
COMMITTEE Licensing

DATE 17 November 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Proposed Changes: Criminal Justice and Licensing
(Scotland) Act 2010

REPORT NUMBER: CG/10/183

1. PURPOSE OF REPORT

To advise Members of the principal proposed changes to the Civic Government (Scotland) Act 1982, introduced by the Criminal Justice and Licensing (Scotland) Act 2010

2. RECOMMENDATION(S)

That the Committee notes the changes outlined in paragraph 6 below and

3. FINANCIAL IMPLICATIONS

None

4. SERVICE & COMMUNITY IMPACT

The relaxation in relation to Public Entertainment Licences could potentially have an impact on communities and community groups, in that community events which members of the public have access to, but do not require to pay entry to, may need this type of licence.

5. OTHER IMPLICATIONS

None

6. REPORT

The Criminal Justice and Licensing (Scotland) Act 2010 ('the 2010 Act') received Royal Assent on 6 August 2010. This piece of legislation is wide ranging and includes reforms to the law in relation to both criminal and licensing matters.

In relation to licensing matters, (and subject to a minor exception), the Act is not yet in force. The Scottish Government has advised that it envisages that most of the Act will be implemented in relation to licensing matters in December 2010 and February 2011.

The principal changes that will be introduced are as follows:

Mandatory conditions:

Scottish Ministers will have the power to prescribe mandatory conditions to attach to licences. No mandatory conditions have yet been prescribed.

Standard conditions:

Conditions imposed by the Committee will be called 'standard conditions'. These conditions must be published. If they are not published, they will have no effect. They must not be inconsistent with any mandatory conditions. We already publish all our conditions on our website so already comply with this provision.

Powers of entry and inspection for civilian employees:

The category of persons who may enter and inspect premises has widened to include civilian staff employed by the police.

Street trading: food hygiene certificates:

A food hygiene certificate must state that it complies with requirements set out in an order made by Scottish Ministers. This will enable the certificate to be amended more easily should there be any changes in food safety legislation.

Public entertainment licences:

There will no longer be a requirement for payment of money or money's worth in relation to public entertainment licences. This means that public entertainment events that are free to enter (eg: gala days, fetes) may require a public entertainment licence if those activities have been included in the Licensing Authority's discretionary licensing regime.

Late hours catering:

A late hours catering licence will be required for premises which provide 'food' between the hours of 11pm and 5am. Currently, a licence is required for premises that provide 'meals or refreshments'. "Food" includes chewing gum. The effect of this change is that premises such as late-night grocery stores and 24 hour stores may now require this licence.

Licence applications:

Persons applying for licences must now supply their date and place of birth on the application form.

Where the applicant is not responsible for the day to day management of the premises, then an employee or agent with such responsibility must provide the same details. As a matter of course, the Committee already requests this information on current application forms.

Time limits:

Amendments to various time limits in relation to the application process have been made. Examples include:

- Persons making an objection/representation in relation to an application will have 28 days to do so as opposed to the current 21 days
- An applicant, and any person who has made an objection/representation must be given at least 14 days notice of the date of the hearing (currently it is 7 days)
- A person will have 21 days in which to ask for a statement of reasons (currently it is 28 days).

Control of sex shops:

Currently, a licence cannot be granted to

- a) a person who is not resident in the United Kingdom or
- b) to a body corporate which is not incorporated in the United Kingdom.

The new law will state that 'United Kingdom' is to read as 'European Union'.

7. REPORT AUTHOR DETAILS

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