

Extract from briefing provided in email to Cabinet Secretary for Justice from TS Officials - 'Meeting with Philip Ward, Managing Director, Jet2.com – 29 September 2016' – 22 September 2016

- Currently, in broad terms, it is only premises before customs controls that require a premises licence. However, licensing offences would still apply to premises beyond customs control (airside) for example sale of alcohol to a child or young person, sale of alcohol to a drunk person etc.
- It would require legislation to remove this exemption [redacted].

Annex C

MEETING WITH PHILIP WARD – THURSDAY 29 SEPTEMBER 2016 – 15:00 TO 16:00

Licensing

1. The Scottish liquor licensing legislation is the Licensing (Scotland) Act 2005, this is distinct from the Licensing Act 2003 that relates to England and Wales, but is probably similar in aspects.
2. Under Scottish liquor licensing premises are required to hold a premises licence in order to sell alcohol, however certain premises are exempted at section 124 of the Act, including airside establishments at designated airports. The Licensing (Designated Airports) (Scotland) Order 2007 designates these airports. Basically, at designated airports, premises before customs control are licensed as normal, while those beyond customs control are exempted.
3. When applying for a premises licence, it is necessary to provide various documents including an operating plan, layout plan, and adhere to the conditions. The Scottish Government imposes a number of mandatory conditions for all licences, for example those restricting irresponsible promotions, and it is open to a Licensing Board to impose additional conditions. Breach of a condition can result in the revocation of a premises licence.
4. While exempt premises do not require a premises licence, the licensing offences would still apply to them, for example sale of alcohol to a child or young person, sale of alcohol to a drunk person, disorderly conduct etc. Part 8 of the 2005 Act provides for these offences.
5. We are aware of concerns about these issues. For example the head of the Licensing Team met with Philip Ward of Jet2 in January 2016 to discuss, he demonstrated the sealed bag that his airline was using which was a useful initiative.
6. [redacted].
7. [redacted].

8. Lord Ahmad, Parliamentary Under Secretary of State for Transport (Minister for Aviation), stated in July that he planned to 'examine' the way that alcohol is sold in airports. [redacted]. In fact, following Lord Ahmad's announcement the department for Transport (DfT) stated that: "Airport security is always under review, however there are no plans to specifically address the issue of alcohol at airports." [redacted].

Extract from briefing provided in email to Cabinet Secretary for Justice from TS Official - 'Campus Watch 2017 launch – Glasgow Airport – 15 March 2017 – Cabinet Secretary for Justice – Briefing' – 7 March 2017

Licensing at Scottish Airports

Key Issues

- At present airside (beyond security controls) premises at 6 Scottish airports (including Glasgow, Edinburgh and Prestwick) do not require a liquor premises licence. While licensing offences such as the sale of alcohol to a child or young person, or the sale of alcohol to a drunk person do apply, restrictions on multi-buys, off-sales between 10.00 and 22.00, etc do not.
- Lord Ahmad (UK Aviation Minister) stated in July 2016 that he planned to examine the way that alcohol is sold in airports. [redacted].
- [redacted].

Background

10. The Cabinet Secretary met with Philip Ward CEO of Jet2 on 29 September 2016 to discuss alcohol sales at airports and disruptive passengers on flights. At that meeting the Cabinet Secretary expressed his support for the aims of the Jet2 'Onboard Together' campaign to address disruptive behaviour on flights.
11. Under the Licensing (Scotland) Act 2005, premises are required to hold a premises licence in order to sell alcohol. However certain premises are exempted at section 124 of the Act, including airside establishments at designated airports.
12. The Licensing (Designated Airports) (Scotland) Order 2007 designates these airports. Meaning that airside premises at our 6 busiest airports do not require a liquor premises licence. Although licensing offences do continue to apply, restrictions that have been added by way of licensing conditions do not. As a result the restrictions on multi-buys, designated areas, restrictions on off-sales between 10.00 and 22.00, etc do not apply to these airside premises.
13. We understand that this situation also applies in England and Wales. In July 2016 Lord Ahmad (UK Aviation Minister) announced that he intended to examine the way that alcohol is sold at airports. Lord Ahmad's announcement attracted widespread press interest. However, the Department for Transport subsequently told the BBC

that: "Airport security is always under review, however there are no plans to specifically address the issue of alcohol at airports.

14. [redacted].

15. Licensing officials would be happy to discuss these issues further with the Cabinet Secretary.

Extract from background note to Parliamentary Question S5W-10923 – 12 September 2017

4. Airside areas at designated airports are currently exempt from Licensing legislation. There have also been calls from some for Licensing legislation to be amended to bring airside areas at airports into line with the rest of Scotland. The main issue this would cover is opening times. Normally, off licences are limited to opening between 10:00 and 22:00. There is no such restriction airside at designated airports which means that shops such as World Duty Free are able to open as soon as the airport opens. On licence premises in airside areas at designated airports are not licensed by the local authority. [redacted].