

AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015

EXPLANATORY NOTES

STRUCTURE AND SUMMARY OF THE ACT

Part 2 – Alcohol Licensing

Miscellaneous

Section 55 – Overprovision

179. **Section 55** amends section 7 of the 2005 Act which deals with the duty of Licensing Boards to assess overprovision, and provides that where a Board determines the “localities” for the purposes of the Act then it may determine that the whole of the Board’s area is a single locality.
180. **Section 7** is further amended so that the Licensing Board may have regard to such matters as the Board considers appropriate, including the licensed hours of licensed premises in the locality, when assessing if there is overprovision.
181. Amendments are also made to allow these wider factors to be taken into account at:
 - section 23(5)(e) of the 2005 Act (refusal of a premises licence on grounds of overprovision), and
 - section 30(5)(d) of the 2005 Act (refusal to vary premises licence on grounds of overprovision).
182. These amendments remove specific reference to numbers and capacity when considering whether there would be overprovision as a ground for refusal, when a Board is determining a premises licence application or an application for a premises licence variation.
183. Removing these references means that Licensing Boards can refuse an application if they consider that there would be overprovision if the application was granted. Their consideration of overprovision would not be confined to considering only numbers and capacity but could take account of other factors too.