

COMPLAINTS AND OBJECTIONS

If you want to complain about licensed premises you should write to the Clerk to the Licensing Board, 20 City Square, Dundee, DD1 3BY.

MAKING AN OBJECTION TO AN APPLICATION

- Who may object?

Only the following categories of person or organisation may object to an application for the grant of a new licence, or the renewal or permanent transfer of an existing licence:-

- (a) any person owning or occupying property situated in the neighbourhood of the premises to which the application relates or any organisation which in the opinion of the Board represents such persons;
- (b) a community council for the area in which the premises are situated;
- (c) any organised church which, in the opinion of the Licensing Board, represents a significant body of opinion among persons residing in the neighbourhood of the premises;
- (d) the Chief Constable;
- (e) the Fire Authority;
- (f) the local Council.

- What are the grounds of objection?

- (1) If the application is for a new licence, the grounds of objection are as follows:-
 - (a) that the applicant, or the person on whose behalf or for whose benefit the applicant will manage the premises or, in the case of an application by a company or partnership, the applicant or the employee or agent named in the application, is not a fit and proper person to be the holder of a licence;
 - (b) that the premises to which the application relates are not suitable or convenient for the sale of alcoholic liquor, having regard to their location, their character and condition, the nature and extent of the proposed use of the premises, and the persons likely to resort to the premises;
 - (c) that the use of the premises for the sale of alcoholic liquor is likely to cause undue public nuisance, or a threat to public order and safety;
 - (d) that having regard to:-
 - (i) the number of licensed premises in the locality at the time the application is considered; and
 - (ii) the number of premises in respect of which the provisional grant of a new licence is in force.

the grant of the application would result in the overprovision of licensed premises in the locality.
- (2) If the application is for the renewal of an existing licence, the grounds of objection are those listed at (1)(a), (b) and (c) above.
- (3) If the application is for the permanent transfer of an existing licence, the only ground of objection is that shown at (1)(a) above.

- Content and service of objection

The objection should be in writing, containing the name and address of the objector and signed either by the objector or their agent. The letter should specify one or more of the above grounds of objection, together with reasons why these grounds apply to the application in question. The objection has to be served upon the Clerk to the Board and the applicant no later than seven clear days before the meeting of the Board at which the application is to be considered. This means that if, for instance, the meeting is on 16th January, the objection must be served by no later than 8th January. Service upon the applicant can be done by personal delivery or registered/recorded delivery post to the applicant's proper address. This means:

- (i) if the applicant is an individual, his home address as specified in the application;
- (ii) if the application is for renewal of an existing licence, the address of the premises;
- (iii) where the applicant has an agent, the business address of the agent; or,
- (iv) where the application is by a company or partnership, their address as specified in the application.

- Hearing the objection

The objector should attempt to be present at the Board meeting in order to speak to the objection. They should also bring proof of service of the objection, eg recorded delivery slip. The objector will be given the chance to address the Board in support of their objection and the applicant will also have the right to comment upon it. If the objection fails to meet any of the tests outlined above, the Board may disregard it as incompetent or irrelevant.

- Regular Extensions

The same categories of objector listed above may also object to applications for regular extensions. The procedure for making such an objection is the same as described above but the grounds of objection are different. These are:-

- (1) that, having regard to the social circumstances of the locality in which the premises are situated and to activities taking place in that locality, there is no need for the extension and to grant it would not likely be of such benefit to the community as a whole as to outweigh any detriment; or,
- (2) the grant of the regular extension would be likely to cause undue public nuisance or be a threat to public safety.