

Renfrewshire Council

To: Renfrewshire Licensing Board

On: 18th June 2018

**Report
by
Clerk to the Licensing Board**

Annual Functions Report 2017-2018

1. Summary

The purpose of this report is to advise the Board of a new requirement to prepare and publish an annual report setting out how the Board has carried out its functions. The Board is also asked to approve the draft Annual Functions Report at Appendix 1 as suitable for publication.

2. Background

2.1 Section 56(2) of the Air Weapons and Licensing (Scotland) Act 2015 introduced a new Section 9A into the Licensing (Scotland) Act 2005 ("the 2005 Act") which requires the Licensing Board, on an annual basis, to publish an Annual Functions Report. The report must contain information in relation to the preceding financial year to 31st March, including:

- (i) An explanation as to how the Board has had regard to the licensing objectives;
- (ii) An explanation as to how the Board has had regard to its policy statement and any supplementary policy statement (including its overprovision assessment);
- (iii) A summary of the decisions made by, or on behalf of the Board; and
- (iv) Information about the number of licences held under the 2005 Act in the Board's area, including occasional licences.

2.2 The report may also contain other information about the exercise of the Board's functions, at the Board's discretion.

2.3 The Annual Functions Report for the financial year to 31st March 2018 requires to be published by 30th June 2018.

2.4 The Board's approval of the Annual Functions Report at Appendix 1 is now sought to enable the above requirement to be met.

3. Recommendations

It is recommended that the Board –

3.1 Agree publication of the report attached at Appendix 1.



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Kenneth Graham
Clerk to the Licensing Board

APPENDIX 1

RENFREWSHIRE LICENSING BOARD

Licensing (Scotland) Act 2005

**Annual Functions Report
2017-2018**

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1. INTRODUCTION

1.1 This Annual Functions Report has been prepared by Renfrewshire Licensing Board (the "Board") in terms of Section 9A of the Licensing (Scotland) Act 2005 (the "Act"). The Act requires this report to include the following:

1. A statement explaining how the Board has had regard to –
 - a. The licensing objectives; and
 - b. Their licensing policy statement (and supplementary licensing policy statement) in the exercise of their functions under the Act during the financial year.
2. A summary of the decisions made by (or on behalf of) the Board during the financial year; and
3. Information about the number of licences held under the Act in the Board's area (including occasional licences).

The Board may also include other information about the exercise of the Board's functions as the Board considers appropriate.

1.2 This Annual Functions Report has been prepared for the financial year 2017-2018.

2. BACKGROUND INFORMATION

2.1 When undertaking its functions, the Board has regard to the Licensing Objectives and to its own Statement of Licensing Policy. The Board last published a full Statement of Licensing Policy in 2013, as required under the terms of the Act, and published a Supplementary Statement of Licensing Policy in relation to overprovision of licensed premises in August 2015.

2.2 The Act sets out the Licensing Objectives which are:

- Preventing crime and disorder;
- Securing public safety;
- Preventing public nuisance;
- Protecting and improving public health; and
- Protecting children and young persons from harm.

3 SUMMARY OF DECISIONS AND INFORMATION ABOUT LICENCES HELD

3.1 Under the Board's current Statement of Licensing Policy, matters which are dealt with at a meeting of the Board are:

- Premises licence applications;
- Major variations to premises licences;
- Application for transfer of a premises licence where the applicant has been convicted of a relevant offence or a foreign offence;
- Personal licence application or renewal where the applicant has been convicted of a relevant offence or a foreign offence;
- Reviews of premises licences and personal licences;
- Closure orders; and

3.2 Refusing an application for confirmation of a provisional premises licence. The Clerk and the Depute Clerks have delegated authority to determine applications which do not fall into the above categories provided that there are no objections or representations received from the Chief Constable or other consultees and the application is within policy hours. If there is an objection or representation to an occasional licence or an extended hours application, or if the hours sought are outwith the policy hours, then the application will be considered by two members of the Board. In practice, one of the members who determines the application is usually the Convener of the Board.

3.3 These delegated powers ensure that the Board provides an efficient and cost effective service to all those involved in the licensing process. At the same time, the delegated powers are limited to ensure that any potentially controversial applications are appropriately scrutinised by members of the Board while having due regard to the Licensing Objectives and the Board's Statement of Licensing Policy.

3.4 A summary is provided in Annex 1 of licences (including occasional licences) held in the financial year 2017-2018 and the number of licensing applications considered, and the decisions made in relation to them.

3.5 Seven premises licence applications were considered and granted during the financial year 2017-2018.

3.6 Nine applications for review of a premises licence were considered by the Board. Having regard to the five Licensing Objectives, the Board took action on three occasions. One licence holder was given a written warning, one premises licence was suspended and the third was revoked.

