

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 16 August 2018

ANNUAL FUNCTIONS REPORT 2018

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report provides the Board with an Annual Functions Report required under Section 9A of The Licensing (Scotland) Act 2005.

1. BACKGROUND/MAIN ISSUES

- 1.1 In terms of The Licensing (Scotland) Act 2005, Section 9A a Licensing Board must publish an Annual Functions Report within 3 months of the end of the financial year.
- 1.2 In preparing an annual functions report a Licensing Board must include:-
 - (a) a statement explaining how the Board has had regard to:-
 - (i) the licensing objectives, and
 - (ii) the licensing policy statement and any supplementary licensing policy statement including the Board's statement under section 7 (1) (duty to assess overprovision) in the exercise of their functions under this Act during the financial year.
 - (b) a summary of the decisions made by the Board during the financial year
 - (c) information about the number of licences held under this Act in the Board's area (including information about the number of occasional licences issued during the year) and
 - (d) any other information about the exercise of the Licensing Board's functions under this Act as the Board consider appropriate.

2. CONCLUSION AND RECOMMENDATIONS

- 2.1 This Report will be produced no later than three months of the end of the financial year and presented to the Board for their information.

2.2 It is recommended that the Board:

- (i) approve the Annual Functions Report as shown as Appendix 1.

Author(s)

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Approved

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Date 14 June 2018		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	No
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	No

1. CONSULTATION

1.1 As this report is for information to the Board no consultation is required.

2. APPENDIX

2.1 Annual Functions Report 01/04/2017-31/03/2018

Appendix 1 – Annual Functions Report

PERTH AND KINROSS LICENSING BOARD



Perth and Kinross Licensing Board

Annual Functions Report

1/04/2017 – 31/03/2018



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1.0 Introduction – Perth and Kinross Licensing Board

- 1.1 Perth and Kinross Licensing Board (“the Board”) is the licensing authority for the local government area of Perth and Kinross for the purposes of the Act. The current Board, which was formed in May 2017, comprises 10 members all of whom are, elected members of Perth and Kinross Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within Perth and Kinross.
- 1.2 Perth and Kinross shares borders with Dundee, Fife, Clackmananshire, Highland, Aberdeenshire, Angus, Argyll and Bute and Stirling Councils and covers 5285 square kilometres. The 2011 Census states that 146,652 people live within the area, which stretches from the Spittal of Glenshee in the north to Blairingone in the South bordering with Clackmanshire and Fife and in the East from Alyth and Blairgowrie to the West, St. Fillans on the banks of Lochearn bordering with Stirling. The main administrative centre for Perth and Kinross is based in Perth.
- 1.3 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.
- 1.4 Under the Act, Licensing Boards are responsible for considering applications for:-
 - premises licences
 - occasional licences
 - provisional licences
 - temporary licences
 - personal licences
 - transfer of premises licences
 - variation of premises licences
 - extensions of licensing hours in respect of:
 - the sale of alcohol by retail; and
 - the supply of alcohol in members clubs

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board are required to have regard to the licensing objectives.

3.0 Annual Function Report

3.1 In the year from 1 April 2017 to 31 March 2018, the Board met every six weeks, with the exception of June, August and September, to determine applications.

3.2 All applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and its statement of licensing policy 2013 – 2018.

3.3 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections.

3.4 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process.

3.5 At the six weekly meetings, the Board adopts as an informal process as possible but consistent with the carrying out of the Board’s quasi-judicial function.

3.6 The Board always attempts to follow best practice in enforcement including adoption of standards.

4.0 Decisions of the Board

4.1 The Board received 4 new premises applications, 11 Provisional Premises Licences and 15 Major Variations all of which were granted. Minor Variations of which totalled 114 were approved under delegated powers.

4.2 During the course of the year, the Board received 1139 applications for Occasional Licences. 6 Extended hours applications were received one of which was refused by the Board and 2 approved under delegated powers and 3 not considered due to being outwith Board Policy and insufficient time for those applications to be considered by the Board.

4.3 In assessing applications, the Board used a considerable number of different sources of information to enable them to reach determinations. These sources included

reports from Police Scotland, Scottish Fire and Rescue Service, Licensing Standards Officer, Building Standards, Planning and Environment Services.

