

**Renfrewshire Council**

**To: Renfrewshire Licensing Board**

**On: 19<sup>th</sup> June 2023**

**Report  
by  
Clerk to the Licensing Board**

**Annual Functions Report 2022-2023**

**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**

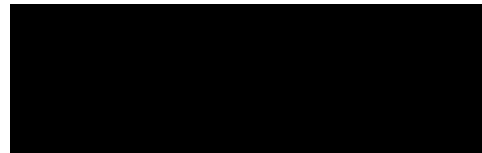
- 2.1 Section 9A of the Licensing (Scotland) Act 2005 (“the Act”) requires that the Licensing Board, on an annual basis, publish an Annual Functions Report. The Board’s first Annual Functions Report required to be published in 2018, for the financial year 2017- 2018, with subsequent reports due annually 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 in respect of the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 requires to be published by 30<sup>th</sup> June this year.

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.



Mark Conaghan  
Clerk to the Licensing Board

# **RENFREWSHIRE LICENSING BOARD**

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

### **Annual Functions Report 2022-2023**

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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 2022-2023.

## **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. This Policy is currently subject to a review which commenced during 2022-2023.

- 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 held in Renfrewshire in the financial year 2022-2023 (hereinafter "2022-23") and the number of licensing applications/ reviews considered, and the decisions made in relation to them. The overall number of premises licences in force at the financial year end on 31<sup>st</sup> March 2023 was marginally down on the previous financial year end, with

a small reduction in the number of on sales only premises licences and a small increase in relation to other licence types. A lower number of new premises licences (4, including full premises licences and provisional licences) was granted by the Board in 2022-23 in comparison to the previous year, with a lower number of premises licence applications being received during the same period. As in 2020 to 2021 and 2021 to 2022, an increase was recorded in 2022-23 in relation to the number of occasional licence applications received and granted, with a number of premises continuing to operate external licensed areas. A similar number of personal licences was granted in 2022-23 as compared to the previous year, with a higher number of personal licences in force as at the end of the financial year on 31<sup>st</sup> March 2023.

- 3.5 Seven premises licence applications (including provisional licence applications) were received during the financial year 2022-23. The number of such applications considered by the Board in the same period was four, as application processes often straddle more than one financial year due to the statutory procedures involved. These were all granted with additional conditions. The conditions attached in respect of these applications were in most cases in relation to deliveries of alcohol offered by premises, with the policy conditions relating to alcohol deliveries set out in the Board's Statement of Licensing Policy being attached to the licence. The Board considered these conditions necessary for the purposes of protecting children and young persons from harm. However, in one decision, the Board imposed a number of conditions regarding the management of an external drinking area, relative to the licensing objectives of preventing crime and disorder, preventing public nuisance and protecting children and young persons from harm.
- 3.6 In addition to applications for proposed new licensed premises, the Board also considered 14 applications within the same period for major variation of premises licences. The Board granted these applications, but subject to further variation by way of additional conditions in seven of them. The other seven applications were granted with no conditions other than the mandatory ones required by the Licensing (Scotland) Act 2005.
- 3.7 As in the case of applications for new licences, many of the applications for major variation sought to introduce alcohol deliveries, with the Board imposing in these cases the conditions set out in their Statement of Licensing Policy in respect of alcohol deliveries, relative to the licensing objective of protecting children and young persons from harm. In a small number of these cases, the Board also attached further conditions requested by the police in relation to training of delivery drivers. In two instances, conditions were imposed in relation to premises seeking to operate an external licensed area with a view to ensuring that the area would be effectively supervised and managed to prevent public nuisance and/ or to prevent crime and disorder, as well as to protect children and young persons from harm. In some cases, the hours of use of an external area were restricted, or restricted for certain purposes.

- 3.8 Only one premises licence review hearing was held by the Board during 2022-23, with consideration of the application being continued to a later date. As these proceedings are yet to conclude, it would be appropriate to make no further comment on this review at this time.
- 3.9 No personal licence applications were refused by the Board within 2022-23 and no personal licences were the subject of endorsement, suspension or revocation.
- 3.10 As stated at Paragraph 3.4 above, an increased number of occasional licence applications was received during 2022-23 as compared with the previous year. Applications for occasional licences, including those which related to external drinking areas, were considered and determined by two Members of the Licensing Board where representations or objections were received, or conditions requested which were not accepted by the applicant. This allowed relevant issues to be scrutinised by Board Members in appropriate cases, such as the suitability of external areas applied for, the hours of operation of external areas and children and young persons' access. The Board, in appropriate cases, attached conditions as requested by Police Scotland and the Licensing Standards Officer, including regulating external areas.

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

- 4.1 The Board's current Statement of Licensing Policy ("Statement") was published 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 2022-23, the Board considered one premises licence application for on-sales within the overprovision area. The Board granted this application in circumstances where the premises proposed to offer bar/ restaurant facilities and had previously been the subject of a licence which had ceased to have effect. No other premises licences were issued for premises within this area.