- 3.7 The Board refused two applications for personal licences. On both occasions the Board received information from the Chief Constable. The Board refused the applications relative to the licensing objective of preventing crime and disorder.
- 3.8 Three reviews of personal licences were considered by the Board. The Board took action in two of these matters. One licence holder was suspended for a period of six months, being the maximum period of suspension under the Act, and one personal licence was endorsed. Both of these decisions related to the licensing objective of preventing crime and disorder.
- 3.9 Occasional licence applications and extended hours applications are frequently referred to two Board members, as provided in the Board's Statement of Licensing Policy, due to representations or objections from the Police or the Board's Licensing Standards Officers, or where the hours sought are outwith the terms of the Board's Statement of Licensing Policy. This has resulted in the Board attaching additional conditions to licences or restricting the hours applied for.
- 3.10 The current Statement of Licensing Policy, as amended by the Supplementary Statement of Licensing Policy, provides that the Board has determined that Paisley Town Centre is overprovided in respect of "Liquor or Pub Type Premises", being pub type premises used wholly or predominantly for the sale of alcohol. Restaurant, hotel and nightclub premises are not covered by the current overprovision policy. In the financial year 2017-2018, the only applications for on sales premises licences granted in this area were premises considered by the Board to be cafe or restaurant type venues rather than a traditional pub type premises.
- 3.11 When considering any application for a premises licence outwith the declared overprovision area in Paisley Town Centre, the Board always identifies the locality in which the premises are situated and whether that locality is overprovided. In the financial year 2017-2018, to assist the Board in determining localities for individual applications, a bespoke mapping system was used to allow the Board members to consider the number and type of premises within an area (and their capacities). Like all relevant considerations, overprovision is an issue deliberated carefully by members of the Board. For example, an application in the financial year 2017-2018, for proposed premises outwith the Board's overprovision area, was granted by a majority of four to three Board members, with the three members of the Board voting that the locality was overprovided in relation to off sales premises.

3.12 In September 2017, the Board approved a policy to allow extended hours for the festive period 2017/2018. Prior to approving the additional hours, the Board consulted with the membership of Renfrewshire Licensing Forum. Following the adoption of these extended hours, no complaints were received by the Board in relation to the operation of any premises' use of the extended hours.

4. LICENSING POLICY STATEMENT (AND SUPPLEMENTARY STATEMENT)

4.1 The Board had regard to the terms of its licensing policy statement in considering applications and reaching decisions under the Act in the financial year 2017-2018. All decisions were made in accordance with the Scheme of Delegation set out in the Board's Statement of Licensing Policy. As stated above, applications requiring to be considered by the Board were referred to a hearing before the full Licensing Board and occasional and extended hours applications outwith the terms of the Board's policy, or where adverse comment had been received, were referred to two Members of the Licensing Board for a decision.

4.2 All applications for premises licences considered in the financial year 2017-2018 were for hours in accordance with the Board's Statement of Licensing Policy. In relation to occasional licence and extended hours applications, Members of the Licensing Board considered applications referred to them on their individual merits, balancing the terms of the Statement of Licensing Policy and the submissions received, with appropriate consideration of the licensing objectives.

4.3 In relation to the assessment of overprovision in the Board's Statement of Licensing Policy, the only applications for on sales premises licences granted in the declared overprovision area were premises considered by the Board to be cafe or restaurant type venues rather than pub type premises, as stated at Paragraph 3.10 above.

4.4 The Board agreed festive hours for the financial year 2017-2018, as stated at Paragraph 3.12 above. This is in accordance with Paragraph 15.4 of the Board's current Statement of Licensing Policy, which sets out the Board's practice of permitting longer licensed hours over the festive period.

4.5 The Board is currently carrying out a consultation on the review of its Statement of Licensing Policy. An initial, informal consultation was undertaken during the period from December 2017 to February 2018. The Board consulted with a wide range of stakeholders during this process in addition to those required to be consulted in terms of the Act. This approach was adopted to encourage interested parties and local communities to have a role in setting the policy for the area of Renfrewshire. A full list of these initial consultees is attached as Annex 2.

