



Alcohol licensing in your community

How you can get involved

September 2023

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ABOUT THIS TOOLKIT

This toolkit is designed to help anyone who would like to have a say on how alcohol impacts on their community. It explains how the licensing process works in Scotland and provides some practical tips to help people who want to get involved.

SECTION 1 - INTRODUCTION TO ALCOHOL LICENSING

SECTION 2 - RAISING YOUR CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY

SECTION 3 - RAISING CONCERNS ABOUT AN EXISTING ALCOHOL LICENCE

SECTION 4 - COMMENTING ON AN ALCOHOL LICENCE APPLICATION

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SECTION 6 - ALCOHOL LICENSING EXPLAINED

APPENDIX 1 - OBJECTION TEMPLATE

APPENDIX 2 - REPRESENTATION TEMPLATE

APPENDIX 3 - EXAMPLE OPERATING PLAN

APPENDIX 4 - LAYOUT PLAN REQUIREMENTS

 Hyperlinks to key reference materials and additional resources are included throughout this guide to enable you to access these documents easily.

We would love to hear about your experience of using this toolkit to get involved with licensing in your community. To tell us how you got on email enquiries@alcohol-focus-scotland.org.uk

1: INTRODUCTION TO ALCOHOL LICENSING



Why is alcohol licensed?

Alcohol is not an ordinary product. It is a legal drug that causes a range of health and social problems:

- Drinking too much, too often, increases the risk of cancer and liver disease, being involved in an accident, being a victim or perpetrator of crime, experiencing family breakdown, and losing employment.
- People other than the drinker often feel the effects the most: children, family, friends, colleagues, and those working in front line services like the NHS and police.

Evidence shows that the easier it is to buy alcohol, the more people will drink. That is why controls are needed on how, where and when alcohol is sold.

Further information about the impacts of alcohol can be found on the Alcohol Focus Scotland website: www.alcohol-focus-scotland.org.uk

What is licensed and why?

Places like supermarkets, pubs, and restaurants, that sell or serve alcohol must be licensed. These are either permanent licences (premises licences) or temporary licences for specific events (occasional licences).

People like managers or supervisors in licensed premises who manage the sale of alcohol must have a personal licence.

What are the licensing objectives?

There are five licensing objectives, set out in law, that underpin the licensing system in Scotland. These are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

Who decides who can sell alcohol?

The local licensing board decides who can sell alcohol, and where and when it can be sold. There are 40 licensing boards across Scotland.

Only elected councillors can be members of a licensing board.

Many licensing boards describe the need to strike an appropriate balance between supporting the local licensed economy, while also upholding the five licensing objectives.

Who else is involved?

Other people who are involved in licensing include:

- Licensing Standards Officers (LSOs)
- Police
- Health board
- Community councils
- Local licensing forum
- Members of the community

What can I do?

There are a number of things you can do if you have concerns about alcohol in your community or would like to get involved with alcohol licensing in your area. You can find out more about them in these sections of the guide:

- [Section 2 – Raising your concerns about alcohol in your community](#)
 - [Section 3 – Raising concerns about an existing alcohol licence](#)
 - [Section 4 – Commenting on an alcohol licence application](#)
 - [Section 5 – Attending a licensing board hearing](#)
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2: RAISING CONCERNS ABOUT ALCOHOL IN YOUR COMMUNITY



There are a number of ways you can have a say on the impact of alcohol in your local community.

Get in touch with your local councillors

If you have concerns, for example about noisy, alcohol-fuelled house parties, litter, or vandalism, then speak to your local councillors. They may be on the licensing board or can speak to other councillors who are. They can also report the problems in your community to the appropriate departments in the council.

You will be able to get the contact details for your local councillor from the council.



TOP TIPS

If your neighbours also have concerns, suggest they contact their local councillors too. It will be important for councillors to know the scale of concern about problems in the community.

If a councillor is a member of the licensing board, they are unlikely to be able to talk to you about specific licence applications. However, there may be other councillors for your local area that you could speak to.

Report any problems with a licensed premises to the police and Licensing Standards Officer

If you are concerned about the way a licensed premises is running, the police and Licensing Standards Officer (LSO) may be able to take action to sort out these problems. If things don't get better, you can ask the licensing board to review the licence.

The LSO works for the local council and you will find their contact details on the council's website or by phoning the council.

For more information on action that can be taken if you have concerns about a particular business, see "Raising concerns about an existing alcohol licence" on [page 12](#).

Comment on alcohol licence applications

When a business is applying for a new alcohol licence, a change to an existing licence, or for an occasional licence, everyone has the opportunity to object or make a representation to the licensing board about the application. You don't have to live nearby to raise concerns about the application.

For more information on objecting and making representations, see "Commenting on an alcohol licence application" on [page 14](#).

Input to the planning process

The planning and licensing systems are separate as is the processing of applications in relation to each.

- New licensed premises that are being built, or that are converting a building that was used for a different purpose, will normally have to apply to the council for planning permission. This will usually happen before an application is submitted to the licensing board for an alcohol licence.
- When an application is submitted to the licensing board for an alcohol licence, it must be accompanied by a planning certificate to show that permission has been granted for the development of the premises as a licensed establishment.

If you have concerns about such a business opening, you could submit

an objection to its planning application. Your council's website should have information on new planning applications and how to object.

Contact your local community council

Many areas have a local community council, which represents the views of residents in that community. Community councils must be consulted if a business wants to start selling alcohol, and representatives are sometimes involved in the local licensing forum. Community councils often get involved in other local decisions such as planning or development of local government policies. You might want to highlight your concerns to the community council, or even become a member.



TOP TIP

If you, or your community council, have a concern about alcohol in the area, it can be helpful to canvass the views of other local residents on the issue. This could include speaking to people door-to-door, creating online surveys or polls, gathering views at local events or activities, or placing comment boxes in local venues. This can help to build a picture of the extent of the problem and strengthen the case for action.

You can find out if your area has a local community council by going to: www.communitycouncils.scot/community-council-finder

Get involved in the local licensing forum

Every licensing board area has a local licensing forum. The forum monitors licensing in the local area and can offer advice and recommendations to the licensing board. The licensing forum is made up of different people with an interest in licensing, including community members.

You can take concerns about alcohol in your area to the local licensing forum. The forum cannot comment on individual licensed premises, but they can highlight community issues or concerns to the board, such as the number of licensed premises in the area.

If you have an interest in alcohol licensing, you could even apply to become a community representative on your local forum. Further information about forums is available in our [guide for forum members](#).



TOP TIPS

Anyone can attend a forum meeting, but check in advance what the rules are for members of the public speaking or raising issues at the meeting.

Find out if there is a community representative on your local forum that you can contact to express opinions on your behalf.

Contact your local licensing forum through the council's website or via the LSO.

