Licensing (Scotland) Bill

Bill Number: SP Bill 37
Introduced on: 28 February 2005
Introduced by: Tom McCabe (Executive Bill)
Passed: 16 November 2005
Royal Assent: 21 December 2005

2005 asp 16

Passage of the Bill

The Licensing (Scotland) Bill [SP Bill 37] was introduced in the Parliament on 28 February 2005. Stage 1 commenced on 1 March 2005 with the Local Government and Transport Committee as the lead committee and the Justice 2 Committee and Subordinate Legislation Committee acting as secondary committees on the Bill. The Stage 1 debate took place on 22 June 2005 and the Bill was passed following the Stage 3 debate on 16 November 2005.

Purpose and objectives of the Bill

The policy intention of the Bill is to modernise the existing legislation in relation to licensing in order to introduce a simpler and more flexible licensing system. This allows for the interests of key stakeholders to be articulated within the licensing process as well as introducing a range of monitoring and enforcement mechanisms. Specifically the Bill seeks to reduce underage drinking, reduce binge drinking, provide a voice for communities in relation to licensing, and modernise the licensing regime.

The Bill is the product of an extensive process of policy development and consultation. In particular, the Bill follows on from the report of the Nicholson Committee (‘Review of Liquor Licensing in Scotland’) and of the Daniels Working Group (‘Off Sales in the Community’). In addition the Scottish Executive established an ‘Expert Reference Group’ which assisted in the development of the Bill and provided a framework for the development of regulations associated with the Bill.

Provisions of the Bill

The Bill:

- Establishes a national framework for licensing based around 5 ‘licensing objectives’. These are: preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health, and protecting children from harm.
Contains a range of provisions in relation to the remit, functions and membership of Licensing Boards
Establishes Local Licensing Forums on a statutory basis
Establishes the roles and functions of Licensing Standards Officers
Replaces the current system of licenses with two main forms of licence: premises licences and personal licences
Allows for the granting of occasional licences
Allows licensing boards to agree opening hours of premises with the holders of premises licences, albeit that opening for a continuous period of 24 hours will only be allowed in exceptional circumstances.
Provides, in relation to off-sales hours, that alcohol may not be sold for consumption off the premises on any day before 10 am or after 10 pm.
Establishes mandatory training requirements for staff employed in the licensed trade
Contains provisions to outlaw ‘irresponsible drinking promotions’ including what are commonly termed ‘happy hours’
Contains measures to address under age drinking including requiring all licence holders to operate on a ‘no proof, no sale’ basis and the introduction of test purchasing