

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 15 August 2022

ANNUAL FUNCTIONS REPORT 2021-2022

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 summarises the activity of the Licensing Board during the last financial year.

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

Name	Designation	Signature
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Date 30 June 2022		

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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. APPENDICES

2.1 Annual Functions Report 2021-2022.

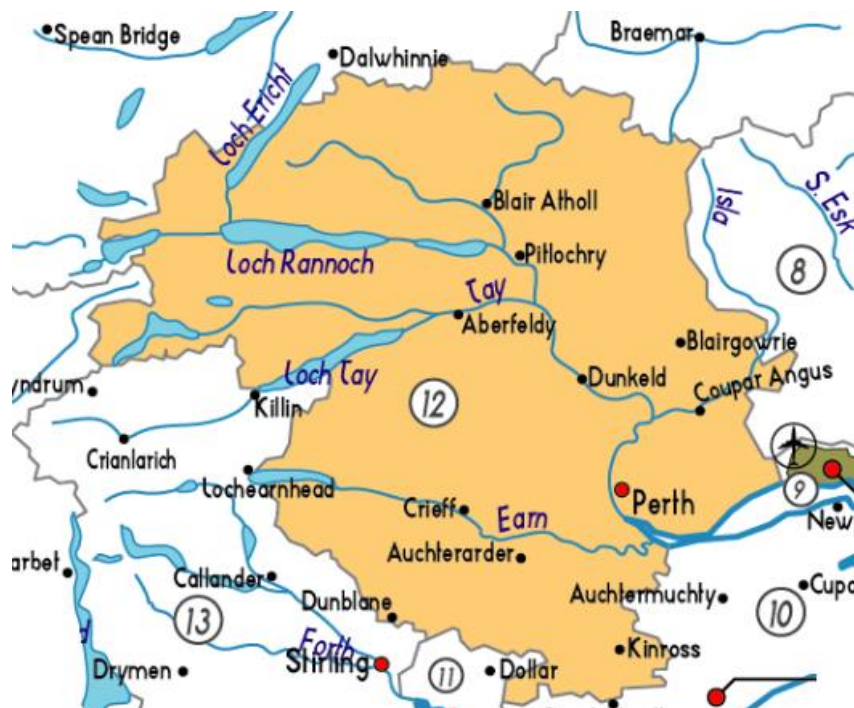
Appendix 1 – Annual Functions Report

PERTH AND KINROSS LICENSING BOARD



Perth and Kinross Licensing Board

Annual Functions Report 2021-2022



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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 was formed in May 2017 and 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, Clackmannanshire, 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,; in the East from Alyth and Blairgowrie and to the West, St. Fillans on the banks of Lochearn. The main administrative centre for Perth and Kinross is based in Perth.
- 1.3 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold. The Gambling Act 2005 makes provision for regulating betting and gaming. It gives responsibility for licensing some forms of gambling to local authorities
- 1.4 Under the Acts, Licensing Boards are responsible for considering applications for: -
- All licences related to the sale of alcohol including premises licences, personal licences and occasional licences
 - betting offices, gaming machines, small lotteries, bingo premises, track betting, adult gaming centres, family entertainment centres.

The vast majority of licences issues by the Licensing Board relate to the regulation of the sale of alcohol. Licensing under the Gambling Act forms only a small part of the work of the Board. For that reason, this report focuses on the work of the Board in relation to alcohol licensing.

2.0 The Licensing Objectives

- 2.1 The Licensing (Scotland) Act sets out the following five alcohol licensing objectives (“the licensing objectives”): -
- preventing crime and disorder
 - securing public safety

- preventing public nuisance
- protecting and improving public health
- protecting children and young people from harm

2.2 The licensing objectives provide the basis for the administration of the alcohol 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 relate to any one or more of the licensing objectives.

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

3.0 Annual Function Report

3.1 In the year from 1 April 2021 to 31 March 2022 the Board met every five to six weeks with one exception.

3.2 All applications before the Board were dealt with in accordance with licensing legislation and the Board's Statement of Licensing Policy 2018 – 2023.

3.3 Information and assistance was made available to those 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 informal a process as possible but consistent with the carrying out of the Board's quasi-judicial functions.

3.6 The shift to virtual meetings has meant that people have had to engage in a different way than was previously the case, as there have been no face-to-face meetings of the Board. However, a range of options are available to enable people to participate virtually, or in writing. Support is given to enable people to engage in this way.