Review and comment on local licensing policy

How to review local licensing policy

Licensing boards are required to publish two documents that can be particularly useful if you have concerns about alcohol in your community:

- 1) A forward-looking **statement of licensing policy** (local licensing policy) setting out how the board will carry out its work and seek to promote the licensing objectives in the area over a number of years.
 - The licensing policy can provide you with an indication of how the board intends to manage licensed premises; outlining its approach to issues like opening hours, children's access, and whether there are enough, or too many, licensed premises in any areas (overprovision).
 - The licensing policy must be published within 18 months after any local government election (approximately every five years).
 - Once developed, the board must have regard to the licensing policy when making decisions.
 - The licensing policy must be freely available to the public and will normally be accessible on the board's website.

2) A retrospective **annual functions report** setting out how the board has delivered in relation to the licensing objectives and the policy statement in the previous year.

- These reports provide a means for communities to assess the extent to which their local board's licensing policies have been implemented and adhered to.
- From the report, you should be able to identify the actions and incremental steps the board is taking towards achieving its longer-term aims.
- If the report is of a good quality, it should also enable you to identify the types of evidence that the board is using to monitor the impacts of its policy and decisions.
- The yearly production of the report provides a way for the community and local stakeholders to review progress and make suggestions for changes to the licensing policy moving forward. You can find out more about annual functions reports in our [Review of Licensing Board Annual Functions Reports publication](#).

When and how to comment on local licensing policy

The local licensing policy review period, occurring within 18 months after any local government election, is a particularly good time for you to provide comments directly to the licensing board. The board must consult with various stakeholders when it is developing the

policy, including the local licensing forum. Many boards will also put the consultation on the council's website so anyone can respond.

The types of issues you could comment on include:

- Licensed hours. The licensing board will be deciding the licensed hours for on-licensed premises, and so you might want to suggest changes to the policy regarding when alcohol can be sold in your area.
- Local conditions. The licensing board can include local conditions in the policy to help promote the objectives; these could relate to issues like CCTV, door supervisors, outdoor areas, and noise. You might want to suggest conditions that should be applied – a full list of conditions is available in ['conditions to promote the objectives'](#).
- Emerging issues. The board will be keen to consider evidence of any emerging concerns, and so you might want to make the board aware of what is happening in your area. This could include issues like increases in outside seating areas.
- Overprovision. The board must assess whether there are too many licensed premises in any areas, and so you might want to highlight areas that you think are overprovided for.
- Impact of current policy. More generally, you might want to highlight aspects of the current policy that you think aren't having the intended effect, are having unintended consequences, or are working well.

Boards are also expected to keep their licensing policies under ongoing review and make revisions as and when appropriate. Community members are uniquely positioned to provide information about what impact the licensing policy is having and whether any changes need to be made to it. To provide comments on the policy outwith the licensing policy review period, you could:

- Contact the local licensing forum. The forum can look into your concerns and make a formal written request to the licensing board for a review of the licensing policy.
- Contact the licensing board directly. The relevant contact details will be available on the licensing board or council website.



TOP TIPS

If you are contributing your opinion it can help to speak to your neighbours – the feelings of a large group of people often carry more weight.

It helps if contributions reflect the views of the wider community. Think about how you could gather the views of people living in your local area, such as surveys or public meetings. Alternatively, other local groups such as community councils might be gathering evidence and you might be able to take part in their work.

Try to include evidence to support your opinions, such as times you've reported noise disturbances to the police or environmental health noise teams. Reporting such problems also means that these incidents will be included in official statistics.

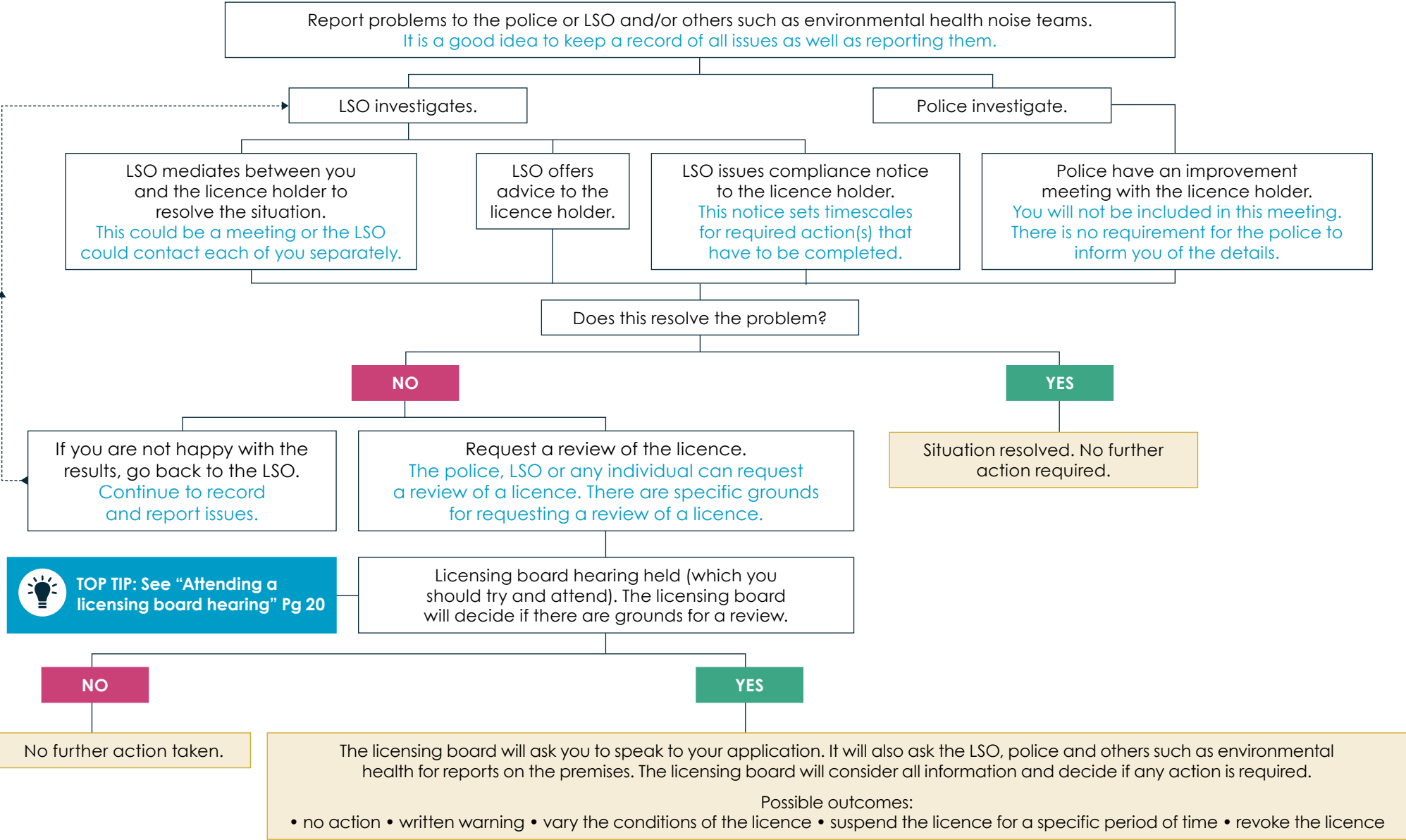
Other sections of this guide you might find useful include:

