

# **MEETING OF RENFREWSHIRE LICENSING BOARD**

**MONDAY 5 SEPTEMBER 2022 at 10.00AM**

The meeting will be held by MS Teams/ Any person who wishes to attend and view the meeting may request in advance a link to join the meeting

## **AGENDA**

**Councillors Alec Leishman, Andy Steel, Bruce McFarlane, Cathy McEwan, Jamie McGuire, Janis McDonald, Jim Paterson, John Gray, Kevin Montgomery and Michelle Campbell**

**Convener – TBC**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. LICENSING (SCOTLAND) ACT 2005**

<b>Pages 1-2</b>	<b>Application for Major Variation of Premises Licence to be considered</b>
<b>Page 3</b>	<b>Application for Provisional Premises Licence to be considered</b>
<b>Page 4</b>	<b>Application for New Grant of Premises Licence to be considered</b>
<b>Page 5</b>	<b>Application for Personal Licence to be considered</b>
<b>Page 6</b>	<b>Applications for Confirmation of Premises Licence - Delegated for noting</b>
<b>Pages 7-11</b>	<b>Applications for Personal Licence – delegated for noting</b>
<b>Pages 12-16</b>	<b>Applications for Personal Licence Renewal – delegated for noting</b>

#### **4. ADMINISTRATIVE ITEMS**

- (a) Report by Clerk of the Licensing Board - Arrangements for Preparation of Statement of Licensing Policy 2022/23**
- (b) Report by Clerk of the Licensing Board - Extended Hours for the Festive Period 2022/23**
- (c) Report by Clerk of the Licensing Board - Format of Meetings**
- (d) Minute of previous meeting on 24 March 2022 to be agreed**

**RENFREWSHIRE LICENSING BOARD****Meeting 5 September 2022 at 10:00am****Licensing (Scotland) Act 2005****Variation (Major)(s) - Cite**

	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	LORD LOUNSDALE 37 LOUNSDALE ROAD PAISLEY PA2 9DU	MITCHELLS & BUTLER RETAIL LIMITED	30 May 2022	
2	LORD OF THE ISLES UNIT 21 XSCAPE BRAEHEAD KINGS INCH ROAD RENFREW	J D WETHERSPOON (SCOT) LIMITED	28 April 2022	
3	M&S SIMPLY FOOD RETAIL CONCESSION TERMINAL 1 GLASGOW AIRPORT PAISLEY PA3 2SW	SELECT SERVICE PARTNER UK LIMITED	3 May 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting 5 September 2022 at 10:00am****Licensing (Scotland) Act 2005****Variation (Major)(s) - Cite**

<b>Premises</b>		<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
4	PREMISES 2 SILK STREET PAISLEY PA1 1HG	BALJINDER SINGH C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	7 February 2022	
5	SPAR UNIT 5 BARGARRAN SHOPPING CENTRE ERSKINE PA8 6BS	C J LANG & SON LIMITED	31 May 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting 5 September 2022 at 10:00am****Licensing (Scotland) Act 2005****Provisional(s) - Cite**

<b>Provisional(s) - Cite</b>			
<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1 LINWOOD COMMUNITY TRUST 145 BREDILAND ROAD LINWOOD PA3 3RX	MOSSEDGE DEVELOPMENT LTD	16 February 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting 5 September 2022 at 10:00am****Licensing (Scotland) Act 2005****New Grant(s) - Cite**

	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	BARGA UNIT 30 PAISLEY SHOPPING CENTRE PAISLEY PA1 1XU	BEYOND RETAIL PROPERTY FUND LIMITED	22 February 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting 5 September 2022 at 10:00am****Licensing (Scotland) Act 2005****Personal Licence(s) - Cite****Applicant****Date Received****Comments**

1	KULWANT SINGH	30 January 2022	
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**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Confirmation(s) - Delegated for noting**

	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1	BEL CIBO 48A GLASGOW ROAD PAISLEY PA1 3PW	BELLA CIBO LIMITED	20 January 2022	
2	BROADWAY NEWS 11 THORN BRAE JOHNSTONE PA5 8HF	MARYAM ISLAM	11 March 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) - Delegated for noting**

