**License Applications**

Community Councils have a statutory right to be consulted on licensing under section 21 (1) b of the Licensing (Scotland) Act 2005, which places a duty on Licensing Boards to notify the Community Council of all applications they receive for premises licences. This is a new duty and a change from what was previously provided for in the Licensing (Scotland) Act 1976.

The Licensing (Scotland) Act 2005 contains provisions about notification of Board applications and objections.

Licensing Boards are encouraged to consult widely within their respective areas and the 2005 Act ensures that:

• Licensing Boards are required to notify the Community Council of any new premises licence application or application to substantially vary how a premises operates

• Community Councils are able to object or offer representations to an application and request Licensing Boards hold a hearing to review a licence if it is operating outwith the premises licensing conditions or the licensing objectives

• Local authorities employ a Licensing Standards Officer whose duties include mediating with licensed premises to try and solve problems including those raised by Community Councils

• Licensing Boards are required to involve people resident in the locality in consultation on a Board’s Licensing Policy Statement or overprovision assessment, which could include reference to how it intends to involve Community Councils in Licensing Board matters.

The Scottish Government issued statutory guidance to Licensing Boards under Section 142 of the 2005 Act and this guidance is frequently referred to as “Section 142 guidance”. However, it is recognised that the Guidance cannot anticipate every possible scenario that may arise. Licensing Boards may therefore depart from the Guidance if they have reason to do so but must give the Scottish Ministers notice of the decision together with a statement of reasons for it.

The Licensing (Scotland) Act 2005 Section 142 Guidance for Licensing Boards was updated in January 2023.