

LICENSING (SCOTLAND) ACT 2005

GUIDANCE ON MAKING AN OBJECTION/REPRESENTATION TO A PREMISES LICENCE APPLICATION

Under the Licensing (Scotland) Act 2005, **any person** may make an objection or representation to the Board in respect of a Premises Licence Application.

Objections

An objection must be relevant to one or more of the grounds for refusal under Section 23(5) of the Act. The grounds are as follows:-

- (a) that the subject premises are excluded premises.
- (b) that the application must be refused under Sections 25(2), 64(2) or 65(3) of the Act.
- (c) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives.
- (d) that having regard to:-
 - (i) the nature of the activities proposed to be carried out on 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.

- (e) that having regard to the number and capacity of:-
 - (i) licensed premises; or
 - (ii) licensed premises of the same or similar description as the subject premises.

in a 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.

Please note that the overprovision ground of refusal has limited application to transitional period applications. Generally, if premises held a licence under the Licensing (Scotland) Act 1976, they are not affected by the overprovision assessment under the new Act.

Please ensure when submitting your objection that you specify what ground you are objecting on.

Representations

A representation does not have to be linked to one of the statutory grounds of refusal. A representation may:-

- (a) be made in support of an application.
- (b) suggest modifications which you consider should be made to the Operating Plan accompanying the application or conditions which you feel should be imposed.

Frivolous or Vexatious Objections and Representations

The Board is entitled to reject a notice of objection or representation if they consider it is frivolous or vexatious. Where an objection or representation is rejected on such grounds, the Board may recover from the person making the objection or representation any expenses incurred by the Board in considering the Notice.

What Happens Next?

The objection or representation will be considered at a hearing by the Licensing Board. The Board will have regard to all valid objections or representations made, but the fact that one has been made will not automatically mean that an application will be refused or that any modifications will be imposed on the licence.

Details of the date of the Licensing Board meeting can be found on the Angus Licensing Board website at www.angus.gov.uk or by contacting the Angus Licensing Board on (01307) 476255. Any person making an objection or representation will be notified of the date, time and place of the hearing, which will consider the matter.

Where an objection or representation is received, a copy of this objection must be provided to the applicant by the Licensing Board.

Please ensure your objection or representation reaches the Board by the date specified. The Board is entitled to allow a late objection or representation but you cannot assume they will do so.