<b>Applicant</b>		<b>Date Received</b>	<b>Comments</b>
1	CHRISTINE MCKELLAR	19 November 2021	
2	ELAINE FIELD	12 October 2022	
3	WILLIAM MCINTOSH	11 January 2022	
4	ALLAN STEWART	27 January 2022	
5	JAMIE ALEXANDER	26 January 2022	



**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) - Delegated for noting**

<b>Applicant</b>		<b>Date Received</b>	<b>Comments</b>
1	LAURA ANNE BRODIE	2 February 2022	
2	MARK LOVE	25 January 2022	
3	SAM WILSON BERRY	4 February 2022	
4	EDWARD ANDREW GRAY	24 February 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) - Delegated for noting****Applicant****Date Received****Comments**

1 JOANNE MARY PATERSON

20 April 2022

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) - Delegated for noting**

<b>Applicant</b>		<b>Date Received</b>	<b>Comments</b>
1	KENNETH WATSON	9 February 2022	
2	CASEY MORRISON	17 March 2022	
3	NICOLA STEWART	10 March 2022	
4	JESSICA CLAIRE REDMAN	28 March 2022	
5	LYNNEL MILLER FARROW	20 April 2022	
6	HARRY ARTHUR	22 April 2022	
7	SARAH ALAINE NOBES	22 April 2022	
8	REBECCA MCGIRR	22 April 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) - Delegated for noting**

<b>Applicant</b>		<b>Date Received</b>	<b>Comments</b>
1	KENZIE HANNAH MITCHELL	19 December 2021	
2	MARISSA JANE PETRIE	8 April 2022	
3	JENNIFER MONTGOMERY	22 April 2022	
4	TULSI RAM KHAREL	28 April 2022	
5	JACK PATTON	28 April 2022	
6	ALLAN ROBERTSON BORLAND	29 April 2022	
7	MORAG WHELAN	3 May 2022	
8	YVONNE MCGILLIVRAY	10 May 2022	
9	JOANNE PRIOR	27 May 2022	

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) Renewal - Delegated for noting**

<b>Applicant</b>		<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
10	GARY MCGUIRE		25 May 2022	
11	STEWART HUNTER		13 June 2022	

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**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) Renewal - Delegated for noting****Applicant****Date Received****Comments**

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1 SUZZANNE DUNCAN

1 February 2022

**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) Renewal - Delegated for noting**

<b>Applicant</b>		<b>Date Received</b>	<b>Comments</b>
1	JO ISABELLA WISEMAN	28 March 2022	
2	ROY HENDERSON	22 April 2022	

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**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) Renewal - Delegated for noting****Applicant****Date Received****Comments**

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1    MICHAEL ANTHONY MITCHELL

4 May 2022



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**RENFREWSHIRE LICENSING BOARD****Meeting on 5 September 2022****Licensing (Scotland) Act 2005****Personal Licence(s) Renewal - Delegated for noting****Applicant****Date Received****Comments**

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1 GEMMA JANE PATTERSON

8 June 2022

**RENFREWSHIRE LICENSING BOARD**

**Meeting 5 September 2022 at 10:00am held remotely via MS TEAMS**

- 1. Report by Clerk to the Licensing Board - Arrangements for Preparation of Statement of Licensing Policy 2022/23**
- 2. Report by Clerk to the Licensing Board - Extended Hours for Festive Period 2022/23**
- 3. Report by Clerk to the Licensing Board - Format of Meetings**

**To: Renfrewshire Licensing Board**

**On: 5<sup>th</sup> September 2022**

**Report by Clerk to the Licensing Board**

**Arrangements for Preparation of Statement of Licensing Policy 2022/23**

## **1. Introduction**

- 1.1 The purpose of this report is to advise the Board of the need to prepare a Statement of Licensing Policy and provide details of suggested timescales. The Board also requires to carry out an assessment of overprovision in the Board's area as part of the overall review of the Statement of Licensing Policy.
- 1.2 The Board is required by section 6 of the Licensing (Scotland) Act 2005 ("the Act") to publish a Statement of Licensing Policy ("the policy") setting out how it will exercise its functions. The Board must ensure that the policy seeks to promote the licensing objectives.
- 1.3 The Board's current policy was agreed on 29<sup>th</sup> October, and came into force on 4<sup>th</sup> November, both 2018. Boards are now required to ensure publication of their new policy within 18 months of local authority elections. The Board's next policy therefore requires to be published by 4th November 2023.

