



## **Information for the general public: How to object to a licence**

### **What can you do if you want to object to an application for new licensed premises?**

If there is an application to open new premises you can write to the Clerk to the Licensing Board to object. The Clerk provides the Licensing Board with legal advice.

The Licensing Board is made up of elected local Councillors. You will find details of which Councillors are on the Board, and minutes of meetings on the Council website.

The Board's role is to make decisions on applications for licences and it is governed by the Licensing (Scotland) Act 2005. It must write a licensing policy, which sets out how it will exercise its functions under the Act and meet the 5 licensing objectives:

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

It's possible that you think the premises could be beneficial to the area, or think it would be OK but only in certain circumstances. (For example a new restaurant would be good but only if it was not open beyond 11pm.) Again you can write to the Board expressing these views – this is called a 'representation'.

#### When can you object?

There will be a deadline for objections or representations to be with the Board – you will find this on the notice informing you of the application. Most Licensing Boards also include details of pending applications on their websites along with details of how to contact them, e.g., by post, email. If you miss this deadline the Board is unlikely to consider your objection or representation.

#### Grounds for objections

You can object to an application for a new premises licence on the following grounds:

- Granting the licence would be inconsistent with one of the five licensing objectives
- The premises is 'excluded' in terms of the Licensing (Scotland) Act 2005 (motorway service station, garage)
- An application for the same premises was refused within 1 year
- Given the nature of the proposed activities, the likely customers and the premises themselves, the premises are unsuitable for the sale of alcohol
- If the application were to be granted it would result in overprovision (i.e., too many premises of a particular type in that area)

#### What happens when the Board receive your objection?

The Licensing Board will let the applicant know of your objection and you will probably be invited to attend the hearing when the Board considers the application, and they may ask you to explain your objection. The Licensing Board is not a court, and you do not need to have legal representation. However some Board meetings can be quite formal so you may find it helpful to ask the Licensing Standards Officer, or a Council official, what to expect on the day.

Note that if you choose not to attend the hearing, the Board may not give you objection as much weight as it would if you are prepared to go to the meeting.

Please also note, that the Board has the right to reject an objection or representation if it considers it to be 'frivolous or vexatious'. For example, a person who has very strong views against alcohol may decide to object to every application for a new licence in Scotland. This objection would be meaningless – even if someone chooses not to drink alcohol themselves, it is legal and people can apply to sell it or choose to drink it – and would waste time for Licensing Boards and the trade. That's why the Board can deem it 'frivolous or vexatious' and, in that event, can claim back any expenses incurred by considering the objection.

### **What can you do if you have a licensed premises that you think is causing problems in your neighbourhood?**

You have a few options available to you:

1. contact your Licensing Standards Officer
2. apply to your Licensing Board for a review of the licence

Let's look at each of these in turn.

#### Licensing Standards Officer (LSO)

The first step is to contact your local Licensing Standards Officer or police.

- Licensing Standards Officers are employed by the Council. They have three main parts to their role. They provide information and guidance to the public and licensed trade on the Licensing (Scotland) Act 2005 and how it operates in the local area. Note they cannot give legal advice – that would need to come from a solicitor.
- They check that licensed premises are complying with the law – if they're not, the LSO can issue a compliance notice and/or ask the Licensing Board to review the premises licence.
- LSOs also mediate between the licensed trade and other parties where there is a dispute.

You will find contact details of your LSO on your Council website – normally under 'liquor licensing'. You can contact the LSO informally – or even anonymously – to discuss your concerns; as well as being able to write a formal letter or email.

You could also contact the police to discuss your concerns - most areas have a licensing section. Obviously to report a particular disturbance or incident you would phone the local police station. The police record all calls to form a picture of what's happening locally and target resources accordingly. You can also call Crimestoppers on 0800 555 111 – this can be anonymous - or dial 999 if it was urgent.

#### Licensing Board

The Licensing Board can review a premises or personal licence where there have been complaints received or problems noted, and if need be, they can apply sanctions, or suspend or revoke the licence.

You can write to the Clerk to the Licensing Board applying for a review of the premises licence. The grounds for a review application are:

1. One or more of the conditions applying to the premises licence have been breached
2. Any other ground relevant to one or more of the licensing objectives

You need to detail which condition and/or which licensing objective(s) have been breached.

The Board will tell the premises licence holder that they have received a review application and will arrange a hearing – they will notify you of the date for this and probably invite you to attend.

It's worth bearing in mind that the Licensing Board is likely to check with the LSO and police if they have received any reports or complaints about the premises, so really, the first stage of the process would be to discuss your concerns with the Licensing Standards Officer and/or police officer responsible for licensing. In addition, note that the Board will attach more weight to a complaint if it comes from several people rather than from one individual, so it's worth while liaising with your neighbours and possibly submitting a petition.

### **What can you do about the overall impact of licensed premises in the area?**

You can contact the Local Licensing Forum.

#### Local Licensing Forum

The Local Licensing Forum aims to connect the community more closely with the Licensing Board. Forum members are appointed by the local Council, although they are not employed by, or elected to the Council.

The Forum is made up of representatives from licence holders; police; health, education or social work; young people and residents in the area. They can bring areas of concern to the Board's attention, give advice or make recommendations. They cannot comment on individual premises.

You should be able to contact your Local Licensing Forum through the Council's website. Note if you have any difficulty with this, your LSO is a member of the Forum and will be able to pass on any information. You can also attend a Forum meeting, but check in advance what the rules are for members of the public speaking at the meeting or raising issues.

There is a national website for Forums - [www.local-licensing-forums.org.uk](http://www.local-licensing-forums.org.uk) - which gives more information.