

Borders Alcohol & Drugs Partnership (ADP)

Updated Guidance for Licensing Boards – Licensing (Scotland) Act 2005
section 142 Guidance for Licensing Boards – January 2023

Situation

Guidance for Licensing Boards (Boards) has been updated to assist Boards in carrying out their functions under the 2005 act. Appendix One.

Background

The licensing (Scotland) Act 2005 has been operational for over thirteen years and guidance has not been updated since then. The intention going forward is that there will be more frequent updates to the guidance and the development of a stakeholder group to support this who will meet on biannual basis.

Assessment

The guidance includes best practice examples on how licensing Boards promote the five licensing objectives which Boards may wish to consider.

Duties of Boards are also included within the guidance including:

- Development of Statement of Licensing Policy
- Overprovision Assessment
- Public register with details of licences issued by the Board and decisions made
- Development of an Annual Report which should be published no later than 3 months after end of financial year
- Training of Board members and what this includes
- Fees to be charged by the Board
- Engagement Strategies including a joint meeting with the Local Licensing Forum each calendar year
- Responsibility to Freedom of Information requests, responding to complaints and having due regard to Equality Act 2010.

Each local authority must establish a local licensing Forum for the area which keeps under review the operation of the licensing system in their area and provide advice and guidance to the Licensing Board. The guidance for forums includes roles and responsibilities, as well as core knowledge that each forum member should hold. Guidance also includes how forums can enhance and encourage membership.

Recommendation

Licensing Forum members ensure awareness of guidance published for Licensing Boards