EXECUTIVE NOTE TO

DRAFT : THE LICENSING (MANDATORY CONDITIONS NO.2) (SCOTLAND) REGULATIONS 2007

The above instrument was made in exercise of the powers conferred by sections 27(2), (8) and (9) and 146(2) of the Licensing (Scotland) Act 2005. Section 27 will be brought fully into force by the commencement date of these Regulations. These Regulations are subject to the affirmative resolution procedure.

Policy Objectives

The Government's policy is that displays of alcohol for consumption off the premises should in general be confined to a single area of premises. Many stores have an obvious "wines, beers and spirits" section, aisle, or shelves. These are sometimes in one corner of the premises, with décor and floor coverings that distinguish the area from the rest of the store. Other premises will have one area of shelving given over exclusively to the display of alcohol. However, it is now common for alcohol to be displayed at various other points around a store. Larger stores can accommodate a number of separate alcohol displays including displays directly inside a shop doorway, at checkouts, or on numerous "end of aisle" displays. "Cross merchandising" or "food-matching" also enables alcohol to be displayed alongside other items to encourage purchasing – for example, wine located in a cheese section or beer located beside barbeques and garden furniture.

The Government is concerned that these omnipresent alcohol displays encourage us to think of alcohol as an ordinary commodity. The policy intention behind these Regulations is that by requiring all alcohol to be displayed together, in a particular part of a store, the customer will need to make a conscious decision to go to that area if they intend to browse or select an alcohol product. They would no longer encounter numerous alcohol displays as they select their everyday groceries which may help to emphasise that alcohol is not an ordinary commodity, should not be seen as such, and should not be sold as such.

With regard to regulation 2, this will require all licensees to maintain a record of training undertaken by all staff working on the premises. The training record of a staff member must be kept on the premises whilst that person is working and is to be available for inspection by Licensing Standards Officers. The condition supplements the provisions set out in the Licensing (Training of Staff) (Scotland) Regulations 2007 (SSI no. 397). These were developed with the assistance of a Training Advisory Group established by Scottish Ministers to advise on the development of proposals on training under the Licensing (Scotland) Act 2005. The group consisted of representatives from the following organisations: -

- Alcohol Focus Scotland;
- Servewise
- British Institute of Inn Keeping
- Scottish Beer and Pub Association
- Scottish Licensed Trade Association
- British Hospitality Association;

- Scottish Retail Consortium;
- Scottish Federation;
- ACPOS; and
- City and Guilds Institute

Consultation

The former Scottish Executive undertook a consultation on proposals for separate alcohol display areas in off sales premises and the condition requiring a training record, as part of the wider consultation undertaken on guidance and regulations prepared under the Licensing (Scotland) Act 2005 between October and December 2006. Those consulted included all local authorities in Scotland, all Licensing Boards, the key licensed trade associations and a range of other stakeholder groups. In addition to this the Scottish Executive had useful discussions with key stakeholders during the consultation period. More recently, further discussion has taken place with retailers and trade bodies, and directly with store operators through seminars organised by the Scottish Grocers' Federation on wider licensing issues.

The organisations consulted included:

- The Scottish Licensed Trade Association;
- British Entertainment & Dance Association;
- The Scottish Beer & Pub Association;
- British Institute of Inn keeping;
- Scottish Grocers' Federation;
- Scottish Retail Consortium;
- Association of Chief Police Officers in Scotland; and
- The British Hospitality Association.

Financial Effects

The instrument has no financial implications for the Scottish Government or other public bodies. There may be minimal costs placed on some retailers with regard to re-arranging and moving alcohol products to one part of their store.

Criminal Justice Directorate
2007