Fife Licensing Forum

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

Fife Licensing Forum represents a wide range of perspectives from among others, trade, local authority, community councils, the police and public health.

1. Do you support the Bill as a whole?

The Fife Licensing Forum meetings are well attended and despite our wide-ranging views, we can often arrive at consensus over issues within our remit. However, when it comes to this Bill, there have been mixed views about its merits as a whole. On the one hand, there are some who think the further measures set out will help to achieve licensing objectives. Others think their impact will be minimal and difficult to enforce. With this in mind, the following additional comments have been made.

2. Do you support particular provisions in the Bill?

There is some support for the Drinking Banning Orders (section 15-29) particularly the ability to apply these separately from any associated criminal offence.

3. Do you have concerns about particular provisions in the Bill?

- A level of scepticism has been expressed in regard to underage advertising at cultural and sporting events (section 9). How would proof be ascertained? It might require all participants to provide names and dates of birth to prove that the majority were under 18. It may be deemed acceptable for a certificated list of participants to be provided to the court, but if this was prepared by the event organiser, it would be asking them to provide evidence of their own guilt, and would likely meet with legal opposition.

- The substitution of 4 metres with 50 metres for applications for or variations to premises licence consultation and publicity (Section 5) is widely contested by the Forum. On the one hand, Community Council representatives are strongly supportive of extending the range, considering 4 metres as far too narrow but not necessarily to 50 metres which is a huge change. However, this should be a standard extension of the range and not contingent on the absence of a Community Council in the area.

- Rather, consultation and publicity to a wider range around premises should be without prejudice to the separate practice of formal notification to Community Councils where they do exist. On the other hand, the view was expressed that extending to 50 metres would be greatly out of proportion with other legislation such as for town and country planning. There would be a considerable impact on Licensing Authorities to ensure this requirement was fulfilled, slowing down the process of applications which would be unhelpful for businesses and possibly reducing the number of Board hearings as a result.
• Whilst there is support from some Forum members for container marking in off sales (Section 4) this will fail to assist identification of unofficial carry outs from on sales premises.

4. How will the particular provisions in the Bill fit with your work, or the work of your organisation?

As the Forum is made up of many different organisations, this is not easy to answer. The views expressed above cover some areas.

5. Will the Bill have financial or resource implications for you or your organisation?

As the Forum is made up of many different organisations, this is not easy to answer. The views expressed above cover some areas.

6. Do you have any other comments or suggestions relevant to the Bill?

• Re Ch1 Section 6C(1), insert 'same "between' the' and 'premises' in last line(4).

• Re Ch 2 Section 11 (2)(b). Possibly insert "elected" in front of 'member'.

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