



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Premises licence applications*

#### **21 Notification of application**

- (1) Where a Licensing Board receives a premises licence application, the Board must give notice of the application to—
  - (a) each person having a notifiable interest in neighbouring land,
  - (b) any community council within whose area the premises are situated,
  - (c) the council within whose area the premises are situated (except where the council is the applicant),
  - (d) the appropriate chief constable, and
  - (e) the enforcing authority within the meaning of section 61 of the Fire (Scotland) Act 2005 (asp 5) in respect of the premises.
- (2) A notice under subsection (1) must be accompanied by a copy of the application.
- (3) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (1)(d), respond to the notice by giving the Licensing Board—
  - (a) one or other of the notices mentioned in subsection (4), and
  - (b) a report detailing—
    - (i) all cases of antisocial behaviour identified within the relevant period by constables as having taken place on, or in the vicinity of, the premises, and
    - (ii) all complaints or other representations made within the relevant period to constables concerning antisocial behaviour on, or in the vicinity of, the premises.
- (4) Those notices are—
  - (a) a notice stating that neither—
    - (i) the applicant, nor

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) in the cases where the applicant is neither an individual nor a council, or where the application is in respect of premises which are to be used wholly or mainly for the purposes of a club, any connected person, has been convicted of any relevant offence or foreign offence, or
  - (b) a notice specifying any convictions of—
    - (i) the applicant, or
    - (ii) in any of the cases mentioned in paragraph (a)(ii), any connected person,  
for a relevant offence or a foreign offence.
- (5) Where the appropriate chief constable—
  - (a) proposes to give a notice under subsection (4)(b), and
  - (b) considers that, having regard to any conviction to be specified in the notice, it is necessary for the purposes of the crime prevention objective that the application be refused,  
the chief constable may include in the notice a recommendation to that effect.
- (6) In this section—
  - “antisocial behaviour” has the same meaning as in section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 ([asp 8](#)),
  - “neighbouring land” and, in relation to that expression, “notifiable interest” have such meanings as may be prescribed for the purposes of this section, and
  - “relevant period” means the period of one year ending with the date on which the appropriate chief constable receives notice under subsection (1)(d).