## **2. Background**

- 2.1 The Board must ensure that when preparing the policy it consults at least with the Licensing Forum, the Health Board and such other persons as it thinks appropriate.
- 2.2 The content of the policy is a matter for the Board, having regard to the terms of statutory guidance. It must not be inconsistent with the terms of the Act and it must seek to promote the licensing objectives.
- 2.3 In order to afford the Board an opportunity to ascertain views from as many interested parties as possible, it is suggested that the Board initially carries out an informal consultation, seeking comments from consultees on the existing policy, both in its general terms and in respect of specific areas of the policy which consultees may wish the Board to address in its updated policy. This initial, informal consultation will also enable the Board to obtain information to allow it to identify localities which may be overprovided, as relevant to the requirement to include an assessment of overprovision, as further detailed at Paragraphs 2.8 to 2.11. Thereafter, more detailed consideration of a draft, revised policy and formal consultation can follow thereon. The Board's existing Statement of Licensing Policy can be viewed at

- 2.4 It is open to the Board to give an indication as part of the initial, informal consultation as to the topics it is interested in obtaining responses upon to inform the policy review. The Board may wish to consider at this stage whether to seek views on specific issues, while generally encouraging responses to the informal consultation.
- 2.5 Following on from the informal consultation, the current policy can be revised to take account of any comments received and an updated draft policy, reflecting also any legislative changes, prepared for consideration by the Board before the formal consultation is undertaken. It is also proposed that the two stage consultation process would be an appropriate means of encouraging participation by interested parties in the overall consultation process, given the timescale available before the new policy must be published. The Board can instruct the Clerk to the Licensing Board to publish the details of the initial, informal consultation, including details of any specific topics upon which the Board seeks comments, on the Council's consultation web pages.
- 2.6 It is intended that an extensive consultation with a broad range of consultees be carried out, all to the benefit of the final version of the policy.
- 2.7 An indicative timescale for the review of the policy to be undertaken is set out below:-
- Initial, informal consultation- September to early December 2022
  - Report to Board- Early 2023 (subject to available Board dates)
  - Formal Consultation- February to May 2023 (subject to available Board dates)
  - Final draft of the revised policy to Board for approval- by October 2023
- 2.8 The Statement of Licensing Policy must include a statement by the Board as to the extent to which there is considered to be overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board's area, in terms of section 7 of the Act. The existing policy declares a locality in Paisley Town Centre to be overprovided, in respect of pub type premises used exclusively or predominantly for the sale of alcohol.
- 2.9 It is for the Board to decide on the locality/ localities, and it may now treat its entire area as a locality, or declare there is no overprovision in any locality. In considering whether there is overprovision in a locality the Board:-
- (a) Must have regard to the number and capacity of licensed premises in the locality
  - (b) May have regard to such other matters as it thinks fit, including the licensed hours of premises in the locality.

2.10 In considering overprovision, the Board must consult:-

- The Chief Constable
- The Health Board
- Such persons as the Board considers representative of holders of premises licences in the locality and persons resident in the locality
- Such other persons as the Board thinks fit

The Board is entitled to ask for statistical information to be provided by the Chief Constable, the Health Board and the Council to assist in its preparation of the new policy. Such information should assist the Board in ensuring that the policy is based on evidence that it is connected with the licensing objectives.

2.11 The Board can also request information on the numbers and capacities of licensed premises, and relevant information about those premises, to assist in identifying localities which the Board considers may present characteristics of overprovision. Following upon an initial assessment of localities, the Board will need to consult formally in relation to those localities. Following formal consultation, the Board, in assessing overprovision in any locality, must have regard to the number and capacities of licensed premises and may have regard to other matters, including the licensed hours of licensed premises in those localities.

