

**Renfrewshire Council**

**To: Renfrewshire Licensing Board**

**On: 30<sup>th</sup> November 2020**

**Report  
by  
Clerk to the Licensing Board**

**Annual Functions Report 2019-2020**

**1. Summary**

- 1.1 The purpose of this report is to seek approval of the draft Annual Functions Report at Appendix 1 as suitable for publication.

**2. Background**

- 2.1 Section 9A of the Licensing (Scotland) Act 2005 (“the Act”) requires that the Licensing Board, on an annual basis, publish an Annual Functions Report. The Board’s first Annual Functions Report required to be published in 2018, for the financial year 2017- 2018, with subsequent reports due annually thereafter.
- 2.2 The report must contain information in relation to the preceding financial year to 31<sup>st</sup> 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.
- 2.3 The report may also contain other information about the exercise of the Board’s functions, at the Board’s discretion.

- 2.4 The Annual Functions Report normally would have required to be published by 30<sup>th</sup> June 2020. However, where, for a reason relating to coronavirus, the Board could not meet that timescale, temporary and emergency changes to the Act currently allow until 31<sup>st</sup> December 2020 for the preparation and publication of the report. As Members of the Board are aware, no meetings of the Licensing Board were able to take place from March this year until after the summer recess.
- 2.5 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**

- 3.1 It is recommended that the Board agree publication of the report attached at Appendix 1.

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Kenneth Graham  
Clerk to the Licensing Board

# **RENFREWSHIRE LICENSING BOARD**

## **The Licensing (Scotland) Act 2005**

### **Annual Functions Report 2019-2020**

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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 statementin 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 2019-2020.

## **2. BACKGROUND INFORMATION**

- 2.1 When undertaking its functions, the Board has regard to the Licensing Objectives under the Act and to its own Statement of Licensing Policy. The Board published its current Statement of Licensing Policy, as required under the terms of the Act, in November 2018.

- 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 Act and 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; or where a notice recommending refusal or other information is provided by the Chief Constable;
- Personal licence applications or renewals where there is a recommendation for refusal from the Chief Constable;
- Reviews of premises licences and personal licences;
- Closure orders; and
- Refusal of any application for confirmation of a provisional premises licence.

3.2 The Clerk and Depute Clerks have delegated authority to determine most of the applications which do not fall within 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. Further information on the Board's decision-making framework is set out in the Board's Statement of Licensing Policy at Paragraphs 5.3 to 5.7.

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 Renfrewshire in the financial year 2019-2020 and the number of licensing applications/ reviews considered, and the decisions made in relation to them.

- 3.5 Eight premises licence applications were received during the financial year 2019-2020. The number of premises licence applications, including provisional premises licence applications, considered at a meeting of the Board within the same period was nine. Eight of these were granted and one was refused. The refusal was on grounds of overprovision of off-sales premises within the locality, as identified by the Board when considering the application.
- 3.6 However, in the case of a number of these applications, the Board granted the licence sought subject to local conditions. In relation to six of the eight applications which were granted, the Board imposed the conditions set out in the Board's Statement of Licensing Policy relating to alcohol deliveries. The Board considered these policy conditions necessary for the licensing objective of protecting children and young persons from harm. In respect of another two applications, the Board imposed conditions relative to the management of outdoor drinking areas and restricting their hours of operation, with a view to preventing crime and disorder and public nuisance and securing public safety.
- 3.7 In addition to applications for proposed new licensed premises, the Board also considered a number of applications for variation of premises licences. In relation to one of these applications, the Board refused to allow a new external area to be licensed, due to concerns that doing so would imperil various licensing objectives. In relation to three other variation applications, the Board attached to the licences the local conditions set out in its Statement of Licensing Policy relating to alcohol deliveries mentioned at Paragraph 3.6 above. The Board attached these conditions as necessary for the licensing objective of protecting children and young persons from harm. In considering four further applications for variation, the Board attached miscellaneous conditions, including in one case conditions relating to the management of an outdoor drinking area and, in the other cases, conditions to ensure that premises whose business operation was changing would continue to operate in accordance with the licensing objectives. Further information in relation to these applications is detailed at Paragraph 4.5 below.
- 3.8 With the exception of review hearings in relation to unpaid annual fees, only two premises licence reviews were heard during 2019/20. In one of these, the Board found the grounds for review established but were of the view that no steps required to be taken with regard to the licence as necessary or appropriate for the purposes of any of the licensing objectives. The other review referred to above was not completed by the end of the financial year. Eight review applications relating to payment of annual fees were considered and dealt with by way of a range of actions, according to their individual circumstances.
- 3.9 Three reviews of personal licences were considered by the Board. In one of these, grounds for review were established but the Board considered that no action should be taken against the personal licence holder. In respect of the

other two, the Board revoked the personal licences following consideration of concerns raised by Police Scotland. In one of these decisions, the licensing objectives of preventing crime and disorder and securing public safety were engaged; in the other, both of these licensing objectives, and also the preventing public nuisance licensing objective, were engaged.