- [Section 3 – Raising concerns about an existing alcohol licence](#)
- [Section 4 – Commenting on an alcohol licence application](#)
- [Section 5 – Attending a licensing board hearing](#)
- [Section 6 – Alcohol licensing explained](#)

3: RAISING CONCERNS ABOUT AN EXISTING ALCOHOL LICENCE



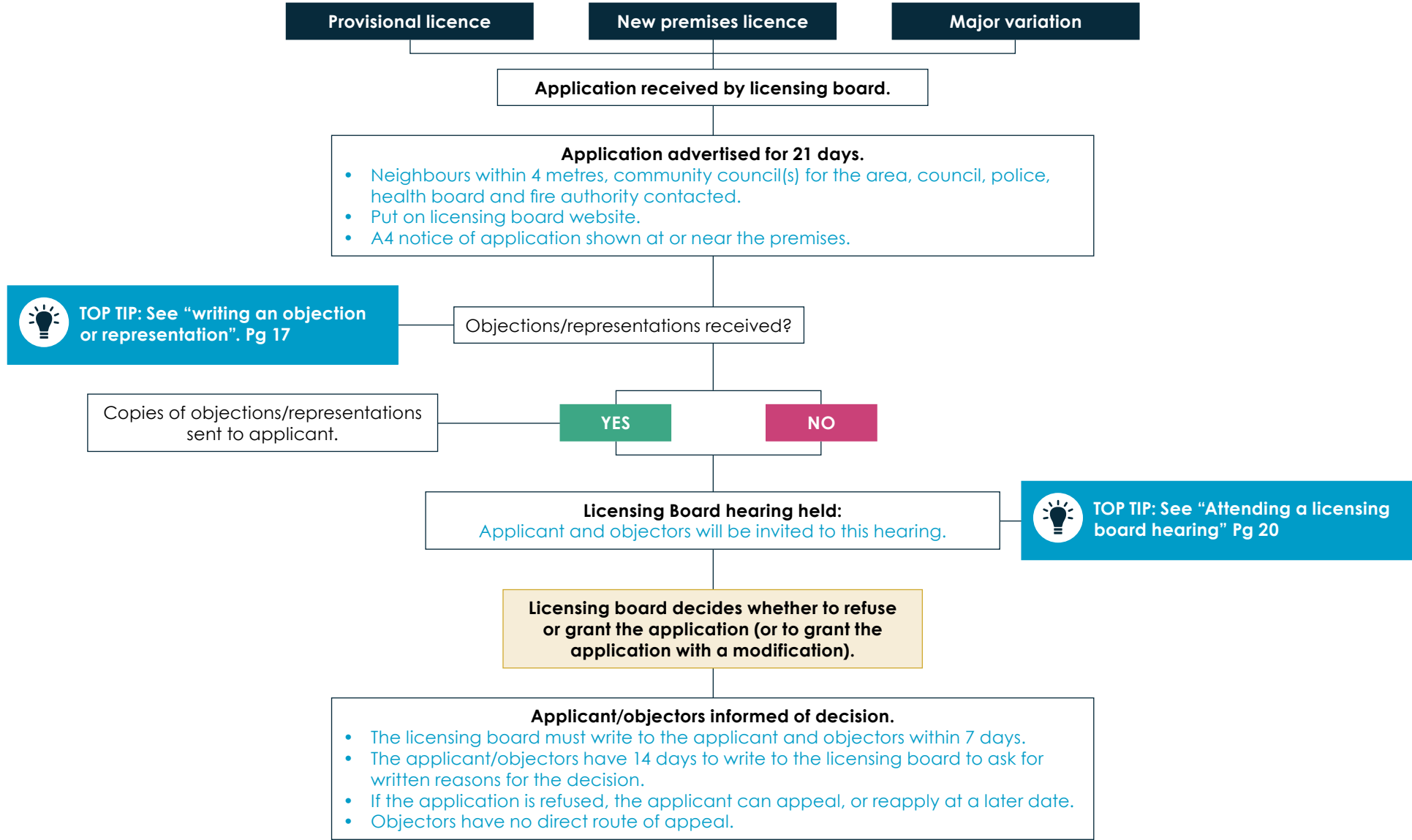
If you are concerned about how a place that sells alcohol is operating, there are processes you can use to address this (see below). The police or LSO may be able to resolve any problems or the licensing board can review the licence. The licensing board is unlikely to uphold a licence review unless the police or LSO also have concerns so you should contact them as a first step.



4: COMMENTING ON AN ALCOHOL LICENCE APPLICATION




Licensing boards have to follow strict procedures when considering alcohol licence applications. These procedures are different depending on the type of licence application. The applications that people will most commonly encounter are for provisional licences, new premises licences or major variations of existing licences. The process for these applications is set out below:



Occasional licence

Application received by licensing board.

Application advertised for 7 days.
• Police and LSO informed.
• Put on licensing board website.

 **TOP TIP:** See "writing an objection or representation". Pg 17

Objections/representations received?
Anyone can object

Copies of objections/representations sent to applicant.

YES **NO**

 **TOP TIP:** See "Attending a licensing board hearing" Pg 20

Licensing Board hearing held:
Applicant and objectors will be invited to this hearing.

Licensing board decides whether to refuse or grant the application (or to grant the application with a modification)

Applicant/objectors informed of decision.
• The licensing board must write to the applicant and objectors within 7 days.
• The applicant/objectors have 14 days to write to the licensing board for written reasons for the decision.
• If the application is granted, objectors have a right of appeal.
• If the application is refused, the applicant can appeal, or reapply at a later date.

 **Other sections you may find useful:**
Attending a licensing board hearing.
Licensing explained

Writing an objection or representation

If you wish to comment upon an application, you should first consider whether you wish to write an objection or a representation.

- **An objection:** You should write an objection if you are opposed to the granting of any licence at all. Objections can only be made on specific grounds and your comments should therefore relate to these 'grounds for refusal'. The most common grounds are:
 - Inconsistency with the licensing objectives
 - The premises being unsuitable for the sale of alcohol; and
 - There being too many premises in that area (overprovision).

A template for writing an objection can be found in Appendix 1.