- 4.4 5 objections in writing were received with regard to new premises licences and 2 in relation to Major Variations. These mainly comprised concerns over perceived potential noise/nuisance and possible anti-social behaviour. The Board granted these applications subject to mandatory and local conditions being imposed. Local conditions imposed mainly consisted of noise mitigation policies and dispersal of patrons policies being in place.

5.0 Licensed Hours

- 5.1 In granting licences the Board recognises that licensing hours are important to individual licensed premises, but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism. The Board considers that the on sale policy hours are appropriate for Perth and Kinross and represent a balance between the interest of the public, residents, licensed businesses and patrons of licensed premises at present; however a change is currently being considered through the Perth and Kinross Licensing Board Policy Statement 2018.
- 5.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am and after 10.00 pm.
- 5.3 Each application for a premises licence is assessed on its own merits against the policy hours appropriate to the type of activity and venue for which a licence is being sought.
- 5.4 Should an application be received in respect of opening earlier than 11 am for on sales, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.
- 5.5 Extended hours applications are individually assessed on their own merits. When the extended hours sought are in respect of on sale premises and are outwith on sale policy hours appropriate to the applicant's premises, the applicant is required to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:-
- the hours sought;
 - a description of the special event or occasion;
 - the proposed activities to take place during these hours;
 - when each activity will take place;
 - management arrangements to be in place for the special event or occasion.
- 5.6 The Board has a policy of permitting longer licensed hours over the Christmas/New Year period. The Board makes an annual announcement in the local newspaper and on the Council website with the longer licensing hours they have agreed to permit to on-sales only.

- 5.7 In 2017, as in previous years, the Board granted a festive period of longer hours seven days a week from 8 December 2017 to 2 January 2018. No complaints were received in relation to the operation of any premises use of these extended hours.

6.0 Licensing Board Training

- 6.1 As stated at the beginning of this report, our current Board, comprises of 10 Members who were elected in the local council elections in May 2017 and nominated as Board Members.
- 6.2 In May 2017, all nominated Board members attended a day's mandatory training from Alcohol Focus Scotland in licensing legislation and Board functions. This included a post training examination which all were required to pass. Further training was provided to Members by the Depute Clerk to the Board and the Licensing Standards Officer which further enhanced the knowledge of the Members.

7.0 Licensing Forum

- 7.1 The role of the Licensing Forum is to keep under review the operation of the Licensing Act in the Perth and Kinross area and to give advice and make recommendations to the Board in relation to those matters as the Forum deems appropriate. The Forum is the community's voice on alcohol issues.
- 7.2 Commencement of the Licensing regime there have been difficulties in maintaining a Forum however in January 2018 this group has re-formed. Members include representatives from the Drugs and Alcohol Partnership, Police Licensing, representative from NHS, Licensing Standards Officer, on and off sales representatives and an officer from the local University.
- 7.3 Perth and Kinross Licensing Forum meets on a quarterly basis at various venues within Perth and tries to accommodate the members with regard to timings of meetings.
- 7.4 The Forum has been asked to comment on the Licensing Board Policy Statement for 2018 and provided valuable feedback on areas that are relevant to the current economic climate. For example, the operating hours for pavement cafes, a suggested increase in licensing hours and the close down policy for those premises that operate function hours.

8.0 Reviews

- 8.1 In the period 1 April 2017 to 31 March 2018 the Board considered 8 Premises Licence Reviews, 6 of which were revoked due to premises being closed and 1 suspended by the Licensing Board for unpaid annual fees. 1 further review request was submitted by a member of the public due to a noise issue however the Board decided not to take any action after hearing the review request.
- 8.2 In the course of Board business, applications for Personal Licences were only heard and determinations made on them if the applicant had relevant convictions or a representation had been made from Police Scotland stating that the applicant was not a fit and proper person to hold a licence. 167 Personal Licence applications were received during the period 1 April 2017 to 31 March 2018, 1 of which was withdrawn and 1 surrendered prior to the Board meeting.

9.0 Conclusion

- 9.1 Licensed premises in Perth and Kinross have been generally well run and generally problem free in the last year.
- 9.2 It is recognised the efforts of the officers and partners involved in ensuring that licensed premises in Perth and Kinross are compliant and kept well informed of the requirements of licensing legislation and regulations.
- 9.3 The Board will continue to ensure that good practice continues and the licensing objectives are complied with during the period 2018-2019.