2.12 The Board, as with the policy in general, must have regard to the terms of statutory guidance when considering its policy on overprovision. The existing statutory guidance can be accessed at <http://www.gov.scot/Resource/Doc/175487/0049459.pdf>

This guidance has not been replaced since its introduction in 2007 despite several legislative changes to the Act and case law relating to the provisions of the Act. The Scottish Government consulted on draft new guidance in 2019, but this has not yet been given the status of statutory guidance.

### **3. Recommendations**

It is recommended that the Board:-

- 3.1 Carries out an initial, informal consultation on the terms of the existing policy, and instructs the Clerk to the Board to publish details on the Council's web site;
- 3.2 Requests provision of statistical information from Police, Health Board and the Council relevant to the licensing objectives, to assist preparation of the new policy;
- 3.3 Requests information from the Council, about the extent of licensed

premises and relevant information about those premises, to assist in any assessment of overprovision.

A handwritten signature in black ink, appearing to be 'Mark Conaghan', written over a light blue rectangular background.

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Mark Conaghan  
Clerk to the Licensing Board

**To: Renfrewshire Licensing Board**

**On: 5 September 2022**

**Report by Clerk to the Licensing Board**

**Extended Hours for the Festive Period 2022/2023  
under the Licensing (Scotland) Act 2005**

**INTRODUCTION**

**1. Policy**

It has been the normal practice of the Renfrewshire Licensing Board to make a policy for extended hours for the festive period. In previous years, this policy was considered at the Board's October quarterly meeting under the Licensing (Scotland) Act 1976 regime and a similar practice has continued under the Licensing (Scotland) Act 2005.

The Board has in terms of its current Statement of Licensing Policy at Paragraph 15.4 set out the following:-

"The Board has an existing practice permitting longer licensed hours over the festive period and that will continue to be the case. The festive period for the purposes of this aspect of the policy will be determined by the Board on an annual basis."

Accordingly, the Board now require to determine the festive period for such longer licensed hours to apply for the festive period 2022/2023.

It should be noted that many premises licence holders when making an application for a premises licence to the Board included within the Seasonal Variations section of their applications a reference to the hours to be determined by the Board in respect of their festive policy to be applied to their licences as a seasonal variation. Accordingly, such licence holders will not require to make further application to the Board for "extended hours" to cover the festive period determined by the Board. Other licence holders who have not included a seasonal variation in their operating plans are required to submit separate applications for extended hours.

**2. Consultation on Festive Policy**

The views of the Local Licensing Forum, Police Scotland, Renfrewshire Health & Social Care Partnership and the Council's Community Safety Resilience and Deployment Manager were sought.

Due to the next meeting of the Forum not being until late August, officers sought views from the members of the Forum individually as to what should be agreed by way of a festive hours policy for 2022/23. Responses were received from a resident member of the Forum, Police Scotland and the Council's Community Safety Resilience and Deployment Manager who are all in support of festive hours similar to those agreed for 2021/2022.

However, the response from the Renfrewshire Health & Social Care Partnership recommended that the festive period be from Friday 16<sup>th</sup> December 2022 to Monday 2<sup>nd</sup> January 2023 inclusive and that premises may apply for one additional hour than normal licensed hours during the festive period. Renfrewshire Health & Social Care Partnership further proposed that if the Board were not minded to adopt their recommended proposals, as a minimum, they would wish to work with the Board, Hospitality Trade and other partners to implement a local Festive alcohol awareness campaign within all premises who utilise the Board's Festive hours policy for 2022/2023. A copy of their response is included in this report as Appendix 1.

Having regard to Paragraph 15.4 of the Board's Statement of Licensing Policy as set out at Paragraph 1, previous festive policy hours and the views of the membership of Renfrewshire Licensing Forum, the Board will require to determine if they wish a similar festive policy to 2021/2022. The proposed festive hours set out below reflect the hours allowed by the Board for the festive period 2021/2022.

### **3. Proposed Festive Policy Hours**

If the Board so determine, it is proposed that the extended hours for the festive period 2022/2023 are as follows:-

"Festive Period" to be defined as the period (i) from Friday 9<sup>th</sup> December 2022 to Saturday 10<sup>th</sup> December 2022, inclusive and (ii) Friday 16<sup>th</sup> December 2022 to Monday 2<sup>nd</sup> January 2023 inclusive and the proposed policy hours are set out below.

