

1 REVIEW OF LIQUOR LICENSING IN SCOTLAND - THE NICHOLSON COMMITTEE (AN501-2003)

Members will be aware that the above Committee was set up in June 2001 to review all aspects of Liquor Licensing Law and Practice in Scotland, with particular reference to the implications for health and public order; to recommend changes in the public interest; and to report accordingly. In this regard, the report was published recently and comments thereon are required by 19th December, 2003. A copy of the full report is available in the Members' Lounge.

Dundee City Licensing Board will submit detailed comments on the report. The Committee's instructions are however particularly requested on:-

- (a) recommendation 21 which states:- "it should not be lawful for a local authority to hold a premises licence in its own name. All local authorities which presently hold liquor licences in respect of premises owned or leased by them should in future make other arrangements. Such other arrangements might involve the catering, and in particular the licensed part of the operations, in such premises being placed in the hands of third parties by virtue of franchise, lease, or other similar arrangements so that in future any premises licence can be applied for, and held, by the relevant franchisee or tenant rather than the local authority".

For the information of the Committee, the Council does not hold any liquor licences in its own name.

It is considered that the recommendation should be supported.

- (b) recommendation 33 which states "that a local authority should no longer be a competent objector to a Licensing application" and recommendation 34 which states "that any official of a local authority who, by virtue of his office, has an interest in any aspect of an application should be entitled to submit observations and representations to a Licensing Board and that the Board should have regard to those observations".

For the Committee's information the recommendation that local authorities should no longer be valid objectors arises because that would be in conflict with the European Convention on Human Rights and the Nicholson Committee accepted that there may be officers within a local authority whose views ought to be taken into account by a Licensing Board (e.g. Environmental Health Officers, Trading Standard Officers). They therefore recommended that they should have the right to make observations and that those observations should be taken into account.

It is considered that these recommendations should also be supported.