- **A representation:** You should write a representation if you are not opposed to the granting of a licence in principle but would like to suggest modifications or conditions to make the application more acceptable. Representations can also be written in support of an application. A template for writing a representation can be found at Appendix 2.

Here are some other practical tips for commenting on alcohol licence applications. These tips might also be helpful if you are requesting a review of a licence.

Look at your licensing board's statement of licensing policy. This policy sets out what the licensing board is likely to allow premises to do and what standards they expect. It will also show any areas of concern – such as overprovision – the licensing board has. It can be helpful to refer to what the policy says in your objection or representation.

Look at the layout plan and operating plan for the application.

These plans detail how the premises will be laid out and how it will be run. You will need to contact the licensing board to get copies of these. Some licensing boards will only let you see the plans at their offices. Others may allow you to take copies or might email them to you. For more details about operating plans and layout plans, please see Appendix 3 & 4. If you are making a representation, you might want to suggest modifications to the operating plan, such as a reduction in the hours a premises can be open.

Look at useful sources of information. The licensing board has a register of all licensed premises in its area, and you may be able to access this online or by going to the licensing office. You can also access information about local areas by looking at [creshmap.com](https://www.creshmap.com); an interactive map that allows you to identify the availability of alcohol at a neighbourhood level.

If you are objecting, refer to the grounds for objecting in your submission. A licence can only be refused, or conditions attached, on specific grounds. It is important that your comments make clear:

- a) On what ground you are objecting or making a representation.
- b) How the grounds apply to the specific application or premises.
- c) If you are objecting on more than one ground, address these separately.

Check how you should submit your comments. Objections and representations must be in writing. Some licensing boards may accept them by email, but you should check this with them. Some licensing boards have a form for objectors to use to help them stick to the relevant grounds for objection. This will usually be on the licensing board's website, so look there or phone and ask whether there is a form for you to use.

Be specific with your comments. Try and focus your comments on how the application impacts on you, or how the premises impacts on the grounds for objections or the licensing objectives.

Provide any evidence you have. If you have evidence to support the points you are making, for example records of phone calls to the police or LSO, you should give details to the licensing board. Evidence will have more weight than speculation. If you report incidents to the police, then you should ask for an incident number and include this in your objection.

Submit your comments in the name of an individual. The law states that "any person" may object or make a representation. To avoid any problems, if you are submitting comments on behalf of an organisation such as a community council, it is better for any letter to be signed by an individual. However, you should make clear that the comments represent the views of the organisation. It is also possible for individual members of an organisation to submit their own comments.

Make sure you submit your comments on time. The notice of the application will give the deadline for submitting comments to the licensing board. It is important that you send your comments to the licensing board by this date, because late objections or representations may not be taken into account. If you miss the deadline, include reasons why this has happened. Depending on the reason, the licensing board might consider your comments.

Include photos if they would add to your point. Not all licensing board members will know your particular area. Photographs can help to make your point. Applicants will bring photographs and other information to a licensing board hearing to illustrate what they are aiming to offer.

Ask the Licensing Standards Officer (LSO) for advice. Part of the LSO's job is to give advice. They can give general guidance about what you need to do to object or make a representation, and explain what happens at the licensing board hearing. Your local council will be able to give you information about how to contact the LSO.

Would you support the application if changes were made to it? In your written comments you can make suggestions for changes you would like the applicant to make to address your concerns. This gives them the opportunity to consider your ideas in advance of the hearing. Commonly suggested changes are things like a smaller alcohol display area, shorter licensed hours, CCTV to be installed, or restrictions on noise levels.

Writing an objection or representation: Things to watch out for

The licensing board cannot consider any information about the application that doesn't relate to alcohol licensing (for example traffic or planning.)

- Stick to alcohol licensing.
- Make sure you clearly state which ground for objection you are using.

In an application to change how a business is run, the licensing board does not have the ability to remove the licence, only to agree or refuse the proposed licence variation.

- Your comments must be about the changes proposed in the application.

Some licensing boards may treat identical or similar letters as one objection or representation rather than different ones.

- It would be better for each person to write their own letter of objection or representation, and try to avoid these being too similar.
- If you regularly comment on applications, tailor each objection or representation to the specific application or premises rather than sending the same letter.

Petitions opposing licences are often not accepted by the licensing board because of basic mistakes. Some common problems with petitions are names not being readable, names or signatures looking like they were written by the same person, problems with the wording of the petition, and it not being clear whether people have meant to sign to each of the relevant points.

- Make sure that all signatories can see exactly what points they are agreeing to – for example, list the points on each page.
- Avoid multiple points in a phrase, for example "it would be a public nuisance and affect vulnerable people." List the points separately and ask people to tick which ones they agree with.
- Ensure each person only puts their own name and that they sign it.

Objections or representations from members of the licensed trade can be given less weight because they are seen as protecting their own business.

- The licensing board has the discretion to attach whatever importance they think appropriate to each piece of information before them.