References to the terminal hour below are to the last hour's trading on any day affected by the proposed policy and shall be construed so that the terminal hour stated will be on the morning immediately after the trading date shown, so that the terminal hour stated for Sunday 18<sup>th</sup> December 2022 in respect of on sale premises (including registered clubs) other than those with the primary purpose of offering entertainment in the form of dancing is 1am on Monday 19<sup>th</sup> December 2022.

#### **All Licensed on sale premises (including registered clubs), except premises the primary purpose of which is to offer entertainment in the form of dancing**

##### **Terminal Hour – 1.00am**

Sunday 18<sup>th</sup>, Monday 19<sup>th</sup>, Tuesday 20<sup>th</sup>,  
Wednesday 21<sup>st</sup>, Thursday 22<sup>nd</sup>, Sunday 25<sup>th</sup>,  
Monday 26<sup>th</sup>, Tuesday 27<sup>th</sup>, Wednesday 28<sup>th</sup> and



Thursday 29<sup>th</sup> all December 2022 and Sunday 1<sup>st</sup> and Monday 2<sup>nd</sup> January 2023.

**Terminal Hour – 2.00 am**

Friday 9<sup>th</sup>, Saturday 10<sup>th</sup>, Friday 16<sup>th</sup>, Saturday 17<sup>th</sup>, Friday 23<sup>rd</sup> and Friday 30<sup>th</sup> all December 2022.

**Terminal Hour – 3.00 am**

Saturday 24<sup>th</sup> December 2022 and Saturday 31<sup>st</sup> December 2022.

**On Sales Premises, the primary purpose of which is to offer entertainment in the form of Dancing**

**Terminal Hour – 3.00 am**

Sunday 18<sup>th</sup>, Monday 19<sup>th</sup>, Tuesday 20<sup>th</sup>, Wednesday 21<sup>st</sup>, Thursday 22<sup>nd</sup>, Sunday 25<sup>th</sup>, Monday 26<sup>th</sup>, Tuesday 27<sup>th</sup>, Wednesday 28<sup>th</sup> and Thursday 29<sup>th</sup> all December 2022 and Sunday 1<sup>st</sup> and Monday 2<sup>nd</sup> January 2023.

**Terminal Hour 4.00 am  
Where premises are  
Members of Paisley Town  
Centre Radio Link**

Friday 9<sup>th</sup>, Saturday 10<sup>th</sup>, Friday 16<sup>th</sup>, Saturday 17<sup>th</sup>, Friday 23<sup>rd</sup> and Friday 30<sup>th</sup> all December 2022

**Terminal Hour – 4.00am**

Saturday 24<sup>th</sup> December 2022 and Saturday 31<sup>st</sup> December 2022.

**4. Last Date for Applications**

As indicated previously at Paragraph 1, a number of licence holders have included the Board's festive policy hours in their operating plans and no further application is required. In relation to those licence holders who will require to submit extended hours applications, it is proposed that such applications be submitted at least 28 days in advance of the first date applied for to allow for the timeous processing of applications.

**5. Requirement for Notification**

It has been the Board's practice for the last six years that all premises licence holders who had provided in their operating plans for a seasonal variation, in relation to the festive hours, advise both Police Scotland and Renfrewshire Licensing Board of the dates on which they intended to utilise their seasonal hours. It is proposed that similar notification be given by those licence holders by Thursday 1<sup>st</sup> December 2022.

