

Licensing (Scotland) Act 2005

Consultation on Draft Guidance for Licensing Boards and Associated Draft Regulations **Response on behalf of West Lothian Licensing Board**

Notification of Objections and Representations – In terms of section 21 of the Licensing (Scotland) Act 2005, the Licensing Board is obliged to give notice of premises applications to, among others, every person having a notifiable interest in neighbouring land. In terms of the draft Licensing Procedure (Scotland) Regulations 2006, a person has a “notifiable interest” if that person appears in the valuation roll or if that person is the owner or occupier of neighbouring land in respect of which there is no entry in the valuation roll. Land is “neighbouring land” if it is within 50 metres in any direction of any boundary of the premises to which the application relates.

West Lothian Licensing Board are of the view that is an extremely onerous requirement and will involve a considerable amount of work on the part of the Board to establish on whom notice should be served. West Lothian Licensing Board are not aware of any software that would produce the information in relation to properties within 50 metres of any boundary.

Funding - In terms of the transition timetable, applications will be received by Licensing Boards as from February 2008 and application fees will be then be payable. During this transition period, Boards will incur substantial additional costs. It is understood that in setting fees, Scottish Ministers will seek to ensure full cost recovery and that there will be further consultation in relation to fees. However, the Act requires Licensing Boards and Councils to carry out certain duties prior to the commencement of the transition period and to date there has been no indication in relation to funding for these duties. It is suggested that finance to enable the introduction of the Act to be satisfactorily achieved will have to be provided from central funds.

Training of Board Members – Within three months of the appointment of the new Boards, following the election in May 2007, members must undertake a training course, which has been accredited by Scottish Ministers. Consideration has to be given to the funding for such training and, given the demands on new members following the election, this may be an unrealistic timetable

Appointment and Training of Licensing Standards Officers – The Act requires Councils to employ Licensing Standards Officers and they are required, within eighteen months of their appointment, to undertake a training course accredited by Scottish Ministers. The timing of these appointments is crucial and ideally training and appointment should be conducted prior to the transition period in order that they can assist in the transition. Again this raises the issue of funding.

Local Licensing Forums – In terms of the Act, Councils are obliged to appoint Local Licensing Forums who will be consulted by Boards in relation to statements of policy. The statements of policy require to be in place by December 2007 and it would therefore be sensible to appoint the forums as soon as possible to ensure that there is a body, which has built up local knowledge and is in a position to work effectively with

the Board. The Council is responsible for servicing the forum and the costs of this have to be recovered as soon as the forum is appointed.

E-Government – Funding is critically required to ensure that Licensing Boards have the appropriate technology in place to process applications from the start of the transition period in February 2008.

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