



# Licensing (Scotland) Act 2005

**2005 asp 16**

## PART 4

### OCCASIONAL LICENCES

#### **59 Determination of application**

- (1) An occasional licence application received by a Licensing Board is to be determined in accordance with this section.
- (2) If the Board has not received any—
  - (a) notice from the appropriate chief constable under section 57(2),
  - (b) report from a Licensing Standards Officer under section 57(3), or
  - (c) notice of objection or representation under section 58(1),relating to the application, the Board must grant the application.
- (3) In any other case, the Board must consider whether any of the grounds for refusal applies and—
  - (a) if none of them applies, the Board must grant the application, or
  - (b) if any of them applies, the Board must refuse the application.
- (4) The Board may hold a hearing for the purposes of determining any application which is to be determined in accordance with subsection (3).
- (5) Where the Board does not hold a hearing for that purpose, the Board must ensure that, before determining the application, the applicant is given an opportunity to comment on any such notice or report as is referred to in subsection (2).
- (6) The grounds for refusal are—
  - (a) that the premises to which the application relates are excluded premises,
  - (b) that the application must be refused under section 64(2) or 65(3),
  - (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,
  - (d) that, having regard to—
    - (i) the nature of the activities proposed to be carried on in the premises to which the application relates,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) the location, character and condition of the premises, and  
(iii) the persons likely to frequent the premises,  
the Board considers that the premises are unsuitable for use for the sale of alcohol.
- (7) In considering, for the purposes of the ground for refusal specified in subsection (6) (c), whether the granting of the application would be inconsistent with the crime prevention objective, the Licensing Board must, in particular, take into account any notice given by the appropriate chief constable under section 57(2).
- (8) In determining any application which is to be determined in accordance with subsection (3), the Board must take into account any report from a Licensing Standards Officer under section 57(3).