

## Make an objection or representation to a licence application - Alcohol

The [Licensing \(Scotland\) Act 2005](#) provides that any person may make an objection or representation to the Board in respect of the following types of applications:

1. New Premises Licences (including Provisional Premises Licences)
2. Major Variation applications (to Premises Licences)
3. Occasional Licences

View current liquor applications on [Alcohol licensing - submitted applications list - Perth & Kinross Council \(pkc.gov.uk\)](#)

It is not possible to object to an application for minor variations to a premises licence.

The phrase “any person” includes both individuals and bodies, such as community councils.

---

### What are objections and representations?

#### Objection

An objection should constitute an objection to the granting of a licence at all.

It must be linked to one of the grounds for refusal for that type of application (see below).

#### Representation

Representations can be in support of an application and are not an objection to the granting of a licence in principle.

They are more likely to suggest modifications to the operating plan or conditions to be attached to the licence to make the application acceptable in the eyes of the representor.

A representation should be relevant to one of the licensing objectives if you wish to propose amendments or conditions. The licensing objectives are: -

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

You cannot suggest an amendment without a basis for doing so.

You must be sure of whether you wish to object to any licence being issued or make representations about possible changes. If you try to object by way of representation, it may be rejected.

The Board can reject frivolous or vexatious objections or representations.

You should be sure of the grounds before considering an objection or representation.

---

## Grounds for objection or representation

**Please remember any objection or representation relates to an alcohol licensing application. It should not relate to, for example, planning matters or roads enforcement issues.**

### 1. Premises Licence (including Provisional Premises Licences)

As discussed above, any person may object or make representations on these kinds of applications.

#### Objection

An objection to a new premises licence application must relate to a relevant ground upon which the Board can refuse an application. These are:

1. that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
2. that the Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives;
3. that, having regard to
  - (i) the nature of the activities proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises,the Board considers that the premises are unsuitable for use for the sale of alcohol;
4. that, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality;
5. that the premises are “excluded premises” (within the meaning of section 123 of the 2005 Act);

6. that the Board has refused a premises licence application in respect of the same premises in the year preceding the application (however, there are exceptions to this);
7. the application is for a continuous period of 24 hours or more on sales licence, unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period; and
8. any application for off sales hours before 10am or after 10pm on any day must be refused.

An objection must be linked to one of these grounds for refusal. If objecting on the basis of points one or two above, it must also specify which licensing objective you would deem to have been contravened if the licence were to be granted.

### **Representation**

The 2005 Act does not specify that a representation need be linked to a particular ground, however, it is good practice to link your suggestions to a licensing objective.

### **Time Limit to object / make a representation**

The time limit to lodge an objection or representation is within 21 days of the date on which the relevant application is first advertised on the website: -

[Alcohol licensing - submitted applications list - Perth & Kinross Council \(pkc.gov.uk\)](http://pkc.gov.uk)

However, the Board has a discretion to consider late objections and representations if (a) the failure is due to mistake, oversight or other excusable cause, and (b) the Board considers it appropriate in all the circumstances to relieve the failure.

---

## **2. Major Variations of Premises Licences**

As discussed above, any person may object or make representations on these kinds of applications.

### **Objection**

An objection to a major variation for an existing premises licence must relate to a relevant ground upon which upon which the Board can refuse an application. These are:

1. that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives;
2. that, having regard to-
  - (i) the nature of the activities carried on or proposed to be carried on in the subject premises,
  - (ii) the location, character and condition of the premises, and
  - (iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;

3. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises (taking account of the variation), in the locality;
4. that the Board has refused a premises licence variation application in respect of the same premises licence, and seeking the same variation, in the year preceding the application (however, there are exceptions to this);
5. the application is for a continuous period of 24 hours or more on sales licence, unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period; and
6. any application for off sales hours before 10am or after 10pm on any day must be refused.

An objection must be linked to one of these grounds for refusal. If objecting on the basis of point one above, it must also specify which licensing objective you would deem to have been contravened if the licence were to be granted.

### **Representation**

The 2005 Act does not specify that a representation need be linked to a particular ground, however, it is good practice to link your suggestions to a licensing objective.