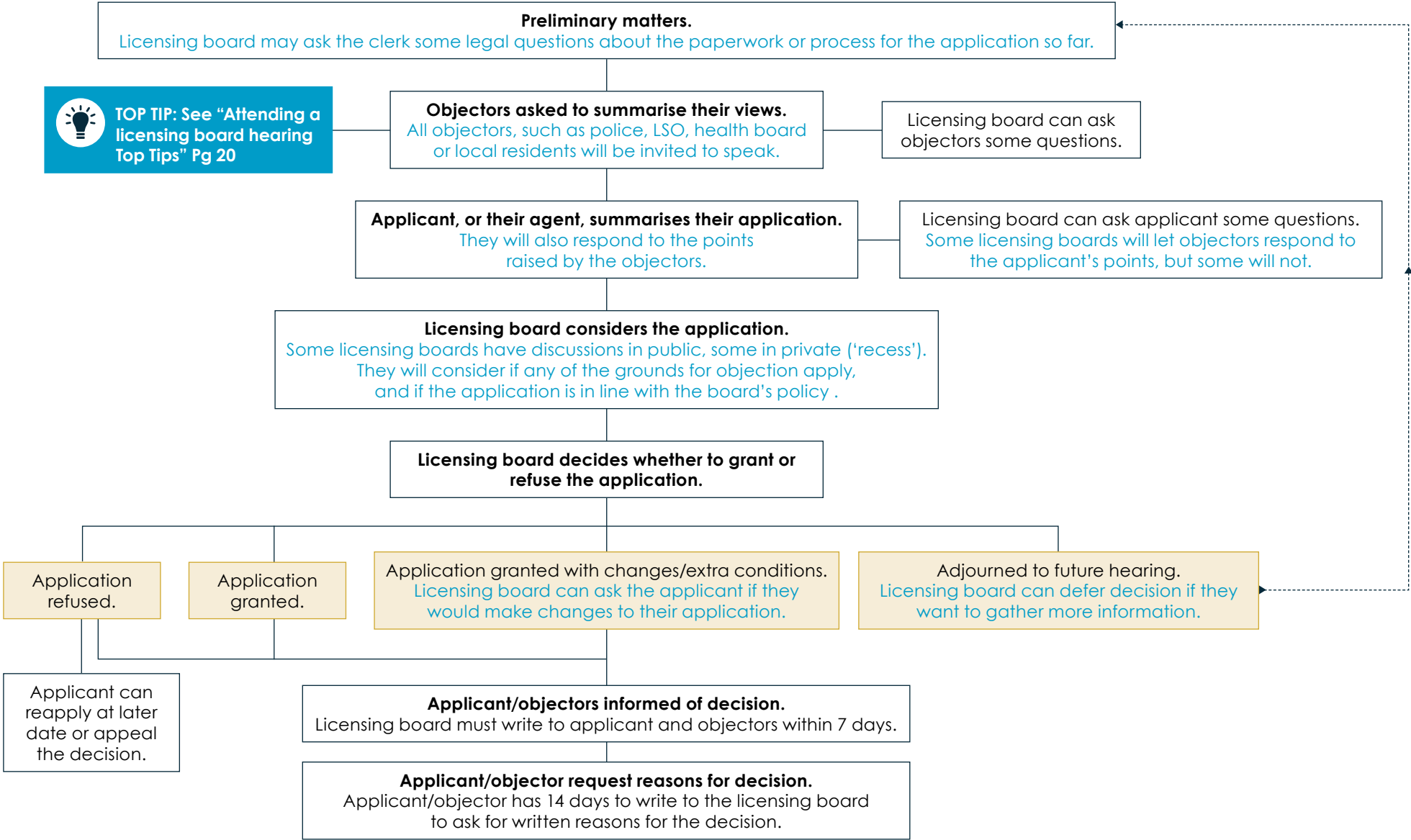
The onus is on objectors to say why the licence should be refused, rather than on applicants to provide evidence for why their application should be granted.

- Think about what the applicant might say about their application. Raise your concerns about the applicant's likely arguments as questions in your submission.
- If you have evidence to back up your concerns – for example from a similar situation somewhere else – then include this in your written objection.

5: ATTENDING A LICENSING BOARD HEARING



If you have put in an objection or made representations on an application, the licensing board will normally invite you to attend the hearing where they will be considering the application. The diagram below shows the process the hearing is likely to follow. A similar process will be followed in licence review hearings.



Attending a licensing board hearing

Check the website in advance for the agenda. Some licensing boards make the papers available up to one week in advance of the hearing. Many do not, but if you ask a member of council staff on the day, they should be able to give you a copy. It is difficult to say how long each case will take or when yours will be heard but the agenda will give you an idea of the running order for the hearing.

Try and see a licensing board hearing in advance. It might help to go along to a licensing board hearing before the one you'll be speaking at. This will let you see the layout of the room, and how the hearings are run.

Give another person written authorisation to speak on your behalf if you can't attend. If you go to the hearing, licensing boards usually welcome the chance to ask you some questions about your written comments. If you don't go to the hearing, they may give less weight to your objection or representation. If you are unable to make the hearing, ask someone else to attend on your behalf. You must give them written permission to speak for you, and they should show this to the clerk.

Know what you want to say and prepare. It is helpful to think about what you want to say – bring notes. At the hearing, you might only get one chance to speak. You may not be given the opportunity to respond to comments made by the applicant, or to raise any new points.

- Try and address your points the first time you are invited to speak.
- If you are objecting, if there are points you want to raise outwith the 'grounds for refusal' word them as questions.
- Try and avoid repeating yourself.

Ask for any 'promises' made by the applicant to be added as conditions of the licence. Applicants often give assurances to the licensing board that they will or will not do certain things, for example that all staff will be trained to personal licence holder level. To make sure this happens you could ask the licensing board to include the applicant's commitments as conditions of the licence.

If you are having problems following the discussion, let council staff know. If you are struggling to hear the discussions, let a member of council staff at the hearing know. For example, they might be able to tell you where you can sit that will help you hear better, or they may be able to ask the licensing board to speak up.

6: ALCOHOL LICENSING EXPLAINED



This section gives a more detailed explanation of some of the words and phrases you will find in the toolkit.

Who's who in alcohol licensing

Agent:

It is common for a person applying for a premises licence to have someone present their application and respond to any objections. This person is referred to as the applicant's agent. This is normally a solicitor.

Applicant:

This is the person or business applying for a licence.

Clerk of the licensing board:

The job of the clerk of the board, or deputy clerk, is to give legal advice to the licensing board. They are employed by the council and are legally qualified. During hearings, they often sit in front of the licensing board, or beside the convener.

Community councils:

Community councils are voluntary organisations made up of local residents that represent the interests of people living in their community. Community councils must be notified of new licence applications in their local area. The licensing board will often seek their views during the development of the statement of licensing policy. Representatives from community councils are often members of local licensing forums.

Convener (or 'Chair') of licensing board:

The convener of the licensing board is a councillor. They are often referred to as the chair of the licensing board as they chair its hearings. They will have the casting vote if there is a split decision of the licensing board.

Health board:

- The local health board for the area is sent all applications for new premises licences and licence variations and has the right to object to applications.
- It must be part of the local licensing forum.
- The health board must provide the licensing board with information for the statement of licensing policy. The licensing board must consult them when the licensing board is developing its overprovision policy.

Licensing board:

- Licensing boards decide all applications for licences to sell and serve alcohol in their area.
- There is one licensing board in each local authority. Exceptions: South Lanarkshire, Dumfries and Galloway, and Aberdeenshire have more than one, known as divisional licensing boards.
- Licensing boards must publish a statement of licensing policy within 18 months after each local government election and must assess overprovision in the area they cover.
- Each licensing board will have between 5 and 10 members. Members are local councillors and must complete a course and exam before sitting on the board.
- Despite being made up of local councillors, the licensing board is separate from the council.

Licensing Standards Officers (LSOs):

LSOs are council employees. Each council decides how many LSOs are needed in its area. LSOs have three roles:

- Guidance – provide guidance on alcohol licensing to the public and licensed trade.
- Mediation – mediate in low level disputes between the public and the licensed trade.
- Compliance – check that licensed premises are complying with the law. If problems are not resolved, the LSO can ask the licensing board to review the premises licence.

Local licensing forum:

- The local licensing forum reviews or scrutinises the operation of the Licensing (Scotland) Act 2005 in its area and gives advice and makes recommendations to the licensing board. The licensing board must have regard to this advice and recommendations.
- The licensing forum cannot comment on individual cases.
- There are between 5 and 21 members of each forum. It must include at least one LSO for the area and a representative of the health board. Other members commonly include licence holders, police, health, education or social work, young people, and residents.
- The licensing forum has at least one meeting with the licensing board every year.

