

From: Janet Hood [janet.hood57@gmail.com]
Sent: 13 September 2007 14:19
To: Licensing Consultations; Fairweather I (Ian)
Subject: Re:

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has been swept for the presence of computer viruses.

Response by BII Scotland.

1. I have concerns as to who would make the decision as to the similarity of any offences referred to below. I do not believe it is appropriate to leave such matters in the hands of lay persons such as licensing boards members or the police nor in actual fact in the hands of persons who may indeed be legally qualified but be unfamiliar with the niceties of the particular law involved. This proposal could lead to serious problems for boards and the trade. I seek to have some clarification on how this requirement is to be achieved.

Relevant offences

1. In the Licensing (Scotland) Act 2005, "relevant offence" means (a) any offence specified in the Schedule; and (b) any offence which (i) was provided for in an enactment which is no longer in force; and (ii) was similar in nature to an offence specified in the Schedule

2. . Betting Gaming and lotteries Act 1963 ñ the offences contained in this Act are multiple and many are very minor offences. I consider some filter should be applied here. 3. Theatres Act 1954 ñ the offence of performance of a play in unlicensed premises is surely too minor to affect someone's ability to hold a licence to sell alcohol unless the offence has been repeated demonstrating a complete disregard for the law. 4. Lotteries and Amusements Act ñ the offences contained in this Act are multiple and many are very minor offences. I consider some filter should be applied here. 5. The offence referred to in Civic Government (Scotland) Act 1982 Section 21 (7) relating to what is in effect a parking offence is surely not sufficient to render a person "unfit" to hold a liquor licence. The other offences referred to in section 21 are fairly minor and I would suggest that these should require to be repeat offences which would demonstrate a total disregard for the law rather than a single offence rendering a person "unfit" to hold a licence.

On 13/09/2007, LicensingConsultations@scotland.gsi.gov.uk
<LicensingConsultations@scotland.gsi.gov.uk> wrote:

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> Thank you for your response to our consultation. A formal
> acknowledgement will follow in due course.
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