

Our Ref: PG/GG  
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Date: 25 April 2019



**Chief Executive's Office**

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Mr James Dornan MSP  
Convener of the Local Government  
and Communities Committee  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear Mr Dornan

**Licensing (Scotland) Act 2005  
Protecting and Improving Public Health  
Licensing Standards Officers**

I refer to your letter dated 10 April 2019 and on behalf of the Licensing Board of North Lanarkshire I would comment as follows:-

The Board generally feel that they are constrained in their decision making from promoting the public health objective due to the current legislative framework. The Licensing Board have never received (in relation to any fresh licence application or non-minor variation of licence application) an objection that is from any health authority or any objection which is largely predicated on health grounds. In the absence of evidence of alcohol-related harm and due to the presumption in favour of granting applications implicit in the legislation the Board have not viewed the public health objective as being a sustainable ground for refusing applications.

In relation to the proposal that Boards work with Community Planning Partnerships with a view to advancing health objectives it requires to be borne in mind that the Board is a quasi judicial body and must be impartial and perceived as such at all times. It is felt that a Licensing Board collaborating with Community Planning Partnerships would compromise that impartiality. Perhaps some thoughts should be given to the concept of local licensing fora collaborating with community planning partnerships to endeavour to assist local communities.

In North Lanarkshire there are currently two Licensing Standards Officers and that has been the position since inception of the 2005 Act. There are challenges, due to the large geographical spread in North Lanarkshire, in them being able to visit all licensed premises. The officers have, through time, established a good rapport with all relevant stakeholders in the alcohol licensing system. An increasing feature of their workload is that they are called upon to give advice/provide interpretations about matters/legislation when in dialogue with licence holders and their accredited legal advisors.



I hope the foregoing is of assistance to you

Yours sincerely

**Clerk to the Licensing Board**