

HOW TO OBJECT OR MAKE REPRESENTATIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

- **Background**

These Guidance Notes contain information for individuals who wish to make representations or make objections in relation to applications for Premises Licence under the Licensing (Scotland) Act 2005. They give general guidance only and all persons seeking to make objections or representations in respect of an application are advised to seek legal advice.

One of the important changes in the legislation is that any person may now object or make representations in respect of these applications. All objections or representations will be considered by the Board unless the Licensing Board has rejected the notice of objection or representation on the grounds that it is considered to be frivolous or vexatious. If an objection has been rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations.

- **Notices of Objection**

Notices of objection must be in writing and lodged at the Licensing Clerk's Office before the end of the period for objections. It is suggested that the attached form is used. Applications may only be refused by the Board if the Board considers that one or more of the limited grounds of refusal applies to the application. If none of the grounds for refusal applies the Board must grant the application. The grounds for refusal are as follows:-

1. **Excluded Premises:**

The subjects are excluded premises. Premises are excluded premises if they are regarded as garages. Premises are regarded as garages if the premises or any part of the premises is used for the sale by retail of petrol or derv, or the sale or maintenance of motor vehicles. Such premises cannot be licensed to sell alcohol under the Licensing (Scotland) Act 2005 unless they are used for the sale of petrol or derv, and residents in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv or, where the premises also sell groceries, as the principal source of groceries.

2. **Hours:**

The Board must refuse an application for off-sales hours before 10 am or after 10 pm. It must refuse an application for 24 hour opening unless it is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period.

3. Inconsistent with Licensing Objectives:

The Board considers that the grant would be inconsistent with one or more of the five licensing objectives, which are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children from harm

4. Activities / Condition of Premises / Customers:

Having regard to: (1) the nature of the activities proposed to be carried on at the premises;

(2) the location character and condition of the premises, and

(3) the persons likely to frequent the premises, the Board considers the premises are not suitable for use for the sale of alcohol.

5. Over provision:

Having regard to the number and capacity of licensed premises or licensed premises of the same or similar description as the premises for which application is made in the locality, 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. Anyone seeking to use this ground must define the locality to which they refer in their objection.

• **Making Representations in respect of an Application**

Any person may also, by notice to the Licensing Board, make representations in relation to an application. These should be in writing and should be lodged before the end of the period for objections or representations in relation to the particular application. Representations can be in relation to any of the following matters:

- representations in support of an application
- representations seeking modifications to the operating plan accompanying an application
- representations as to conditions which the person considers should be attached to the premises licence

• **General**

The Clerk's Office will send a copy of all objections and representations received to the applicant. If the Board receive an objection a Hearing will be held at which both the objector and the Applicant will be given an opportunity to be heard. The Board will expect any objection to be evidence based. Please note that with the exception of objections or representations which the Board considers to be frivolous or vexatious, the Board is obliged to consider all objections and representations received.

- **Submission of Objections/Representations:**

Objections/Representations should be addressed to the Clerk to the Licensing Board and sent to the nearest area office:-

Inverness, Nairn, Badenoch & Strathspey Area at		
Town House High Street Inverness, IV1 1JJ Tel: (01463) 724265		
Caithness, Sutherland & Easter Ross Area at		
Council Offices Market Square Wick, KW1 4AB Tel: (01955) 607790	Council Offices Main Street Golspie, KW10 6RB Tel: (01408) 635205	
Ross, Skye & Lochaber Area at		
Council Offices High Street Dingwall IV15 9QN Tel: (01349) 868541	Council Offices Tigh na Sgìre Park Lane Portree, IV51 9GP Tel: (01478) 613826	Council Offices Lochaber House High Street Fort William, PH33 6EL Tel: (01397) 707233



REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

Telephone Number:	
Email Address:	

2. Address of Premises in respect of which objection / representation is made:

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3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1.	Excluded Premises
2.	Off-Sales Hours/24 hour drinking
3.	Licensing Objectives
4.	Activities/Premises/Customers
5.	Over Provision

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1.	in support of application
2.	seeking an amendment to the operating plan, or
3.	seeking to add additional conditions to the licence

Signature:..... **Date:**.....