Intimation can be made via email to the following:-

Police Scotland - RenfrewshireInverclydeLicensing@scotland.pnn.police.uk

Renfrewshire Licensing Board - enforcement.licensing.cs@renfrewshire.gov.uk

## **6. Recommendations**

6.1 It is recommended that:-

6.1.1 The Board agree that there be extended hours for the festive period having regard to its position as set out at Paragraph 15.4 of the Statement of Licensing Policy which indicates that the current policy of allowing longer licensed hours over the festive period will continue;

6.1.2 Thereafter, the Board approve the proposed hours and dates detailed in this Report for the festive period, or such other hours as the Board considers appropriate, and authorise the Clerk to take such steps as required to advise appropriate individuals and organisations of this year's festive policy;

6.1.3 The Board agree, in cases where premises licence holders have the benefit of festive hours included in their Operating Plans, that those licence holders require to advise the Board and Police Scotland no later than 1<sup>st</sup> December 2022 of the dates they intend to utilise their seasonal hours during the festive period;

6.4 The Board agree in cases where licence holders have not included the Board's festive policy in their operating plans that extended hours applications will be required. Such applications should be made at least 28 days in advance of the first date for which extended hours are sought.



.....  
Mark Conaghan  
Clerk to the Licensing Board

Date: 15.7.22  
 Our Ref:  
 Your Ref:  
 Enquiries: Jim McSorley  
 Email: [James.Mcsorley@ggc.scot.nhs.uk](mailto:James.Mcsorley@ggc.scot.nhs.uk)  
 Tel: [REDACTED]

Depute Clerk to the Licensing Board  
 Licensing Section  
 Finance & Corporate Services  
 1st Floor, North Wing  
 Renfrewshire House  
 Cotton Street  
 Paisley  
 PA1 1TT

Dear Sir/Madam,

**SUBJECT: Festive Hours Policy 2022/23**

Thank you for the opportunity to comment on the proposed terminal hours for the festive period 2022/23.

The HSCP seeks to ensure that the licensing objectives, as set out within Section 4 of the Licensing (Scotland) Act 2005 are given due consideration. I would ask the Licensing Board to revise the total additional hours similar to those adopted in neighbouring West Dunbartonshire. I recommend:

- Festive period from Friday 16<sup>th</sup> December 2022 to Monday 2<sup>nd</sup> January 2023 inclusive.
- Premises may apply for one additional hour than normal licensed hours during the festive period.

Alcohol continues to be a major factor impacting on the health and wellbeing for the population of Renfrewshire with recent data showing alcohol related deaths rate in Renfrewshire are 19% above the Scottish average at 7.3 (3-year aggregate rate per 10,000 population). Similarly, alcohol related hospital admissions are also above 14% the Scottish average at 76.5 (per 10,000 population).<sup>i</sup>

A programme established to monitor the effectiveness of Scotland's Alcohol Strategy (MESAS) showed that in 2018 the majority of alcohol harm experienced is due to the large number of people consuming alcohol above the guidelines on a regular basis. The 2017/18 Renfrewshire Adult Health and Wellbeing Survey found this to be true of our population with 47% of those who drank alcohol in Renfrewshire doing so at levels above the Governments recommended guidelines.

If adopting a similar policy to 2021/22 the proposed festive terminal hours for 2022/23 could see over 50 additional hours over 24 days during December and January relating to on sales availability. This is incongruent with the work undertaken throughout the year by Renfrewshire Alcohol and Drug Commission, Renfrewshire HSCP and Renfrewshire Alcohol and Drug Partnership to minimise the harm caused by alcohol.

Renfrewshire HSCP also recognise the impact the COVID 19 pandemic has had on the Hospitality trade and the importance that the festive period has for them. Should the Board decide not to adopt the additional hours we have suggested, as a minimum, we would look to

work with the Board, Hospitality Trade and other partners to implement a local Festive alcohol awareness campaign within all premises who utilise the Boards Festive hours policy for 22/23.

The HSCP hope that this approach can encourage people to drink in moderation during the festive period. This in turn can help to minimise the impact of alcohol harm during the festive season within Renfrewshire.

Yours faithfully,

**Frances Burns**  
**Head of Strategic Planning and Health Improvement**

<sup>i</sup> SMR01, Public Health Scotland 2021 SMR01, Public Health Scotland 2021  
NHS Health Scotland, MESAS Monitoring Report 2018

**To: Renfrewshire Licensing Board**

**On: 5<sup>th</sup> September 2022**

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

### **Format of Meetings**

#### **1. Introduction**

- 1.1 The purpose of this report is to advise the Board of changes to the Licensing (Scotland) Act 2005 (“the 2005 Act”), which will take effect on 1<sup>st</sup> October 2022, regarding the format of meetings of, and hearings before, the Board.

