

# **PERTH AND KINROSS LICENSING BOARD**

**Board Meeting: 31 May 2018**

## **REVIEW OF LICENSING POLICY STATEMENT 2018**

### **Report by Clerk to the Licensing Board**

#### **PURPOSE OF REPORT**

This report provides further information, including Perth and Kinross Licensing Forum's recommendations, and asks the Board to decide the terms of its Draft Licensing Policy Statement to publically consult on.

#### **1. BACKGROUND / MAIN ISSUES**

- 1.1 In terms of the Licensing (Scotland) Act 2005, Section 6 a Licensing Board must publish a licensing policy statement in respect of its functions before the beginning of each licensing policy period. The licensing policy statement then applies during that period. A licensing policy period occurs 18 months after an ordinary council election. The next policy statement will apply from 4 November 2018 until 4 November 2023, a period of 5 years. A Board can bring in a policy statement earlier if it decides to do so.
- 1.2 In preparing a licensing policy statement a Licensing Board must:-
  - (a) ensure that the policy seeks to promote the licensing objectives, and
  - (b) consult the local licensing forum; the relevant health board; and such other persons as a board thinks appropriate.
- 1.3 The licensing objectives are:
  - (a) preventing crime and disorder
  - (b) securing public safety
  - (c) preventing public nuisance
  - (d) protecting and improving public nuisance
  - (e) protecting children and young persons from harm.
- 1.4 In exercising their functions during each licensing policy period, a Licensing Board must have regard to the licensing policy statement, and any supplementary licensing policy statement. Copies of policy statements must be made available free of charge and the fact the statement has been published must be publicised.
- 1.5 On 14 December 2017, the Board considered what further information it wished to enable it to decide the terms of a Draft Licensing Policy Statement for public consultation. The Convenor, Vice Convenor and Depute Clerk to the Board met Perth and Kinross Licensing Forum on 26 April 2018. The Forum

recommended changes to policy. The Board's existing Licensing Policy Statement, the further information and the Forum recommendations are set out in Appendix 1 to this Report. Appendix 1 follows the format of showing possible changes to existing policy using the track and trace facility. Tables are also inserted at relevant points to provide the further information requested, the Forum's recommendations, and further comment. Appendix 2 is Environmental Health's Review of the Board's Noise Policy. That is provided to assist the Board in determining a new noise policy (see Policy 5.11 of Appendix 1). A representative of Environmental Health is to be present to discuss the available options.

- 1.6 The Licensing Board, in reviewing its policy statement, must have regard to the Scottish Executive's Guidance for Licensing Boards and Local Authorities, April 2007. Section 2 on Statements of Licensing Policy is attached for information as Appendix 3 to this Report. It should be noted that the Guidance is, in part, out of date. Reference is made to the policy statement being for every three years. That period has now changed as set out in paragraph 1.1, above. The Guidance is to be updated by the Scottish Government. Section 2 has been revised but has not been made public and has not been through the necessary parliamentary approval process. Appendix 3 therefore remains relevant.
- 1.7 The Board are also entitled to take into account their knowledge and experience in licensing matters and their local knowledge when reviewing the licensing policy statement.
- 1.8 Once the Board has decided on the items of its Draft Licensing Policy Statement, that will then be issued for public consultation. It is intended to issue the consultation shortly after this meeting to allow for approximately 6-8 weeks consultation up to Friday 3 August 2018. Any responses received will be reported back to the Board for a final decision to be taken on the content of the next licensing policy statement.
- 1.9 It should be noted that once public consultation takes place, new or substantially revised policies cannot be put forward as they have not been consulted upon. Minor revisions may be possible. The Board may also not proceed with proposed policies when finalising the policy statement.

## **2. PROPOSALS**

- 2.1 The purpose of this report is to provide sufficient information to enable the Board to decide on the terms of a Draft Licensing Policy Statement. It is proposed that the Board considers Appendices 1, 2 and 3. The Board can seek clarification on any matter.

## **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 The Board is requested to:

- (i) Consider the terms of Appendices 1, 2 and 3;
- (ii) Decide the terms of its Draft Licensing Policy Statement.

**Author(s)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Signature</b>
Lisa Simpson	Clerk to Perth and Kinross Licensing Board	
<b>Date</b> 23 May 2018		

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

- 1.1 This Report relates to the review of the Board's Licensing Policy Statement. A new policy statement will affect the Board's decision making in the future and affect premises licence holders, neighbours to those premises, and to the public generally.

### 2. Resource Implications

#### 2.1 Workforce

Further time and resources will be required to advance the review of the licensing policy statement. Although significant, those time and resources will be absorbed within existing resources.

### 3. Assessments

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using the Integrated Appraisal Toolkit and have been assessed as **Yes – completely true** for the purposes of EqIA.

### 4. Consultation

- 4.1 Internal consideration of this Report has taken place within Licensing. External consideration of the Licensing Policy Statement has also taken place with Perth and Kinross Licensing Forum. In the future, public consultation will take place on the draft licensing policy statement.

## **5. Communication**

- 5.1 Consultation will take place direct to those listed as consultees. Public consultation will also be undertaken by placing the Draft Licensing Policy Statement on the Board's webpages. A Press Release will also be prepared to assist in notifying the public of the consultation.

## **2. BACKGROUND PAPERS**

- Licensing (Scotland) Act 2005
- Scottish Government Guidance for Licensing Boards and Local Authorities, April 2007

## **3. APPENDICES**

- 1 Perth and Kinross Licensing Board Policy Statement 2013-2018 incorporating issues and comments for next licensing policy statement.
- 2 Environmental Health Review of Noise Policy.
- 3 Scottish Government Guidance for Licensing Boards and Local Authorities, April 2007, Section 2.