

# ALCOHOL ETC. (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### COMMENTS ON SECTIONS

#### *Section 11 – Consultation etc. of health boards*

25. Each Licensing Board is required by section 6 of the 2005 Act to publish a licensing policy statement which is a statement of the policy on how it will carry out its functions. Such a statement must be prepared every three years. A Licensing Board may choose to publish a supplementary licensing policy statement during the three year period that the licensing policy statement applies. In preparing a licensing policy statement or a supplementary licensing policy statement a Licensing Board must consult with various people.
26. [Section 11\(2\)](#) provides that in preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must consult the relevant health board. In addition, when preparing such a statement a Licensing Board may request certain statistical data or other information from the relevant health board and that health board is required to provide that information.
27. [Section 11\(3\)](#) amends section 7(4) of the 2005 Act to require a Licensing Board to consult the relevant health board when considering whether there is an overprovision of licensed premises or licensed premises of a particular description within its area. A Licensing Board is required to consider overprovision when preparing a statement on overprovision for inclusion in the Licensing Board's licensing policy statement.
28. [Section 11\(4\)](#) amends section 21(1) of the 2005 Act to require Licensing Boards to notify the relevant health board of all premises licence applications. By virtue of section 29(4) of the 2005 Act where an application for a major variation to a premises licence is received, a Licensing Board is required to notify the same people as it would be required to notify of a premises licence application, which will now include the relevant health board.
29. [Section 11\(5\)](#) amends section 147 of the 2005 Act to insert a definition of "relevant health board". This is defined as the health board for the Licensing Board's area or, if there is more than one health board for the Licensing Board's area, then each of those health boards.
30. [Section 11\(7\)](#) amends schedule 2 to the 2005 Act to require that at least one member of the Local Licensing Forum must be nominated by the health board for the Local Licensing Forum's area. If there is more than one health board in a Local Licensing Forum's area then at least one member of the Local Licensing Forum must be nominated by the health board which covers the larger or largest part of the Local Licensing Forum's area.