- 3.10 Occasional licence applications and extended hours applications were frequently referred to two Board members during 2019/20, 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, including where the hours sought were outwith the terms of the Board's Statement of Licensing Policy. This resulted in the Members attaching additional conditions to licences or restricting the hours applied for in a number of cases.

#### **4 LICENSING POLICY STATEMENT**

- 4.1 The Board completed the review of its current Statement of Licensing Policy ("Statement") in November 2018.

- 4.2 In its Statement, the Board considers 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 excluded from this policy. The Board's current Statement also provides, amongst other things, for local conditions relating to deliveries of alcohol which provide additional safeguards to protect children and young persons from harm.

- 4.3 The above overprovision policy, subject to some revisions, has been in place for a number of years and the licensed trade and their representatives are familiar with its terms. In the financial year 2019-2020, the Board did not require to consider any premises licence applications for "liquor or pub type premises" within the Paisley Town Centre overprovision area. Accordingly, no further licences have been issued within this area.

- 4.4 As stated above at Paragraphs 3.6 and 3.7, the Board attached the conditions set out in its Statement in relation to alcohol deliveries to a number of premises licences. The Board also adjusted its procedures and the supporting paperwork sent to applicants in advance of hearings to allow premises which may be providing alcohol deliveries to be identified. As a result, applicants are invited to address these policy conditions in their submissions at hearings before the Board and the conditions are attached in appropriate cases. Similarly, Licensing Standards Officers highlighted the need for such

conditions in relation to occasional licence applications, where applicable, to allow Board Members to consider attaching similar conditions to occasional licences.

- 4.5 The Board were persuaded that one licensed premises had made out a case to be an exception to its Statement relating to licensed hours. These premises provided entertainment within the Board's designated overprovision area. The Board agreed that the premises should be allowed to operate during the later hours applicable to premises providing entertainment primarily in the form of dancing. Another premises in this area sought to operate on a hybrid basis to allow them to operate during daytime hours for particular activities. The Board attached conditions in varying this licence to ensure that the variation would not undermine the Board's policy on overprovision. The Board attached additional conditions also to the licence of a third premises seeking further hours, which were in accordance with the Board's Statement. As the premises sought to operate as a nightclub during later hours (within the terms of Board policy), the Board attached its usual conditions for late opening premises in accordance with its Statement.
- 4.6 In accordance with Paragraph 15.4 of its Statement, the Board approved extended hours for the festive period 2019/2020. Paragraph 15.4 sets out the Board's practice of permitting longer licensed hours each year over the festive period. Prior to approving those extended hours, the Board consulted with Renfrewshire Licensing Forum, the Chief Constable of Police Scotland and Renfrewshire Health and Social Care Partnership. Following the operation of these extended hours, positive feedback was received from members of the local Licensing Forum.
- 4.7 The Board has otherwise had regard to the terms of its Statement in considering applications and reaching decisions under the Act in the financial year 2019- 2020. All decisions were made in accordance with the Scheme of Delegation set out in the Board's Statement covering that period. 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. In these cases, Members of the 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.

## **5. COMPLIANCE VISITS- LICENSING STANDARDS OFFICERS**

- 5.1 In the previous year, 2018/19, Licensing Standards Officers completed an extensive programme of compliance visits to off-sales premises following upon the introduction of Minimum Unit Pricing of alcohol in May 2018. The officers observed high levels of compliance at these visits. While some compliance issues were noted, these were able to be resolved quickly on an informal basis.
- 5.2 Licensing Standards Officers continued to carry out compliance visits to licensed premises in the financial year 2019/20, covering other licensing requirements as well as minimum pricing. Most of the issues identified during compliance visits related to availability of staff training records on the premises and display of notices as at the time of inspection, although there were two instances of minimum pricing requirements not being fully met. None of the issues identified at compliance visits however required to proceed to formal compliance action or a licence review.

