Commenting on new licence applications, variations to existing licenses, and occasional licences

**What are objections and representations?**

Comments on applications may be in the form of a representation or an objection.

A **representation** can mean virtually anything, and can support or oppose the application. If the representation seeks to **modify** the application or **request conditions**, the Board must be satisfied that it is relevant to one or more of the five Licensing Objectives, which are as follows:

* Preventing Crime and Disorder
* Securing Public Safety
* Preventing Public Nuisance
* Protecting and Improving Public Health
* Protecting Children from harm.

A representation can also be lodged as a positive letter of support for the application.

The Board members will determine whether a representation is relevant, if amendments to the operating plan should be made, or whether suitable conditions ought to be applied.

**Any person** can **object** to an application, but the Licensing Board do not have to accept objections considered to be frivolous or vexatious.

**An objection** must refer to any of the grounds for refusal which are:

* The premises is an excluded premises
* The applicant has had a premises licence refused in the last year
* It is an application for a 24 hour licence
* In the case of off-sales, the hours are out with 10 a.m. to 10 p.m.
* That the granting of the licence would be inconsistent with one or more of the licensing objectives
* That having regard to the nature of the proposed activities and the location character and condition of the premises, and the persons likely to frequent the premises, the premises is unsuitable for the sale of alcohol
* That there is overprovision.

An objection proposes that the application is **refused**. So the Board must determine whether the objection is relevant. If it is, then the application must be refused.

**How to comment on a licence application or variation**

You can comment by e-mail or letter. There is an e- form on Fife Direct for online objections if you search on “Premises Licence”. Towards the bottom of that page you can download the form from the link: [Fife Licensing Board - Application Form for making Objections or Representations](http://www.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&pubid=A4A318AB-0AE9-DCE6-5EF8D4C829A9E5F7)

Strictly speaking, comments should be received during the time that the site notice is displayed at the premises. The Board may decide that late comments may not be heard, particularly if the applicant is not aware of such comments.

In your written comments, be sure to cover all aspects of your concerns, since you will not be able to add further information when you address the Board

**Commenting on occasional licences:**

Applications for occasional licences are advertised every Wednesday on Fife Direct on the Fife Licensing Board page relating to occasional licences.

Comments must be made in writing.

**For occasional licences**, the grounds for refusal are:

* That the number limit has been exceeded
* Whether off sales hours of 10 a.m.-10 p.m. are exceeded
* It is a 24 hours application
* It is an excluded premises
* It is inconsistent with one of more of the licensing objectives
* Due to the nature, location, character, and condition of the premises or the persons likely to frequent the event, it is unsuitable for the sale of alcohol.

**What happens next?**

All objections and representations will be heard at a meeting of the Licensing Board.

Objectors are informed in writing of the date, time and location of the Board hearing.

In order that your views are heard and understood by Board members, it is better to attend the hearing.

You may nominate someone to represent you at the Board hearing, but this must be in writing, and received by the Clerk’s office prior to the hearing.

**The role of the Licensing Standards Officer**

If you comment on an application, a Fife Council Licensing Standards Officer (LSO) will try to contact you. If you wish to speak to the LSO they can advise you of the procedure and answer any questions or concerns you may have.

**The procedure at the Licensing Board hearing and the rules you must abide by**

Licensing Board hearings are formal and similar to a court.

Applications are normally heard in alphabetical order, so you may need to wait some time for the relevant application to be heard.

Sometimes the hearing for the application you have commented on is postponed. This could be because the applicant has failed to attend the hearing for some reason. On other occasions after considering a comment, the Board will request a site visit before making a final determination.

Unfortunately this means that you will be asked to attend on another day.

When the application is heard, you or your representative will be asked to address your objection to the Board. You will be asked to approach one of the tables. You should stand and make use of the microphone by pressing the switch at the base. A red light will come on. Please remember to switch off the microphone when you have finished speaking.

You should only read out your letter or paraphrase the contents. You cannot add more items or information because the applicant or agent will not have had chance to consider further objection items. If you try to add further material you will be asked to cease and sit down. You may only speak when you are asked.

The Board will hear in turn from the applicant, objectors, the Police, Licensing Standards Officers and the Building Standards Officer. Then Board members will ask questions. If you are asked a question, this is the only time you can speak out with the contents of your written objection, but anything you say must be pertinent to the question that you are asked.

The Board will then make a decision to grant the licence, to refuse the license, amend the application, or impose conditions.

Further advice on-line can be found at <http://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

LSOs can be contacted on 03451 555555 446925/26 by leaving a Voicemail.