



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Premises licence applications*

#### **21 Notification of application**

- (1) Where a Licensing Board receives a premises licence application, the Board must give notice of the application to—
  - (a) each person having a notifiable interest in neighbouring land,
  - (b) any community council within whose area the premises are situated,
  - (c) the council within whose area the premises are situated (except where the council is the applicant),
  - (d) the appropriate chief constable, and
  - (e) the enforcing authority within the meaning of section 61 of the Fire (Scotland) Act 2005 (asp 5) in respect of the premises.
- (2) A notice under subsection (1) must be accompanied by a copy of the application.
- (3) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (1)(d), respond to the notice by giving the Licensing Board—
  - (a) one or other of the notices mentioned in subsection (4), and
  - (b) a report detailing—
    - (i) all cases of antisocial behaviour identified within the relevant period by constables as having taken place on, or in the vicinity of, the premises, and
    - (ii) all complaints or other representations made within the relevant period to constables concerning antisocial behaviour on, or in the vicinity of, the premises.
- (4) Those notices are—
  - (a) a notice stating that neither—
    - (i) the applicant, nor

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*Status: This is the original version (as it was originally enacted).*

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- (ii) in the cases where the applicant is neither an individual nor a council, or where the application is in respect of premises which are to be used wholly or mainly for the purposes of a club, any connected person, has been convicted of any relevant offence or foreign offence, or
  - (b) a notice specifying any convictions of—
    - (i) the applicant, or
    - (ii) in any of the cases mentioned in paragraph (a)(ii), any connected person,for a relevant offence or a foreign offence.
- (5) Where the appropriate chief constable—
- (a) proposes to give a notice under subsection (4)(b), and
  - (b) considers that, having regard to any conviction to be specified in the notice, it is necessary for the purposes of the crime prevention objective that the application be refused,
- the chief constable may include in the notice a recommendation to that effect.
- (6) In this section—
- “antisocial behaviour” has the same meaning as in section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 ([asp 8](#)),
  - “neighbouring land” and, in relation to that expression, “notifiable interest” have such meanings as may be prescribed for the purposes of this section, and
  - “relevant period” means the period of one year ending with the date on which the appropriate chief constable receives notice under subsection (1)(d).