#### **2. Background**

- 2.1 Section 133 of the 2005 Act provides that any hearings under that Act should take place at a meeting of the Board. Under the terms of Paragraph 12(2) of Schedule 1 to the Act, meetings of the Licensing Board require to be held in public.
- 2.2 Following the national lockdown in March 2020, temporary and emergency legislation was passed which modified the above legislation by adding provisions to allow meetings to take place remotely. This modification allowed the Board to determine that a hearing could not be held in person, or at a meeting of the Board, because of a reason relating to coronavirus. In these circumstances, the Board required to give those entitled to attend a hearing the choice as to whether they wished to attend by means of telephone, videoconferencing (where available) or by lodging written submissions (including email).
- 2.3 The above modification was introduced as a temporary measure due to the coronavirus emergency and remains in place, for now, but will come to an end on 30<sup>th</sup> September 2022. New licensing provisions, however, will come into force on 1<sup>st</sup> October 2022 allowing hearings to take place by remote or hybrid means. These (“the new provisions”) are contained within Section 32 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”), which amends the 2005 Act on a permanent basis, and are summarised below.

#### **3. The New Provisions**

- 3.1 The new provisions in the 2022 Act will allow the Board to determine that hearings be held: (a) in person; (b) by remote facilities (which could cover

participation by audio only); or (c) a combination of these, i.e., by hybrid means. However, in deciding how a hearing is to be held, the Board will require to take account of any views given on this issue by a person intending to participate in a hearing.

- 3.2 The new provisions will also supplement the paragraph of the 2005 Act which requires meetings of Licensing Boards to be in public. They will allow the Board to determine whether a meeting is to be held in person, by remote facilities or by hybrid means. In doing so, the Board will similarly require to take account of any views given on that issue by persons intending to participate in a meeting. If the Board decides to hold a meeting through remote facilities, the Board will be able to comply with the requirement to hold meetings in public, by enabling the public to observe the meeting through the use of remote facilities (for example, by making a web link to the meeting publicly available).

#### **4. Considerations for the Board**

- 4.1 While the Board will require to take account of the views of intended participants regarding the format of any meeting, and of any hearing at a meeting, the final decision on these matters will be for the Board.
- 4.2 Under the terms of the current, temporarily modified, 2005 Act, officers already seek the views of parties before inviting them to the Board as to how they wish to attend hearings. Given the terms of the new provisions, officers will continue to consult with parties, albeit in accordance with the new provisions after they are commenced on 1<sup>st</sup> October 2022.
- 4.3 Currently, five meetings of the Licensing Board are scheduled each year, with additional meetings being arranged as required. The new provisions will require, prior to the format of any future meeting being determined, an opportunity for participants to provide their views on the above matters. As such, it is recommended that the Board agree new delegated powers to the Clerk and Depute Clerks, following consultation with the Convener, to determine (i) the format of any meeting of the Board; and (ii) of any hearing to be held at a meeting, as recommended at Paragraph 5.1 below. It is the view of officers that the recommended delegated powers are necessary to facilitate the efficient management of future meetings of the Board.

#### **5. Recommendations**

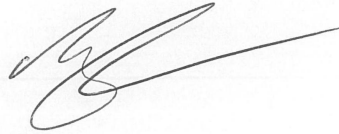
It is recommended that the Board:-

- 5.1 Agree to delegate authority to the Clerk to the Board and Depute Clerks, following consultation with the Convener, to
- (i) determine whether a hearing is to be held: in person; wholly through the use of remote facilities; or partly in person and partly through the

use of remote facilities, all in accordance with section 133A of the Licensing (Scotland) Act 2005; and

- (ii) determine whether a meeting is to be held: in person; wholly through the use of remote facilities; or partly in person and partly through the use of remote facilities, all in accordance with Paragraph 12(A1) of Schedule 1 to the Licensing (Scotland) Act 2005; and

5.2 Otherwise note the terms of the ~~report~~



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Mark Conaghan  
Clerk to the Licensing Board