Police:

- The police are sent all applications for new licences and licence variations, and have the right to object to applications.
- They enforce the law, have the power of entry to licensed premises and authorise test purchasing of alcohol.
- If the police have concerns about a premises or a personal licence holder, they can ask the licensing board to review the licence.
- The police must provide the licensing board with information for the statement of licensing policy. The licensing board must consult the police when developing its overprovision policy.

Premises manager:

The premises manager is responsible for the day-to-day running of a licensed premises. They can only be the premises manager for one premises, and they must be a personal licence holder.

Other organisations that might get involved

Alcohol and Drug Partnerships (ADPs):

An ADP includes members of the local health board, local authority, police, prison service, and voluntary sector. ADPs are responsible for drawing up joint strategies for tackling alcohol and drug use in their communities.

Community Planning Partnerships (CPPs):

CPPs are hosted by the local authority and are made up of representatives from health, police, education, fire, councillors and sometimes council departments. A CPP coordinates services for a particular area.

Community Safety Partnerships (CSPs):

CSPs are local authority-led partnerships that bring together representatives from the local authority, police service and fire and rescue services. Health, education, and other public sector interests may also be represented. CSPs work to reduce anti-social behaviour and fear of crime and to promote safer, more inclusive, and healthier communities.

Health and Social Care Partnerships (HSCPs):

A HSCP is a partnership managed by the health board and local authority, and includes voluntary sector and independent sector organisations. It plans the local delivery of integrated health and social care services.

Types of licences

Occasional licence

- If a premises is not licensed but wishes to sell alcohol for a particular event, an application can be made to the licensing board for an occasional licence.
- Similar national mandatory conditions to those applying to premises licences also apply to occasional licences.
- Premises and personal licence holders can apply for an occasional licence. Voluntary organisations can also apply if the event is linked to their activities. Members' clubs need an occasional licence to allow the general public to buy and consume alcohol on their premises.
- There are rules about the number of occasional licences voluntary organisations and members clubs can have in a 12-month period.

Personal licence

- A personal licence allows a person to authorise or supervise the sale of alcohol, and to train staff to the required minimum.
- Personal licence holders must complete a course and exam, and then apply to the licensing board for their licence. They must complete refresher training within five years of gaining their licence.
- Every premises, with the exception of members' clubs, must have at least one personal licence holder – the premises manager – but in practice most premises have several. It is common for managers and supervisors to hold personal licences.

Premises licence

- For a place to be allowed to sell alcohol, it must have a premises or occasional licence, or be an exempt premises (see below).
- A premises licence allows alcohol to be sold. Any premises selling alcohol, whether on-sale or off-sale, must have a premises licence. A premises licence is granted by the licensing board of the area where the premises is situated.
- The premises licence includes an operating plan and layout plan and has various conditions attached to it. Breach of a condition will lead to a review of the premises licence. (To see what types of information is included in an operating plan and layout plan, please see Appendix 3 & 4)
- Premises licences last indefinitely but can be reviewed in certain circumstances.

Provisional licence

- A provisional licence will allow a business to be granted a premises licence once the premises are built or converted. It lasts for up to four years. It is counted for the purposes of overprovision, even though the premises is not trading.

Types of premises

Exempt premises

- Some premises do not need to have a licence to sell alcohol.
- Exempt premises are international airports, international ports, and trains, aeroplanes, ships, boats, and ferries on journeys.

Licensed premises

- Any place selling alcohol to the general public must have a premises licence and is called a licensed premises. This could be a supermarket, convenience store, pub, club, restaurant, café, etc.

Members clubs

- Members' clubs are premises that are not open to the general public and can only be used by their members and their members' guests, such as a bowling club. Their business must not be conducted to make a profit.
- Because they do not sell alcohol to the general public, special rules apply to members clubs. While they need to have a premises licence, they do not need to have a premises manager nor for the sale of alcohol to be supervised by a personal licence holder.
- If a members' club wanted to sell alcohol to the general public, it must apply for an occasional licence.
- The number of members' clubs is not included when a licensing board assesses whether there is overprovision in an area.

Off-sales premises (also known as off-licence)

- This is a shop selling alcohol to be taken away and drunk off the premises. Examples are supermarkets, convenience stores, specialist off-licences and gift shops.

On-sales premises (also known as on-licence)

- These are premises selling alcohol to be drunk within the premises. Examples include pubs, clubs, and restaurants.

Licensing terms

Alcohol display area

- Off-sales are only allowed to display alcohol in one or two areas, known as the alcohol display areas. One of these areas must be 'alcohol only.'
- The alcohol display area is shown in the layout plan.

Conditions

- Certain rules about how alcohol can be sold and how businesses must be run are attached to all premises and occasional licences. These are called 'national mandatory conditions.'
- A licensing board can also attach 'local conditions' to some or all of the premises and occasional licences in their area. These local conditions will usually be listed in the board's statement of licensing policy.

Delegated powers

- Decision-making powers for certain applications can be delegated to a sub-committee of the licensing board, the convener, the clerk of the board and/or the clerk's staff, rather than being considered by the full licensing board.
- Examples of the types of applications that might be dealt with under delegated powers are the granting of occasional and personal licences and minor variations where there are no concerns or objections.

Grounds for refusal

- An application for a new premises licence or licence variation can only be refused for specific reasons set out in law. These are:

- Granting the licence or variation would be inconsistent with one of the five licensing objectives.
- The premises is 'excluded' in terms of the Licensing (Scotland) Act 2005 (e.g. a motorway service station or garage).
- An application for the same premises was refused within one 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 (too many premises of a particular type in that area).

Hearing

- A hearing is the licensing board meeting where it undertakes its business, such as deciding on licence applications or reviewing licences.

Irresponsible promotions

- It is a condition of all premises and occasional licences that businesses must not run irresponsible promotions. Any premises running an irresponsible promotion could have its licence reviewed.
- Examples of irresponsible promotions are given in the Licensing (Scotland) Act 2005. These include deals that encourage, or seek to encourage, a person to buy or drink more alcohol than they had intended, for example 'buy one get one free' offers or 3 bottles for £10.
- In addition to the specific examples given in the 2005 Act, the licensing board may judge a particular promotion to be irresponsible.

Layout plan

- The layout plan shows how the premises is laid out. For off-sales, this will include the alcohol display area, and for on-sales this includes the bar and seating areas. To see the layout plan requirements, go to [Appendix 4](#).
- The layout plan must be provided as part of a licence application. It forms part of the premises licence.
- If a licence holder wishes to make changes to the layout plan, they must apply for a 'licence variation.'

