

## GUIDE TO MAKING AN OBJECTION OR REPRESENTATION

### Who Can Make an Objection or Representation?

Any person may make an **Objection** to an application for a Premises Licence or Provisional Premises Licence or to an application to make a non minor variation to a Premises Licence, provided that the objection is made on grounds relative to the statutory grounds for refusal of a licence detailed in the Licensing (Scotland) Act 2005. Therefore you must relate your objection to one or more grounds for refusal, which are:

- that the subject premises are excluded premises – that they are excluded by section 12(3) of the Act as being premises on land uses or acquired for the purposes of a special road or premises being used as a garage;
- that the application must be refused under section 25(2) because the applicant has had a premises licence refused in respect of the same premises within the last year;
- that the application must be refused under section 64(2) because application has been made for a 24 hour licence;
- that the application must be refused under section 65(3) because hours for the sale of alcohol for consumption of the premises fall outside the times 10:00am to 10:00pm;
- that the granting of the application would be inconsistent with one or more of the licensing objectives.
- that, 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 Board considers that the premises are unsuitable for use for the sale of alcohol;
- that there is overprovision.

Similarly, any person may make **Representations** in support of an application, regarding changes to the operating plan for the premises or on conditions to be attached to the licence.

### How Do I Make an Objection or Representation?

Objections and representations have to be made by the due date in writing and submitted by mail, e-mail or fax to:-

**The Clerk to the Board  
c/o Licensing Section  
Municipal Buildings  
West Bridge Street  
Falkirk. FK1 5RS**

**E-mail: [licensing@falkirk.gov.uk](mailto:licensing@falkirk.gov.uk)**

**Fax: 01324 501588**

You can also do so by downloading a form from the Council's website.

## **How Will my Objection or Representation be Processed?**

If we receive an objection or representation, we must give a copy of it to the applicant.

All applications for new and provisional premises licences and non minor variations to premises licences that have already been granted are determined at a meeting of the Licensing Board. On receipt of an objection or representation the Licensing Board will hold a Hearing and it is required to have regard to the terms of these in determining the application concerned

The Falkirk Council Licensing Board can reject frivolous or vexatious objections or representations. In these circumstances, the Board may recover from the person who made the objection or representation any expenses incurred by the Board in considering them.

You will be asked to attend the meeting of the Licensing Board to speak in support of your objection or representation. If you are not able to attend the meeting, we will write to you to let you know the decision of the Board.