

ALCOHOL ETC. (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTS ON SECTIONS

Sections 14 and 15 – Licence holders: social responsibility levy

33. **Section 14** gives the Scottish Ministers a power through regulations to impose a charge on certain holders of licences under the 2005 Act and the Civic Government (Scotland) Act 1982. Money raised by the charge will be for local authorities to use in contributing towards the costs of dealing with the adverse effects of the operation of these businesses on the licensing objectives listed in section 14(5), for example extra policing or street cleaning. The regulations may only impose a charge in respect of certain expenditure by local authorities. In determining this expenditure the local authority must consult with the relevant health board and the appropriate chief constable. Section 14(4) sets out matters that may be provided for in the regulations imposing a charge such as collection and enforcement of the charge and discounts and exemptions from the charge.
34. **Section 15(1)** makes further provision about the regulation-making power in section 14(1). Section 15(2) provides that regulations made under section 14(1) are subject to the affirmative resolution procedure. Section 15(3) requires the Scottish Ministers to consult with various persons and bodies prior to draft regulations made under section 14(1) being laid before Parliament. Section 15(4) to (6) sets out the procedure for the making of any regulations under section 14(1). This involves Scottish Ministers laying a copy of the proposed draft regulations before the Parliament, sending a copy to certain persons, allowing 60 days for responses to the regulations and consideration of what is in these responses. The draft regulations laid before the Scottish Parliament must be accompanied by an explanatory document explaining how the position was arrived at.