5. FURTHER ACTIONS OF THE BOARD RELATING TO THE LICENSING OBJECTIVES

- 5.1 Prior to taking part in proceedings of the Board, all members completed mandatory training for Licensing Board members in terms of the Act.
- 5.2 In addition to this, seven members of the Board attended an event hosted by Renfrewshire Alcohol and Drug Partnership in summer 2017. At this event, Board members heard various presentations from Police Scotland and health professionals and took part in interactive exercises and discussions. This gave members an insight into a number of alcohol-related issues: for example, the work of addiction nurses.
- 5.3 Members of the Board also attended a licensing seminar hosted by Police Scotland in late 2017. Councillor Andy Steel, Convener of the Licensing Board, opened this seminar.
- 5.4 The Convener, along with a Depute Clerk to the Board, also attended a major licensed event in summer 2017 which had received an occasional licence for the sale of alcohol. The purpose of this visit was to ensure that the event was being operated safely and in accordance with the five licensing objectives. The Convener had the opportunity to meet with a variety of licensing stakeholders in addition to the police and the event organisers.
- 5.5 The Licensing Forum has not always achieved a quorum at recent meetings. Accordingly, the Board's officers assisted with arrangements which were made to change the constitution of the Forum. The new constitution of the Forum should assist it to carry out its statutory functions of reviewing the operation of the Act and, in particular, the exercise by the Board of their functions.
- 5.6 In the financial year 2017/2018, the Board's Licensing Standards Officers continued to provide guidance and information to interested persons and to supervise compliance by licence holders with the Act.
- 5.7 The role of the Licensing Standards Officers also includes providing mediation for the purpose of avoiding or resolving disputes. The Licensing Standards Officers in the financial year 2017-2018 successfully mediated a situation between the holder of a premises licence and a member of the public who reported an incident of public disorder. Following the intervention of the Licensing Standards Officers, the issues in relation to the premises were resolved with agreed preventative measures being put in place and in the circumstances the member of the public did not pursue a review of the premises licence.

- 5.8 The Board's officers also worked with organisations such as Guide Dogs Scotland and the local Disability Access Forum to encourage improved accessibility to licensed premises and to enhance the wellbeing of customers in licensed premises as part of the Board's commitment to equality.
- 5.9 The Board's officers undertook various training courses and attended other events in the financial year 2017-2018 for the purposes of their continuing professional development and joint working initiatives.

6. CONCLUSION

- 6.1 The Board is satisfied that, in all decisions taken in the financial year 2017-2018, the Board and its officers have had regard to the Licensing Objectives and the Board's Statement of Licensing Policy in exercise of their functions under the Act. The Board has taken firm action when necessary for the purposes of the Licensing Objectives. At the same time, the Board is willing to encourage and support the licensed trade to maintain good practice in their premises for the benefit of the people of Renfrewshire.
- 6.2 The Board acknowledges the changing nature of the licensing landscape. Board Members and officers appreciate that they must continue to meet the challenges brought by changes to licensing law. An example of the challenges to be faced in the financial year 2018-2019 is the introduction of the minimum unit pricing of alcohol in Scotland. Board Members were briefed on the implications of this legislation during the financial year 2017-2018, while officers committed to a programme of enforcement in anticipation of minimum unit pricing being introduced. An update in relation to the implementation of minimum unit pricing will be provided in the Annual Functions Report for 2018-2019.

Annex 1- Annual Functions Report: 2017-2018

Premises Licence Statistics	
Licences held- as at 31 March 2018	435
(a) on license only	108
(b) off license only	139
(c) both	188
Applications refused during 2017-2018	0
Applications granted during 2017-2018	7
Applications for review of premises licence during 2017-2018 resulting in:-	
(a) written warning	1
(b) variation	0
(c) suspension	1
(d) revocation	1
(e) no action	6
Occasional Licence Statistics	
Number of Occasional Licences granted during 2017-2018	482
Personal Licence Statistics	
Personal Licences in Force- as at 31 March 2018	1378
Applications- decisions during 2017-2018	
(a) refused	2
(b) granted	138
Personal Licence Reviews- during 2017-2018	
(a) endorsement	1
(b) suspension	1
(c) revocation	0
(d) no action	1
Revocations of personal licences during 2017-2018 under section 87(3) (failure to provide evidence of having undertaken refresher training)	66

Annex 2- List of Consultees for Initial, Informal Consultation on Licensing Policy Statement

1. Police Scotland
2. NHS Greater Glasgow and Clyde
3. Renfrewshire Health and Social Care Partnership
4. Renfrewshire Alcohol and Drug Partnership
5. Renfrewshire Licensing Forum
6. Renfrewshire Council Chief Executive
7. All Renfrewshire Council Directors
8. Renfrewshire Council Head of Policy and Commissioning
9. Renfrewshire Council Head of Planning and Housing Services
10. Scottish Fire and Rescue Service
11. Community Planning Partnership
12. Renfrewshire Community Safety Hub
13. All Renfrewshire Councillors
14. All Renfrewshire premises licence holders
15. All Renfrewshire personal licence holders
16. Members of the Scottish Youth Parliament (per Fiona Taylor)
17. Renfrewshire Youth Voice (per Fiona Taylor)
18. All Community Councils
19. All Local Area Committees
20. Alcohol Focus Scotland
21. Engage Renfrewshire
22. Scottish Beer and Pub Association
23. Scottish Licensed Trade Association
24. Renfrewshire Licensing Standards Officers
25. Margaret Dymond
26. Licensing Practitioners

