

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

Background

These Guidance Notes contain information for individuals who wish to apply to the Highland Licensing Board for a review of a Premises Licence under the Licensing (Scotland) Act 2005. They give general guidance only and all persons seeking to make a review application are advised to seek legal advice.

Any person may apply to the Licensing Board for a review of a Premises Licence issued by that Board. All review applications will be considered by the Board unless the Licensing Board has rejected the application on the grounds that it is considered to be frivolous or vexatious or does not disclose any matter relevant to any ground for review. If an application has been rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the person making the review application.

Before making a formal Premises Licence Review application, any person may ask for advice and guidance from the Licensing Standards Officer within whose area of responsibility the subject premises are situated. Licensing Standards Officers have a specific remit to provide mediation services for the purpose of avoiding or resolving disputes or disagreements between the holders of Premises Licences and any other persons.

Grounds for Review

Applications for review of a Premises Licence must be in writing and lodged with the Clerk to the Licensing Board at the appropriate office for the area in which the premises concerned are situated (see below). There is no format for the application to review but it is suggested that the attached form is used.

The grounds for review are as follows:-

- 1. That one or more of the conditions to which the Premises Licence is subject has been breached;**
- 2. Any other ground relevant to one or more of the Licensing Objectives:**

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

□ **General**

The Clerk's Office will send a copy of all review applications received to the Licence Holder and the Licensing Standards Officer for the area in which the premises concerned are situated. If the Board receives a review application which is not considered frivolous or vexatious then a Hearing before the Licensing Board will be held at which both the person who has applied for the review and the Premises Licence Holder will be given an opportunity to be heard. The Board will expect any application to be evidence based. Please note that with the exception of review applications which the Board considers to be frivolous or vexatious, or which fail to disclose any matter relevant to any ground for review, the Board is obliged to consider all applications received.

Submission of Applications for Review:

• **By e-mail:**

Applications for the review of a premises licence should be addressed to the Clerk to the Licensing Board and may be e-mailed to licensing@highland.gov.uk or,

• **By Post or Hand Delivery:**

Applications for the review of a premises licence should be addressed to the Clerk to the Licensing Board and may be post or hand-delivered to the appropriate area office:-

Inverness, Nairn, Badenoch & Strathspey Area at		
Town House High Street Inverness, IV1 1JJ Tel: (01463) 785087		
Caithness, Sutherland & Easter Ross Area at		
Council Offices Caithness House Market Place Wick KW1 4AB Tel: (01955) 609508	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 Sgire Park Lane Portree IV51 9GP Tel: (01478) 613826	Council Offices Lochaber House High Street Fort William PH33 6EL Tel: (01397) 707233



REVIEW APPLICATION IN RELATION TO A PREMISES LICENCE UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to make a Premises Licence Review 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 a review is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the applicant.

1. Full Name and Address of person making the Review Application:

Name and Address:	
Telephone Number:	
Email Address:	

2. Address of Premises in respect of which the Review Application is made:

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3. Details of any breach of a licensing condition(s) to which the Premises Licence is subject:

Details of breaches of condition(s)

4. Details of any ground relevant to one or more of the Licensing Objectives:

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
Licensing Objectives:	Please tick relevant objections √	Brief details of complaint (Please use separate sheet if necessary)
1. Preventing crime and disorder		
2. Securing public safety		
3. Preventing public nuisance		
4. Protecting and improving public health		
5. Protecting children from harm		

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