## **6. FURTHER ACTIONS OF THE BOARD RELATING TO THE LICENSING OBJECTIVES**

- 6.1. In November 2019, a licensing seminar was hosted in Paisley by Police Scotland for members of the licensed trade. The event was supported by the Board, in both Board Member and officer attendance. The Seminar covered various aspects of alcohol licensing, relevant to crime prevention, public safety/ health issues and protecting children and young persons from harm.
- 6.2 The Board's legal officers also benefitted from other continuous professional development opportunities. They attended several national licensing conferences (including presenting at conferences by Central Law Training (CLT) and Scottish Licensing Law and Practice (SLLP)) and meetings of the Society of Local Authority Lawyers and Administrators (SOLAR) Licensing Group and the Institute of Licensing Scottish regional committee. Those committee meetings are attended by a variety of licensing stakeholders such as police, health and local authority and trade representatives. The Licensing Standards Officers attended regular networking meetings with counterparts from other Licensing Board areas.
- 6.3 In May 2019, officers and Members of the Board attended a major entertainment event at which they were able to observe joint working arrangements between the organisers of the event, Police Scotland and health/ ambulance services. Later in the year, officers and Members of the

Board undertook a site visit to premises in advance of considering a licensing application for those premises at a meeting.

- 6.4 The Board submitted a detailed response to a Scottish Government consultation on the continuing use of occasional licences. The Board expressed concerns in its response with regard to occasional licences being able to be applied for in respect of premises on an open-ended basis.
- 6.5 The Licensing Board held its annual joint meeting with Renfrewshire Licensing Forum in November 2019. Licensing Standards Officers are members of the Forum and attend the Forum's scheduled meetings throughout the year. The Depute Clerk to the Licensing Board attends Forum meetings regularly to provide updates as required. Officers of the Licensing Board also met with officers from the Health and Social Care Partnership on an ad hoc basis to discuss general licensing issues. Officers also met with new local licensing personnel from Police Scotland in early 2020.
- 6.6 The Board had been aware, during the previous financial year (2018-19), that a large number of personal licence holders would require, by the end of May 2019, to apply for renewal of their personal licences. The licensing service continued to work with the licensed trade in relation to these challenges into 2019/20 to reduce the risk of personal licences being lost (and of premises being potentially unable to trade), as well as to ensure that personal licence holders within licensed premises had undertaken the required training.
- 6.7 Officers of the Board completed a review of the Council's current byelaws prohibiting the consumption of alcohol in designated public places. The previous byelaws had been introduced in 2009 and officers identified additional geographical areas to be added to the designated areas covered by the byelaws. In particular, the new byelaws, which took effect in December 2019, included Dargavel Village as a designated place for the purpose of the alcohol consumption byelaws.
- 6.8 The Board's officers also engaged with the licensed trade to encourage and enable them to submit Disabled Access and Facilities Statements, on a voluntary basis, for online publication on the Board's web pages. Although a statutory requirement for new premises licence applications, such documentation is not a legal requirement for existing licensed premises. This voluntary initiative was introduced to increase the availability of information for disabled people in relation to licensed premises safe and suitable for their needs.

## 7. **CONCLUSION**

- 7.1 The Board is satisfied that in all decisions undertaken in the financial year 2019-2020, the Board and its officers have had regard to the Licensing Objectives and the Board's Statement of Licensing Policy in their exercise of functions under the Act. The Board has taken firm action when necessary for the Licensing Objectives. At the same time, the Board continues to encourage and support the licensed trade to maintain good practice in their premises for the benefit of the people of Renfrewshire.

## Liquor Licensing Statistics for Year 2019-20 (Period 01/04/2019 to 31/03/2020)

<b>Local Authority - Renfrewshire</b>	
<b>Premises Licence Statistics</b>	
Licences in Force on <b>31 March 2020</b> (this should equal total of a+b+c)	<b>432</b>
(a) on license only	102
(b) off license only	144
(c) both	186
Applications received during <b>2019-20</b>	
(a) on sale	1
(b) off sale	6
(c) both	1
Applications refused during <b>2019-20</b> under section 23	1
Applications granted during <b>2019-20</b> under section 23	8
Applications for review of premises licence during <b>2019-20</b> under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	5
(d) revocation	0
(e) no action	4
<b>Occasional Licence Statistics</b>	
Number of Occasional Licences granted during <b>2019-20</b>	<b>581</b>
<b>Personal Licence Statistics</b>	
Personal Licences in Force on <b>31 March 2020</b>	<b>1255</b>
Applications during <b>2019-20</b> under section 72:-	
(a) refused	0
(b) granted	406
Proceedings taken during <b>2019-20</b> under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during <b>2019-20</b> under section 84 (conduct inconsistent with licensing objectives) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	2
(d) no action	1
Proceedings during <b>2019-20</b> under section 86 (multiple endorsements) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Revocations of personal licences during <b>2019-20</b> under section 87(3) (failure to provide evidence of having undertaken refresher training)	<b>87</b>
<b>Staff employed at 31 March 2020</b>	
Number (full-time equivalent) of licensing standards officers employed	<b>1</b>