

The Moray Licensing Board Statement of Policy under the Licensing (Scotland) Act 2005

Consultation Responses

The Moray Licensing Board recently approved the revised version of it's statement of licensing policy under the Licensing (Scotland) Act 2005.

In response to the consultation on the revised policy a few matters were raised for consideration by the Board. Set out below are those matters together with the Board's responses to the same.

1. Recommendation to add a condition to occasional licences for voluntary organisations to require the presence of a person trained to the level of a personal licence holder throughout the licensed event.

The Board did not adopt the suggestion. This was on the basis that the Licensing (Scotland) Act 2005 provides (at s.60) against conditions more onerous than the mandatory conditions and the mandatory conditions were considered and prescribed by the Scottish Parliament. The Scottish Parliament specifically decided that voluntary organisations should remain exempt from such training requirements and the Board would not impose such a general condition in apparent opposition to Parliament's intentions. The Board considered that a blanket condition would be beyond it's statutory power. Te Board was also being asked to extend the law without any evidence of a particular problem that would be ameliorated by such a condition. Evidence of a problem had been sought previously, without success and, in particular, the police had confirmed there were no issues arising from such licensed events adversely impacting on the licensing objectives. Sample conditions from other Licensing Board areas were reviewed and those referred to things like a condition being applied to events where over 100 persons were expected to attend. The Moray Licensing Board considered this to be less relevant than the nature of the event and the kind of persons likely to attend. The Board did leave provision for the adding of a specific condition where comments from consultees and evidence of problems from previous events justified further regulation, however it would not be an automatic matter.

2. The issues of bring your own bottle BYOB events.

The Board had to comment that BYOB events are not a licensing issue as no licence is required for such events. Therefore the Board is unable to regulate such events through licensing policy.

3. There was a request for openness in terms of budgetary processes and fees.

Again this was not considered to be a direct policy issue. The Board has committed to reviewing fees annually and income and expenditure will be reported upon as part of the fee reviews.

4. Reference was made to licensing inspections.

The Board agreed that inspections are largely within the remit of the Licensing Standards Officer (LSO) and it is appropriate to maintain the LSO's neutrality from the Board. The LSO will visit every premises as part of his own, risk based approach to inspections.

5. A request was made for removal of unnecessary information.

The Depute Clerk has removed some reference to statutory provisions, for the sake of brevity, without trying to lose context or meaning, for the sake of clarity.

NB

A response document was received from Alcohol Focus Scotland after approval of the revised statement of policy. Nevertheless policy remains under constant review and matters raised will be the subject of further investigation and discussion, particularly with the Local Licensing Forum.