



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Review of premises licence*

#### **36 Application for review of premises licence**

- (1) Any person may apply to the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect for a review of the licence on any of the grounds for review.
- (2) An application under subsection (1) is referred to in this Act as a “premises licence review application”.
- (3) The grounds for review referred to in subsection (1) are—
  - (a) that one or more of the conditions to which the premises licence is subject has been breached, or
  - (b) any other ground relevant to one or more of the licensing objectives.
- (4) A Licensing Standards Officer may make a premises licence review application on the ground specified in subsection (3)(a) only if—
  - (a) in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14(2)(a)(i), and
  - (b) the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.
- (5) A premises licence review application must specify the alleged ground for review, including in particular—
  - (a) where the ground is that specified in subsection (3)(a), the condition or conditions alleged to have been breached,
  - (b) where the ground is that specified in subsection (3)(b), the licensing objective or objectives to which the alleged ground of review relates.

---

*Status: This is the original version (as it was originally enacted).*

---

- (6) The Licensing Board may reject a premises licence review application if the Board considers the application—
- (a) is vexatious or frivolous, or
  - (b) does not disclose any matter relevant to any ground for review.
- (7) Where the Licensing Board rejects a premises licence review application under subsection (6), the Board—
- (a) must give notice of the decision, and the reasons for it, to the applicant, and
  - (b) where it is rejected on the ground that it is frivolous or vexatious, may recover from the applicant any expenses incurred by the Board in considering the application.
- (8) In any proceedings by a Licensing Board for the recovery of expenses under subsection (7)(b), a copy of any minute of proceedings of the Licensing Board—
- (a) recording the Board’s rejection of the application and the grounds for rejection, and
  - (b) certified by the clerk of the Board to be a true copy,
- is sufficient evidence of the rejection and of the establishment of the grounds for rejection.