

INFORMATION NOTE : LICENSING (SCOTLAND) ACT 2005 - NOTICES OF DETERMINATION AND STATEMENTS OF REASONS¹

Parties entitled to receive a Notice of Determination	Parties entitled to request a Statement of Reasons (SoR)	Deadline for request for an SoR	Deadline for issue of an SoR	Form of SoR
<p><u>Grant or refusal of premises licence:</u></p> <p>Notice of determination must be given to Applicant, Chief Constable and any person who lodged objection or representation (section 51(1)).</p> <p>To be issued within 7 days of grant or refusal (Reg 16).</p>	<p>Applicant, Chief Constable and any person who lodged objection</p>	<p>Within 14 days of receiving the Notice of Determination (Reg 15.1)</p>	<p>Within 14 days of receiving the request for an SoR</p>	<p>Must be in form set out in Schedule 4 of Regs (Reg 15(3))</p>
<p><u>Grant or refusal of other applications under Part 3 (these are applications for variations to premises licences, transfer of a premises licence or for variation on transfer, revocation of a variation or suspension of a premises licence, extension or confirmation of a provisional licence, temporary licences and extensions of temporary licence):</u></p> <p>Notice to be sent to Applicant and Chief Constable (section 51(1)).</p> <p>To be issued within 7 days of grant or refusal (Reg 16)</p>	<p>Applicant and Chief Constable</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p><u>Grant or refusal of occasional licence:</u></p> <p>Notice to be sent to Applicant, Chief Constable, LSO and any person who lodged objection or representation (Section 61(1))</p> <p>No deadline for issue of Notice of Determination fixed².</p>	<p>Applicant, Chief Constable, LSO and any person who lodged objection or representation</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>

¹ Section references are to sections of the Licensing (Scotland) Act 2005. Regulation references (“Regs”) are to the Licensing (Procedure) (Scotland) Regulations 2007 (SSI 2007/453)

² Regulation 16 imposes a 7 day deadline only for Notices of Determination issued under section 51(1)

Parties entitled to receive a Notice of Determination	Parties entitled to request a Statement of Reasons (SoR)	Deadline for request for an SoR	Deadline for issue of an SoR	Form of SoR
<p><u>Grant or refusal of extended hours:</u></p> <p>Notice to be sent to Applicant, Chief Constable and LSO (section 70(4))</p> <p>No deadline for issue of Notice of Determination fixed³.</p>	<p>Applicant, Chief Constable and LSO</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p><u>Grant or refusal of personal licence or of renewal of personal licence:</u></p> <p>Notice to be sent to Applicant and Chief Constable (section 79(2))</p> <p>No deadline for issue of Notice of Determination fixed³.</p>	<p>Applicant and Chief Constable</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p><u>Decision to issue a warning, make a variation, suspend or revoke premises licence or to take no action - following review hearing:</u></p> <p>Notice to be sent to Premises Licence Holder and, where the review was triggered by a premises licence review application, the applicant (section 39A).</p> <p>No deadline for issue of Notice of determination fixed³.</p>	<p>Where the decision was to issue a written warning, make a variation to the licence or suspend or revoke the licence, the Premises Licence Holder and (where review was triggered by a review application) the applicant.</p> <p>Where the decision was to take no action (and the review was triggered by a review application) the applicant.</p>	<p>No deadline for request for SoR fixed⁴</p>	<p>No deadline for issue of SoR fixed⁴</p>	<p>No form prescribed</p>

³ Regulation 16 imposes the 7 day deadline only for Notices of Determination issued under section 51

⁴ Regulation 15 imposes a 14 day deadline only for Statements of Reasons required under sections 51, 61, 70 and 79. It omits Statements of Reasons required under section 39A

Parties entitled to receive a Notice of Determination	Parties entitled to request a Statement of Reasons (SoR)	Deadline for request for an SoR	Deadline for issue of an SoR	Form of SoR
<p><u>Decision to make an order to revoke, suspend or endorse a personal licence:</u></p> <p>These are decisions under either s83(9) - notice of conviction hearing, s84(7) - hearing on conduct inconsistent with licensing objectives or s86(3) - hearing triggered by 3 endorsements</p> <p>Notice of the order <u>and the reasons for making it</u> must be given to the licence holder and, where a hearing under s84 was triggered by a Notice given by another Licensing Board, that Licensing Board.</p> <p>No deadline for issue of Notice of Determination fixed⁵.</p>	<p>N/A</p> <p>Reasons for the decision must be included in the Notice of Determination</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

⁵ Regulation 16 imposes a 7 day deadline only for Notices of Determination issued under section 51