

*These notes relate to the Licensing (Scotland) Act 2005
(asp 16) which received Royal Assent on 21 December 2005*

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 4 – Occasional Licences

Section 59 – Determination of application

127. This section sets out the procedure that Licensing Boards must adopt to determine an application under section 56 for an occasional licence. It provides both for the circumstances where a Licensing Board proposes to grant a licence and where it proposes to refuse such a licence.
128. Subsection (3) provides that the Board's decision must be based on the statutory grounds for refusal. These are set out in subsection (6). They are similar to the grounds for refusal of a premises licence application except that there is no "overprovision" ground. Subsection (7) provides that, when considering refusal on the ground that the application is inconsistent with the crime prevention objective, Licensing Boards must take into account and any recommendation for refusal made by the chief constable. The Board must also take account of any comments submitted by the Licensing Standards Officer.