- 4.4 As stated above at Paragraphs 3.5 to 3.7, the Board attached the conditions set out in its Statement in relation to alcohol deliveries to a number of premises licences. Where applicants sought to include off sales in, or to add alcohol deliveries to, their licence, applicants were invited to address these policy conditions in their submissions at hearings before the Board, as in previous years, and in such cases the standard policy conditions relating to alcohol deliveries were attached by the Board as appropriate along with, in some cases, further conditions requested by Police Scotland. Similarly, Licensing Standards Officers highlighted the need for such conditions in relation to occasional licence applications, where applicable, to allow officers or Board Members, as appropriate, to consider attaching similar conditions to those licences.
- 4.5 In accordance with Paragraph 15.4 of its Statement, the Board normally approves a policy on extended hours for licensed premises during the festive period. While trading during the festive period had been interrupted during 2020-21 by the coronavirus restrictions (and in the following year, when a festive hours policy was agreed subject to applicable health restrictions), the Board agreed and implemented a festive hours policy for 2022-23, after consultation with members of the Licensing Forum individually, which was similar in scope to that which had applied in previous years.
- 4.6 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 2022- 23. 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 licence applications outwith the terms of the Board's policy, or where comments had been received, were referred to two Members of the Licensing Board for a decision to be made. 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.
- 4.7 The Board will require to agree the terms of a new Statement of Licensing Policy for publication by November 2023. During 2022-23, the Board carried out initial consultation on the terms of the existing policy in advance of a full consultation exercise. Responses were received to the initial consultation by February 2023. Views were received from consultees on matters such as overprovision, children and young persons' access, licensed hours, licence conditions and occasional licences, in advance of further, formal consultation to take place during 2023-24.



## **5 FURTHER ACTIONS OF THE BOARD RELATING TO THE LICENSING OBJECTIVES AND OTHER INFORMATION**

- 5.1 As in previous years, officers and Board Members in 2022-23 recognised the ongoing challenges faced by the licensed trade, particularly on-sales premises, and continued to accommodate the licensing of external areas through occasional licence applications, while having due regard to relevant concerns raised in relation to the licensing objectives by Police Scotland, the Licensing Standards Officers and parties making an objection or representation.
- 5.2 Licensing Board Members held their annual joint meeting with Renfrewshire Licensing Forum in December 2022. Licensing Standards Officers are members of the Forum and attend the Forum's scheduled meetings throughout the year. A Depute Clerk to the Licensing Board attends Forum meetings regularly to provide updates as required.
- 5.3 Licensing Standards Officers also attended meetings of the local Pubwatch scheme.
- 5.4 The Board's legal officers completed Continuing Professional Development (CPD) as required by the Law Society of Scotland over the course of 2022-23. In particular, the Depute Clerks attended courses run by Central Law Training, as well as meetings of the Society of Local Authority Lawyers and Administrators (SOLAR) Licensing Group and the Law Society of Scotland's Licensing Subcommittee.
- 5.5 Prior to the pandemic, Licensing Standards Officers had carried out extensive programmes of compliance visits to licensed premises, both in relation to minimum unit pricing and more generally. In 2022-23, as in the previous year, it was reported that licensing compliance visits to licensed premises had been limited, with many licensed premises requiring to operate under considerable restrictions over certain periods. In 2022-23, a moderate number of visits took place relating to compliance issues regarding layout and operating plans and non-payment of annual fees. Licensing Standards Officers also were called upon to assist with mediation in a small number of cases.
- 5.6 Following an internal restructure, Licensing Standards Officers are now based within a wider enforcement team at Renfrewshire Council, with more officers appointed as Licensing Standards Officers while having other enforcement functions. As a result, three additional officers attended and completed the Licensing Standards Officer course/ qualification during 2022-23.

## 6. **CONCLUSION**

- 6.1 The Board is satisfied that, in all decisions made in 2022-23, 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 appreciated the ongoing challenges facing the licensed trade within 2022-23 and continued to encourage and support them to maintain good practice in their premises for the benefit of the people of Renfrewshire.

**ANNEX 1 - ANNUAL FUNCTIONS REPORT (Period 01/04/2022 to 31/03/2023)**

<b>Local Authority - RENFREWSHIRE</b>	
<b>Premises Licence Statistics</b>	
<b>Licences in Force on 31 March 2023 (this should equal total of a+b+c)</b>	<b>430</b>
(a) on sales only	89
(b) off license only	153
(c) both	188
Applications received during 2022-2023	
(a) on sale	1
(b) off sale	4
(c) both	2
Applications refused during 2022-2023 under section 23	0
Applications granted during 2022-2023 under section 23	4
Applications for review of premises licence during 2022-2023 under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	0
(d) revocation	0
(e) no action	0
<b>Occasional Licence Statistics</b>	
<b>Number of Occasional Licences granted during 2022-2023</b>	<b>885</b>
<b>Personal Licence Statistics</b>	
<b>Personal Licences in Force on 31 March 2023</b>	<b>1396</b>
Applications during 2022-2023 under section 72:-	
(a) refused	0
(b) granted	103
Proceedings taken during 2022-2023 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2022-2023 under section 84 (conduct inconsistent with licensing objectives) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings during 2022-2023 under section 86 (multiple endorsements) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
<b>Revocations of personal licences during 2022-2023 under section 87(3) (failure to provide evidence of having undertaken refresher training)</b>	<b>0</b>