

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 6 – Further modifications of 2005 Act

867. Schedule 6 amends the powers of the police to object to the granting of licenses for the sale of alcohol under the Licensing (Scotland) Act 2005.
868. Section 22 of the 2005 Act allows any person to object to an application for a premises licence, but subsection (2) only allows the chief constable to object on the ground that there is reason to believe that the applicant is involved in serious organised crime and that refusal of the application is necessary for the purpose of the crime prevention objective (section 4(2)). Schedule 6 amends the 2005 Act to allow the chief constable to object to a premises licence applications on the grounds of any of the licensing objectives, listed in section 4 of the 2005 Act.
869. Under section 24 of the 2005 Act the chief constable may recommend that an application for a premises licence be refused if necessary for the purpose of the crime prevention objective, but only where the chief constable is given notice of any relevant or foreign offence. Paragraph 6 of Schedule 6 amends this so that the chief constable may recommend that an application be refused if this is necessary for the purpose of any of the licensing objectives.
870. Under section 33 of the 2005 Act the chief constable may recommend that an application for transfer of a premises licence be refused if necessary for the purpose of the crime prevention objective, but only where the chief constable is given notice of any relevant or foreign offence. Paragraph 7 of Schedule 6 amends this so that the chief constable may recommend that an application be refused if this is necessary for the purpose of any of the licensing objectives.
871. In respect of occasional licences, section 57(2) allows the chief constable to recommend the refusal of an application only on the grounds of the crime prevention objective. Paragraph 9 amends this so the chief constable can recommend the refusal of an application on the grounds of any of the licensing objectives.
872. Under section 73 of the 2005 Act which provides for personal licences application to be notified to the chief constable, the chief constable may not object to the application but may recommend that an application for a personal licence be refused if necessary for the purposes of the crime prevention objective, but only where the chief constable is giving notice of any relevant or foreign offence. Paragraph 12 amends this so the chief constable can recommend the refusal of an application on the grounds of any of the licensing objectives.
873. Paragraph 16 inserts a new section 84A into the Licensing (Scotland) Act 2005 to enable the chief constable to report a personal licence holder to the Licensing Board for actions which are inconsistent with any of the licensing objectives. Where this done

*These notes relate to the Criminal Justice and Licensing (Scotland)
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

the Licensing Board must then hold a hearing to consider what action if any should be taken against the personal licence holder as allowed by section 84(7) of the 2005 Act.