4.0 Decisions of the Board

4.1 The Board experiences a busy year with new premises licence applications and occasional licence applications, despite the ongoing effects of the covid 19 pandemic. The following table sets out the information relating to the number of applications approved by the Board:

Premises licences	21
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Major variations to existing premises licence	25
Personal licence	158
Minor variations	120
Transfer/Transfer and variation	29
Occasional licences	987
Extended hours	5

4.2 Applications for new premises licences and applications for major variation are all dealt with at Licensing Board meetings. The vast majority of other applications are all dealt with under delegated powers.

4.3 The Board considered 13 objections and 3 representations to new premises licence applications. Five objections were considered in relation to applications to vary an existing licence. Four objections were received in relation to Occasional Licences.

Where the Board received objections/representations to occasional licences, new premises licences or Major Variations the Board granted these applications subject to mandatory and local conditions being imposed. Local conditions imposed dealt with the following issues:-

- compliance with any relevant legislation, directions and guidance of the UK and Scottish Governments in relation to coronavirus;
- the extent to which an outdoor area could be used, and if so, what measures must be followed such as for maximum occupancy, hygiene, and social distancing, use of music or television;
- noise mitigation and dispersal of patrons policies and
- policies to manage the taking of orders and delivery/collection of alcohol.

4.4 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.

5.0 Reviews

5.1 In the period 1 April 2021 to 31 March 2022 the Board considered 7 premises licence reviews. It was determined that grounds were not established in 5 of these cases. In regard to the remaining two, grounds for review were established on the basis of breach of mandatory condition 10(2) of the premises licence (payment of annual fees). The premises licences were revoked, on the basis that this was both necessary and appropriate for the purposes of all of the licensing objectives.

- 5.2 Two personal licence reviews were considered by the Board, both of which led to the offence being noted on their personal licences with no other action.

6.0 Licensed Hours

- 6.1 In granting licences the Board recognised that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board did 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 was also particularly mindful of its role in supporting licensed premises to adapt their trading to mitigate the impact of the covid 19 pandemic.
- 6.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am or after 10.00 pm.
- 6.3 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.
- 6.4 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.
- 6.5 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.

7.0 Licensing Board Training

- 7.1 As stated at the beginning of this report, the Board comprised 10 members who are elected Councillors for Perth and Kinross Council. They are appointed by the Council as Board Members.
- 7.2 In May 2017, Board members attended a day's mandatory training from Alcohol Focus Scotland, covering licensing legislation and Board functions. This mandatory training included an examination which all were required to pass. A further two members completed their training in December 2020 and January 2021 following their appointment to the Board. All members of the Board passed the required exam to enable them to sit as members of the Licensing Board.

8.0 Licensing Forum

- 8.1 The role of the Licensing Forum is to keep under review the operation of the Licensing (Scotland) 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.
- 8.2 In January 2018 the group re-formed. Members include representatives from the Drugs and Alcohol Partnership, Police Scotland, Licensing Standards Officer, on and off sales representatives and an officer from the local University. However due to Covid-19 restrictions and the impact of the covid 19 pandemic, no meetings have taken place since 2020. Support will be given to enable the group to re-form this year in preparation to discuss the new Licensing Board Policy Statement due in 2023.

9.0 Perth and Kinross Licensing Board Policy Statement – 2018-2023

- 9.1 Consultation on the revised Statement took place between June and August 2018. The Statement will be due for review again in 2023.

10.0 Covid-19 challenges and changes in relation to alcohol Licensing

These past few years have been particularly challenging for licensed premises due to Covid-19 . Alternative ways of operating businesses had to

be developed in line with guidance issued by the Scottish Government. When indoor drinking was not permitted during the summer of 2020, a surge of occasional licences were sought to permit the use of outside drinking areas. Licensed premises continued to use these outdoor areas during the period covered by this report. This accounts for a significant number of the occasional licences granted during the period.

At the beginning of 2022, an influx of occasional licences began to be received for the return of events within Perth and Kinross such as Galas, Music Festivals and Highland Games as well as weddings and other celebrations.

11.0 Conclusion

- 11.1 Licensed premises in Perth and Kinross have been generally well run and generally problem free in the last year. With restrictions largely eased, it is hoped licensed premises can get back to some form of normality and begin to prosper before the end of the coming year.
- 11.2 The efforts of Council staff and partners are recognised in ensuring that licensed premises in Perth and Kinross are compliant and kept well informed of the requirements of licensing legislation and regulations. Licence holders' efforts are acknowledged with regard to compliance with legal requirements and the management of well-run businesses in trading conditions which have continued to be extremely challenging.
- 11.3 The Board will continue to ensure that good practice continues, and the licensing objectives are complied with during the period 2021-2022.