



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Premises licence applications

22 **Objections and representations**

- (1) Where a premises licence application is made to a Licensing Board, any person may, by notice to the Licensing Board—
 - (a) object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
 - (b) make representations to the Board concerning the application, including, in particular, representations—
 - (i) in support of the application,
 - (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
 - (iii) as to conditions which the person considers should be imposed.
- (2) The appropriate chief constable may, under subsection (1)(a), object to a premises licence application only on the ground that—
 - (a) the chief constable has reason to believe that—
 - (i) the applicant, or
 - (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, is involved in serious organised crime, and
 - (b) by reason of that involvement, the chief constable considers that it is necessary for the purposes of the crime prevention objective that the application be refused.
- (3) Where a Licensing Board receives a notice of objection or representation under subsection (1) relating to any premises licence application made to the Board, the Board must—

Status: This is the original version (as it was originally enacted).

- (a) give a copy of the notice to the applicant in such manner and by such time as may be prescribed, and
 - (b) have regard to the objection or representation in determining the application, unless the Board rejects the notice under subsection (4).
- (4) A Licensing Board may reject a notice of objection or representation received by the Board under subsection (1) if the Board considers the objection or representation is frivolous or vexatious.
- (5) Where a Licensing Board rejects a notice of objection or representation under subsection (4), the Board may recover from the person who gave the notice any expenses incurred by the Board in considering the notice.
- (6) In any proceedings by a Licensing Board for the recovery of expenses under subsection (5), a copy of any minute of proceedings of the Licensing Board—
 - (a) recording the Board’s rejection of the notice and the grounds for the rejection, and
 - (b) certified by the clerk of the Board to be a true copy,is sufficient evidence of the rejection and of the establishment of the ground for rejection.