought)

On Sales Licence ☐

Off Sales Licence ☐

On and Off Sales Licence ☐

Please indicate date of meeting of Licensing Board you wish to consider your application, if known:.....

Please supply detailed Architectural plans of the premises providing full information relating to construction layout, fire escapes, drainage, ventilation, lighting, accessibility proposals, water supply and provision of sanitary and washing facilities.

1. Is a Planning Certificate required?

YES NO

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If yes, supply the following information:-

a) Date and reference of planning permission:

Date.....

Ref.....

or

b) Date and reference of Certificate of Lawfulness under Section 150 of the Town and Country Planning (Scotland) Act, 1997 that planning permission is not required; or

Date.....

Ref.....

c) Reason why neither of the above is required:

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LICENSING (SCOTLAND) ACT 2005

Application for Planning & Building Standards Certificates

under Section 50 of the Licensing (Scotland) Act 2005

2. Is a Building Standards Certificate required?

YES

☐

NO

☐

If yes, supply the following information:-

a) Date and reference of warrant for construction of the premises under the Building (Scotland) Act 1959/2003;

Date.....

Ref

b) i) Date and reference of certificate of completion under the Building (Scotland) Act 1959/2003;

Date.....

Ref

or

b) ii) Date and reference of documentation from Building Standards stating that no warrant for the proposed works to the Premises is required;

Date.....

Ref

or

b) iii) If no such documentation under b) ii) has been issued, then the reasons why a warrant for construction/conversion of the premises is not required:

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c) i) Date and reference of warrant for change of use/conversion under the Building (Scotland) Act 1959/2003;

Date.....

Ref

c) ii) Date and reference of documents from Building Standards stating that no warrant for change of use/conversion of the premises is required;

Date.....

Ref

or

c) iii) If no such document under c) ii) has been issued, then the reasons why a warrant for change of use/conversion of the premises is not required:

.....

Signature of [applicant / duly authorised agent*].....

Date.....

Address.....

.....

.....

*Delete as appropriate

Note: All Parts of Certificate must be accurately completed.

This form should be submitted with the appropriate fee to:

**Planning and Building Standards Services,
 Opera House, 8 John Finnie Street, Kilmarnock, KA1 1DD**