Licence review (premises licence review)

- If there are concerns about how a business is operating, the police, the LSO, the licensing board and any person can apply for a review of a premises licence. There are specified grounds for a review: breach of a licence condition, or something relevant to the licensing objectives.
- If the licensing board decides there are grounds for a review, they must hold a hearing. If the review is upheld, the board has the option of issuing a written warning, varying the licence, suspending the licence, or revoking it.

Licence review (personal licence review)

- The licensing board can review a personal licence under certain circumstances: if the licence holder has acted inconsistently with the licensing objectives or has convictions.
- The licensing board can decide to revoke, suspend, or endorse the licence.

Licence variations: minor and non-minor ('major')

- A variation is where an existing premises applies to the licensing board to change how it operates.

- Certain small changes, as detailed in legislation, are 'minor' variations. Minor variations would include things like reducing opening hours. These are granted automatically, often under delegated powers.
- Non-minor variations are commonly called 'major variations'. An example would be a business wanting to change from a restaurant to an off-sales. The process is very similar to an application for a new licence. The licence already exists and it cannot be taken away, but people can object to the changes.

Licensed hours

- These are the hours that alcohol can be sold and, for on-sales, when customers can drink it on the premises. The licensing board's approach to licensed hours are detailed in its statement of licensing policy.
- By law, off-sales premises cannot sell alcohol before 10am and after 10pm.
- There are no specific rules for on-sales, but there is a presumption against granting 24-hour licences.

Licensing objectives

- The Licensing (Scotland) Act 2005 is based on five licensing objectives. All licensing decisions must be made with reference to these five objectives. All five objectives are of equal importance. They are:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children and young persons from harm

- If an application is felt to be inconsistent with any of the five objectives, the licensing board can refuse the application.
- The licensing board must seek to promote the licensing objectives in its statement of licensing policy.
- If a premises or personal licence holder acts inconsistently with the licensing objectives, they could have their licence reviewed.

Licensing (Scotland) Act 2005 (the '2005 Act')

- This is the main legislation setting out the rules for the alcohol licensing system in Scotland.

Notice of application

- An application for a new premises licence must be advertised for 21 days, to give people the opportunity to send comments to the licensing board.
- The premises must display a notice advising that an application has been made. While these notices can be in legal language, they should provide the following information:
 - The name and address of the applicant
 - The date by which objections or representations must be received by the licensing board.
 - Information on the nature of the business and proposed licensed hours (in the case of new premises licence applications.)
 - A brief overview of the proposed changes to the licence (in the case of licence variation applications.)
- The licensing board must also contact the following people with details of the application:
 - Neighbours living within 4 metres of the premises
 - The local community council(s) for the area
 - The council

- The health board
- The police
- The fire authority.

Objections

- Anybody is able to object to applications for new premises or occasional licences, and to 'major' variations of existing licences. They do not need to live near the premises.
- There are strict requirements about timescales and the grounds for objections (see 'grounds for refusal.')
- Objections must be made in writing to the licensing board.
- Objectors can request a statement of reasons from the licensing board for its decision. Objectors have 14 days to write to the licensing boards to ask for written reasons for the decision. The licensing board should provide these reasons within 14 days.
- Objectors can only appeal against the granting of an occasional licence. They have no direct right of appeal against the granting of new premises licences, provisional licences, or major variations, though there is the possibility of judicial review. Anyone considering this route may wish to seek independent legal advice.

Offences

- Licensing law creates a number of offences. Some of these apply to individuals, such as buying or drinking alcohol when drunk in licensed premises or buying alcohol for someone under the age of 18 (there is a small exception with meals). Other offences apply to licence holders, including selling alcohol to a drunk person or an underage person or failing to display certain important notices.

Operating plan

- The operating plan details how the premises will run. This includes things like licensed hours; whether it's on- or off-sales; if under 18s are allowed; and activities the premises will run, for example karaoke, functions, adult entertainment.
- The operating plan must be provided as part of a licence application and forms part of the premises licence. If a licence holder wishes to make changes to the operating plan, they must apply for a 'licence variation.'

Overprovision

- Overprovision is where the licensing board determines there are enough or too many premises in a particular locality.
- As part of its statement of licensing policy, a licensing board has to include an assessment of whether there is any overprovision in its area.
- It is for the licensing board to decide what a locality is. Localities can range from small areas such as a street, to larger areas such as towns or the whole local authority area.
- The licensing board can also specify the types of premises it considers to be overprovided in an area. For example, it could decide there are enough supermarkets or pubs in a particular area but that there is not overprovision of other types of premises such as restaurants or hotels.

Representations

- A representation can be made to the licensing board to either support an application or to ask the licensing board to modify it in some way, for example by limiting its opening hours. Anybody is able to make a representation to the licensing board.
- Making a representation is the same process as making an objection.

Statement of licensing policy (also known as licensing policy statement, licensing policy, board policy)

- The statement of licensing policy sets out the licensing board's general approach to making licensing decisions and how it will promote the five licensing objectives. Licensing board decisions should be in line with this policy, although they can make exceptions.
- As part of the statement of licensing policy, the licensing board must include a statement of overprovision and should also include the hours that licensed premises will be allowed to sell alcohol.
- The licensing board must gather sufficient information to ensure its policy is well considered. The police, health board and relevant council must provide information and it can be requested from anyone else.
- Ideally the statement of licensing policy should take account of other local strategies where alcohol is a factor, including crime prevention, community safety, and health.
- Licensing boards must publish their policies within 18 months after a local government election.

Useful contacts

You should find details of the licensing board, local licensing forum, and Licensing Standards Officer on your local council's website. It would be helpful to search using terms such as 'alcohol licensing,' 'liquor licensing,' 'licensing board,' 'Licensing Standards Officer,' and 'licensing forum '.

APPENDICES



Appendix 1: Objection Template

An editable version of this template is available at
www.alcohol-focus-scotland.org.uk/media/440378/appendix-1-objection-template-.docx

Licensing (Scotland) Act 2005 – Notice of Objection

<p>Your name and address (include postcode) Remember: Submit your comments in the name of an individual.</p>	
<p>Name and address of premises</p>	
<p>Applicant's name (if known)</p>	
<p>Type of application Premises Licence / Variation of Premises Licence /Occasional Licence</p>	
<p>Reason for Objection: I object to a licence being granted to the above premises, on the following grounds: – Remember: Objections can only be made on specific grounds. Please delete any of the below that do not apply.</p>	
<p>1) Granting the application would be inconsistent with one or more of the licensing objectives. Highlight which of the objectives apply along with an explanation of why. Please delete any of the objectives that are not relevant.</p>	
Objective	Reason
Preventing crime and disorder	
Securing public safety	
Preventing public nuisance	
Protecting and improving public health	
Protecting children and young persons from harm	

- 2) The premises are unsuitable for use for the sale of alcohol**, having regard to:
- the nature of the activities proposed to be carried on in the subject premises,
 - the location, character and condition of the premises, and
 - the persons likely to frequent the premises.

