

**Licensing (Scotland) Act 1976
Aberdeenshire Licensing Boards
North Divisional Board**

Application in terms of Section 64 of the
Licensing (Scotland) Act 1976
For

**The Grant of a Regular Extension of
The Permitted Hours**

Premises No:	
Reference No:	

(white copy to go to Police)

FOR OFFICIAL USE ONLY	
Date of Receipt of Application:	
Date of Reference to Chief Constable, Fire & D.E.H.:	
Date of Meeting at which Application is to be considered:	
Fee Paid:	
Decision:	

1. Name, designation and address of applicant.	
2. Name, designation and address of employee or agent responsible for the day-to-day running of the premises (<i>where applicant is not an individual natural person</i>) Or Name and home address of the Secretary (<i>where applicant is a registered club</i>)	
3. The address of the premises in respect of which the application is made.	
4. Type of licence held (i.e. Public House, Hotel)/Date and place of registration of registered club.	
5. Hours during which, and, if applicable, dates when regular extension(s) required. THE ATTENTION OF APPLICANTS IS DRAWN TO THE NOTE OVERLEAF	
6. Has application for such an extension been made within the past year. If so, give date of any direction in terms of Section 64(9)	YES/NO

Date:

Signature of Applicant/Agent:

Address of Agent (if any):
.....
.....
.....

Licensing (Scotland) Act 1976

Section 64 – Regular Extension of the Permitted Hours

Notes for Applicants

The attention of applicants for extensions of the permitted hours under Section 64 of the Licensing (Scotland) Act 1976 is drawn to the following provisions:-

Section 64 (3) of the 1976 Act provides:

“After considering the application and any objections made thereto, a licensing board may grant an application for the regular extension of permitted hours if, having regard to the social circumstances of the locality in which the premises in respect of which the application is made are situated or to activities taking place in that locality, the board considers it is desirable to do so ...”

Section 47 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, which came into force on 1st January 1991, provides:-

1. “A Licensing Board shall not grant an application ... for an extension of permitted hours unless it is satisfied by the applicant, taking account of factors mentioned in [Section 64(3)]:-
 - (a) that there is a need in the locality in which the premises in respect of which the application is made are situated for a regular extension of the permitted hours; and
 - (b) that such an extension is likely to be of such benefit to the community as a whole as to outweigh any detriment to that locality.
2. In determining whether to grant a regular extension of permitted hours in respect of any premises it shall not be a relevant consideration for the Licensing Board to have regard to whether any application relating to any other premises in its area has, at any time, been granted or refused or the grounds on which any such application has been granted or refused.”

Applicants should note that they will require to satisfy the Board that the extensions which they are applying for meet the above criteria. In particular, those mentioned in Section 47(1)(a) and (b) of the 1990 Act. In view of sub-section (2), it will not be enough simply to state that other premises in the locality have similar extensions. The Board will expect applicants to establish:-

- i. that there is a need in the locality for a regular extension

and

- ii. that the extension is likely to benefit the community as a whole,

and

- iii. that such benefit outweighs any detriment to the locality;

before granting any regular extensions.