

LICENSING (SCOTLAND) ACT 2005

CREEVY LLH – IMPORTANT ISSUES AND LONG TERM RAMIFICATIONS

1. The transition to the new licensing regime starts on 1st February 2008.
2. The act applies to all licensed premises, including registered clubs.
3. A separate premises and personal license will come into force.
4. **Operational Plan** – All licensed premises will be required to prepare an operating plan, relating to the activities of the licensed premises. This should be prepared by a licensing solicitor in the first instance.
5. **Layout Plan** – All licensed premises will be required to lodge a layout plan along with the operational plan to comply with the new act.
6. **Timetable** – In essence, the process starts with those license holders where their license is due for renewal in March of any year. That could be March 2008, 2009 or 2010. The license holder simply ignores the renewal year i.e. those due for renewal in March 2010 in actual fact must lodge for their new license in March 2008 and an application must be in place from 1st February 2008 onwards. The process will be undertaken on a quarterly basis until January 2009 and the new act comes into force in September / October 2009.
7. **Costs** – There will be a significant cost involved to all license holders in the preparation and submission for their new license, as well as additional cost in both initial and long term training. We estimate that the very minimum likely cost will be in the range of £3,500 but the premises requiring detailed plans etc. could experience costs considerably in excess of this figure. Further, there will be increased ongoing training cost to all staff members.
8. **Benefits to Operation** – In the long run, we feel there can be very significant benefits to the operation, with extending opening hours, a change in customer profile and a system that allows an operator to trade in accordance with market demand and customer expectations rather than a specific type of license. It is quite possible that, in the long run, many operators will invest heavily in widening the scope of their customer base and achieve significant growth of their businesses through modifications to opening hours and style of operation. It is important to note that, as with most new legislation, the act will be open to interpretation and it is quite likely that case law will be required to define the exact terms of the act in certain areas.