The reasons I believe this to be the case are...

Remember: If you are contributing your opinion it can help to speak to your neighbours – the feelings of a large group of people often carry more weight. Try to include evidence to support your opinions, such as times you've reported noise disturbances to the police or environmental health noise teams.

- 3) Granting the application would result in overprovision of licensed premises**, having regard to the number and capacity of:
- licensed premises, or
 - licensed premises of the same or similar description as the subject premises.

The reasons I believe this to be the case are...

Remember: Look at useful sources of information. The local licensing policy will show any areas of concern – such as overprovision – the licensing board has. The board's annual function reports may also comment on this issue. The licensing board has a register of all licensed premises in its area, and you may be able to access this online or by going to the licensing office. You can also access information about local areas by looking at creshmap.com

Additional comments

Please add any additional comments you wish to make. If you are submitting any background written materials in support of your objection you could list them here. If you miss the deadline for submitting comments to the licensing board, include reasons why this has happened here; depending on the reason, the licensing board might still consider your comments.

Your Signature	
Date	Remember: The notice of the application will give the deadline for submitting comments to the licensing board.

Appendix 2: Representation Template

An editable version of this template is available at www.alcohol-focus-scotland.org.uk/media/440377/appendix-2-representation-template-.docx

Licensing (Scotland) Act 2005 – Notice of Representation

<p>Your name and address (include postcode) Remember: Submit your comments in the name of an individual.</p>	
<p>Name and address of premises</p>	
<p>Applicant's name (if known)</p>	
<p>Type of application Premises Licence / Variation of Premises Licence /Occasional Licence</p>	
<p>I wish to make these representations to the Board concerning the application: Please delete any of the below that are not relevant</p>	
As to modifications which should be made to the operating plan	Modifications could relate to issues like the opening days and times, the types of activities that can take place on the premises, outdoor seating areas, alcohol deliveries, and the age of people to be permitted entry. An example of a completed operating plan is included at appendix 3 .
As to conditions which should be imposed.	This could relate to issues like CCTV, door supervisors, outdoor areas, and noise. A list of conditions is available at https://www.alcohol-focus-scotland.org.uk/media/440020/resource-3-%E2%80%93-examples-of-conditions-to-promote-the-objectives.pdf
In support of the application.	
Other representations	
<p>Additional comments Please add any additional comments you wish to make. If you are submitting any background written materials in support of your representation you could list them here. If you miss the deadline for submitting comments to the licensing board, include reasons why this has happened here; depending on the reason, the licensing board might still consider your comments.</p>	
Your Signature	
Date	Remember: The notice of the application will give the deadline for submitting comments to the licensing board.

Appendix 3: Example Operating Plan

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	YES
1(b) Will alcohol be sold for consumption solely OFF the premises?	NO*
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	NO*

*Delete as appropriate

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11am	12 midnight
Tuesday	11am	12 midnight
Wednesday	11am	12 midnight
Thursday	11am	12 midnight
Friday	11am	12.30am
Saturday	11am	12.30am
Sunday	11am	12 midnight

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
*If YES – provide details	The premises will operate continuously throughout the year, and also during festive social demand and festive function hours as per Board policy.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

	Please confirm YES/ NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
5(a) Activity			
Accommodation	No	N/A	N/A
Conference facilities	No	N/A	N/A
Restaurant facilities	No	N/A	N/A
Bar meals	Yes	Yes	N/A
5(b) Activity – Social functions including:			
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	N/A
Club or other group meetings etc.	Yes	Yes	N/A
5(c) Activity – Entertainment including:			
Recorded music – see 5(g)	Yes	Yes	N/A
Live performances – see 5(g)	Yes	Yes	N/A
Dance facilities	No	No	N/A
Theatre	No	No	N/A
Films	No	No	N/A
Gaming	Yes	Yes	N/A
Indoor/outdoor sports	No	No	N/A
Televised sport	Yes	Yes	N/A
5(d) Activity			
Outdoor drinking facilities	Yes	Yes	N/A
5(e) Activity			
Adult entertainment	No	No	No
Where you have answered YES in respect of any entry in column 4 above, please provide further details below.			
N/A			

5(f) any other activities	
If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.	Quiz nights, charity nights or similar social activities may take place.
5(g) Late night premises opening after 1.00am	
Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	NO*
When fully occupied, are there likely to be more customers standing than seated?	YES

*Delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
6(b) Where the answer to 6(a) is YES provide statement of the TERMS under which they will be allowed entry	Children will be permitted access to licensed premises for the primary purpose of consuming a meal or attending an event. Children must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times. Young persons may be unaccompanied.
6(c) Provide statement regarding the AGES of children or young persons to be allowed entry	5 to 17 years.
6(d) Provide statement regarding the TIMES during which children and young persons will be allowed entry	Children are allowed entry until 9pm, unless attending a private function when they are permitted to the end of that function. Young persons allowed at all times.
6(e) Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry	All public areas.

*Delete as appropriate

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?	On sales – 100 persons
--	------------------------

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name	XXXXXXX	
8(b) Date of birth	XX / XX / XXXX	
8(c) Contact address and Telephone	XXXXXXX	
8(d) Email address	XXXXXXX	
8(e) Personal licence		
Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
01/06/2023	XXXXXXX	XXXXXXX

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature (See note below)	XXXXXXX
Date	XXXXXXX
Capacity APPLICANT (delete as appropriate)	XXXXXXX
Telephone number and email address of signatory	XXXXXXX

Appendix 4: Layout Plan Requirements

The layout plan must be prepared in standard scale of not less than 1:100, or in another scale if agreed between the person submitting the plan and the licensing board. The layout plan must include: –

- the full extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building, and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas);
- the location and names of any streets surrounding the premises from which members of the public have access to the premises;
- the location and width of each point of access to and egress from the premises;
- the location and width of any other escape routes from the premises;
- the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;
- the location of any steps, stairs, elevators or lifts on the premises;
- the location of any toilets on the premises (identified as male, female or disabled as appropriate);
- any area on the premises set aside specifically for the use of children and young persons; and any area on the premises to which children and young persons will have access.




In addition to the above information, where applicants intend to sell alcohol for consumption on the premises, the following information must also be included: –

- the use or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).

Where the premises are to be used for the sale of alcohol for consumption off the premises, the following information must be included: –

- the location of the area or areas to be used for the display of alcohol;
- the maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas; and
- the maximum linear measurement (in metres) or any displays of alcohol outside the frontage referred to in the above bullet point.

ALCOHOL FOCUS SCOTLAND

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