### **Time Limit to object / make a representation**

The time limit to lodge an objection or representation is within 21 days of the date on which the relevant application is first advertised on the website: -

[Alcohol licensing - submitted applications list - Perth & Kinross Council \(pkc.gov.uk\)](http://pkc.gov.uk)

However, the Board has a discretion to consider late objections and representations if (a) the failure is due to mistake, oversight or other excusable cause, and (b) the Board considers it appropriate in all the circumstances to relieve the failure.

---

### **3. Occasional Licences**

Any person may object or make representations on these types of applications.

#### **Objections**

An objection for an occasional licence application must be in relation to a relevant ground upon which the Board can refuse an application. These are:

1. that the Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives;
2. that, having regard to:
  - (i) the nature of the activities proposed to be carried on in the premises to which the application relates,
  - (ii) the location, character and condition of the premises; and
  - (iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol;

3. that if granting the application would result in the occasional licence limit being exceeded in relation to the number of occasionals for qualifying members clubs and voluntary organisations);
4. the application is for a continuous period of 24 hours or more on sales licence, unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period;
5. any application for off sales hours before 10am or after 10pm on any day must be refused.

## **Representation**

The 2005 Act does not specify that a representation need be linked to a particular ground. It is good practice, however, to link your suggestions to a licensing objective.

## **Time limit to object / make a representation**

Objections and representations must be made within seven days of the application being advertised on the Board's website.

[Alcohol licensing - submitted applications list - Perth & Kinross Council \(pkc.gov.uk\)](http://pkc.gov.uk)

However, the Board has a discretion to consider late objections and representations if (a) the failure is due to mistake, oversight or other excusable cause, and (b) the Board considers it appropriate in all the circumstances to relieve the failure.

## **How to object or make a representation**

Your objection or representation must: -

- set out your name and contact details;
- clearly specify the nature of the objection or representation; and
- state the address of the premises or reference number for the application.

Anonymous objections or representations will not be considered.

Your objection or representation should be emailed to [liquorlicensing@pkc.gov.uk](mailto:liquorlicensing@pkc.gov.uk) or can be posted or hand delivered to:

The Clerk  
Perth and Kinross Council Licensing Board  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD.

## What happens next

You will be asked to participate in a meeting of the Licensing Board to speak to your objection / representation. It is up to you whether you participate in the relevant Board meeting. There is no requirement for you to do so.

At the hearing you will be provided with an opportunity to speak to your comments and the applicant will be provided with an opportunity to respond. You are only able to speak to matters referred to in your written objection or representation.

Should you decide not to attend, your written objection or representation will be considered by the Board in your absence.

However, it will be a matter for the Board to determine what weight to attach to your objection or representation based on your written submission.

They must, however, have regard to it when making their decision.

You will receive correspondence from a member of licensing staff about a date, time and location of any hearing you are invited to attend.

The Board is required to in law to provide a copy of any objection or representation received to the applicant.

Your objection or representation may also be published as part of the Board papers for the relevant board meeting.

Board meetings are recorded. Recordings will be publicly available for viewing.

You will receive correspondence informing you of the outcome of the application.

## Appeals

If you are not satisfied with the outcome of an application, only an objector can appeal to the Sheriff Principal in relation to the grant of an occasional licence. An objector or person making a representation cannot appeal the grant of a premises licence, provisional premises licence, or the grant of a premises licence variation application.

## Reviews

This guidance note does not relate to where you wish to seek a review of an existing premises licence for any reason. Please contact us direct if you are considering doing so.

## Disclaimer

This guidance note does not offer legal advice or accept liability of any description, including liability for negligence for any damages or losses whatsoever resulting from the use or otherwise of this information.

You should seek your own independent legal advice if you wish.

## Contact

If you have any questions about making an objection or representation you can contact our Licensing Standards Officer at: [liquorlicensing@pkc.gov.uk](mailto:liquorlicensing@pkc.gov.uk)

Please note that they cannot make recommendations or help you write an objection or representation.

More information about what we do with your personal data when you make an objection/representation is on our [privacy notice](#).