

Community Councils and the Licensing Process

1. Introduction

Local authorities have jurisdiction over all manner of business activities which take place within their areas. In Edinburgh, people are required to apply to the Council for a licence if they wish to operate a taxi, open a late-night hot food takeaway, stage a theatrical production or engage in any one of a wide range of commercial ventures, and to the Licensing Board if they wish to sell alcohol. In the vast majority of cases, the issuing of these licences is of little interest to community councils. There are occasions, however, when a particular licence application may cause concern. The purpose of this guidance note is to help community councils understand the licensing process and explain how they can voice their opinion.

2. Licensing Board

The City of Edinburgh Licensing Board is constituted in terms of the Licensing (Scotland) Act 2005 and deals with all licences relating to the sale and supply of alcohol and in addition all gambling licences in terms of the Gambling Act 2005. The Board sits monthly, and a list of liquor applications to be considered at each meeting is circulated to the community councils and is also posted online:

(http://www.edinburgh.gov.uk/info/20171/licensing_board/1034/the_licensing_board/3). Anyone can object to any application for a liquor licence within the time scales laid down in the Act. The Board has discretion to accept late objections, if it is considered reasonable to do so. For general information, please contact:-

**The Clerk of the Licensing Board,
249 High Street,
EDINBURGH
EH1 1YJ.
Tel: 529 4527**

3. Licensing Sub-Committee of the Regulatory Committee

Dealing with civic licensing applications, this Committee handles several categories of licence including Late Hours Catering, Public Entertainment, Second-Hand Dealers and Houses in Multiple Occupation. For premises-based annual and renewable licences, the applicant is required to display a 'Site Notice'. This includes details such as the type of licence applied for, the applicant's name and address and the address of their business premises. The applicant must display the Site Notice in a prominent place on the premises.

The Site Notice requirement does not apply to applications for temporary licences, but a summary of information contained in every licence application is sent to the local City of Edinburgh Councillor and also public libraries. (Copies of these summaries are also distributed to the relevant community councils through the Licensing Section.). Application details are posted online:

http://www.edinburgh.gov.uk/info/1090/law_and_licensing/1808/register_of_licence_applications

Should a community council wish to object to the granting of such a licence, they must write to the Committee within 21 days of the application date, setting out the grounds of their objection.

Any objection to an application made by a community council will be considered by the Committee. As an objector, a community council would have the opportunity to send a representative to a Committee meeting to explain their objections. The grounds for objection include e.g. that the applicant is not a 'fit and proper person to hold a licence or that the premises are not suitable or convenient for the purpose.

For further details or general enquiries, please contact:

**Licensing Section
249 High Street
EDINBURGH
EH1 1YJ**

Tel: 529 4027

4. The Licensing Forum

The Licensing (Scotland) Act 2005 requires each council to establish a Local Licensing Forum. The Licensing Forum represents the views of people concerned with the operation of the alcohol/liquor licensing system in the City of Edinburgh.

The Forum keeps under review the operation of the alcohol licensing system and gives advice and makes recommendations to the Licensing Board. However, it cannot give advice or make recommendations on any individual case or the Licensing Board's consideration of any individual application.

The Forum's members are appointed to represent the views of organisations and people in the City of Edinburgh Council area.