

EXECUTIVE NOTE

THE LICENSING (LOCAL LICENSING FORUM) (SCOTLAND) ORDER 2011

SSI 2011/130

The above instrument was made in exercise of the powers conferred by paragraph 2(2) of schedule 2 to the Licensing (Scotland) Act 2005. The instrument is subject to negative resolution procedure.

Policy Objectives

Local licensing forums were established by section 10 of the Licensing (Scotland) Act 2005. Their function is to review the operation of the 2005 Act in the forum's area with particular reference to the relevant Licensing Board's actions and where appropriate give advice and make recommendations to the Licensing Board.

The members of a local licensing forum are appointed by the local authority who must seek to ensure so far as possible that the forum's composition is representative of relevant interests including licence holders, the chief constable, persons having health, education or social work functions, young people and residents in the area.

In the Alcohol etc. (Scotland) Act 2010 the Scottish Government wished to emphasise the importance of the licensing objective of protecting and improving public health and aid Licensing Boards understanding by ensuring Health Boards were firmly embedded in the licensing regime.

This policy will in part be achieved through the insertion by section 11 (7) of the Alcohol etc. (Scotland) Act 2010 into the Licensing (Scotland) Act 2005, of a requirement that at least one member of a local licensing forum must be nominated by the Health Board for that area.

The Licensing (Scotland) Act 2005 in schedule 2 paragraph 2 sets out that a local licensing forum is to consist of not fewer than five and not more than 20 members. Forum membership is not uniform across Scotland, most have more than 5 and some will have 20 members. The Government wished to avoid the need for any local licensing forum to lose a member who was volunteering their time due to the new requirement to include a Health Board nominee. Especially as in order to attract suitable members for the local licensing forum the local authority may have undertaken a public recruitment process. To prevent any such difficulties this order is to increase the maximum membership to 21 to accommodate the Health Board nominee.

Consultation

Discussions were held with Licensing Board Clerks and Directors of Public Health.

Regulatory Impact

We do not expect the order to result in additional extra costs for business.

Financial Effects

This instrument has no financial effects on the Scottish Government or any other bodies.

Justice Directorate
February 2011