

Renfrewshire Council

To: Renfrewshire Licensing Board

On: 17th June 2024

**Report
by
Clerk to the Licensing Board**

Annual Functions Report 2023-2024

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

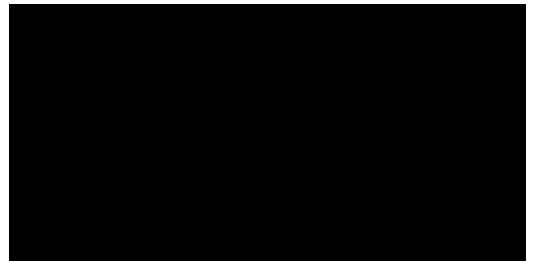
- 2.1 Section 9A of the Licensing (Scotland) Act 2005 (“the Act”) requires that the Licensing Board, on an annual basis, publish an Annual Functions Report. The Board’s first Annual Functions Report required to be published in 2018, for the financial year 2017- 2018, with subsequent reports due annually thereafter.
- 2.2 The report must contain information in relation to the preceding financial year to 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.
- 2.3 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 1st April 2023 to 31st March 2024 requires to be published by 30th 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.



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Mark Conaghan
Clerk to the Licensing Board

RENFREWSHIRE LICENSING BOARD

The Licensing (Scotland) Act 2005

Annual Functions Report 2023-2024

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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 2023-2024.

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 2023, having undertaken a review of the policy in 2022 and 2023. The new policy took effect on 4th November 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 5.8.

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 2023-2024 (hereinafter "2023-24") 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 31st March 2024 was slightly down on the previous financial year end, but,

unlike in the previous financial year (where there was also a marginal decrease), the number of on-sales only premises licences was unchanged, with the reduction being accounted for by off sales only premises and premises with on and off sales capacity. Similarly, no new premises licences for off sales only premises were granted, other than three provisional licences which will require to be confirmed. As in previous years from 2020-21 onwards, an increase was recorded in 2023-24 in relation to the number of occasional licence applications received and granted, with a number of premises continuing to operate external licensed areas. An increased number of personal licences was granted in 2023-24 as compared to the previous year.

- 3.5 Seven premises licence applications (including four provisional licence applications) were received/ considered during the financial year 2023-24. These were all granted with additional conditions. The conditions attached in respect of these applications were in all 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 licences. The Board considered these conditions necessary for the purposes of 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 eight of them. In five of these applications, the conditions were again in relation to alcohol deliveries, with the said conditions set out in the Board's Statement of Licensing Policy being attached for the purposes of protecting children and young persons from harm. In one application, a condition was attached making a requirement to give notice to Police Scotland and the Licensing Board of any funeral parades taking place, as provided for in the Statement. In the remaining two applications where additional conditions were attached, these related to the management of external licensed areas and/or their hours of operation, for the purposes of the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance and, in one of these cases, the above policy conditions in relation to alcohol deliveries were also attached. The other six applications were granted with no additional conditions.
- 3.7 Two premises licence review hearings called before the Board during 2023-24. In one case, the application for review was further continued to a later date and, in the other case, grounds for review were established but the Board considered no steps were necessary or appropriate for the purposes of the licensing objectives. As one of these reviews is yet to conclude, it would be appropriate to make no further comment at this time.
- 3.8 No personal licence applications were refused by the Board within 2023-24 and no personal licences were the subject of endorsement, suspension or revocation.

- 3.9 As stated at Paragraph 3.4 above, an increased number of occasional licence applications was received during 2023-24 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 where conditions were 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 Officers, including regulating external areas.

4 LICENSING POLICY STATEMENT

- 4.1 The Board's current Statement of Licensing Policy ("Statement") was published to take effect on 4th November 2023. The new Statement was updated following consultation and to take account of revised statutory guidance published in January 2023.
- 4.2 In its new Statement, the Board considers that an area in Paisley Town Centre continues to be 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 Statement also continues to provide, 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 A similar overprovision policy has been in place for a number of years and the licensed trade and their representatives are familiar with its terms, although the new policy sets out in more detail the evidence available to the Board when they determined the terms of the new Statement regarding this matter, including evidence from police and health authorities. In the financial year 2023-24, the Board did not require to consider any applications for a premises licence or major variation which were caught by the terms of the overprovision policy.
- 4.4 As stated above at Paragraphs 3.5 and 3.6, 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. 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. The Board agreed and implemented a festive hours policy for 2023-24, after consultation with the Licensing Forum, 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 2023- 24. All decisions were made in accordance with the Scheme of Delegation set out in the Board's Statement. 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.

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

- 5.1 In June 2023, the Convener and Depute Clerk attended a multi-agency event held in Glasgow City Chambers regarding the operation of Local Licensing Forums.
- 5.2 Licensing Board Members held their annual joint meeting with Renfrewshire Licensing Forum on 27th November 2023. 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 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 2023-24. In particular, officers 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 of which the Depute Clerk is a solicitor member.

Liquor Licensing Statistics for Year 2023-2024 (Period 01/04/2023 to 31/03/2024)

Local Authority - RENFREWSHIRE	
Premises Licence Statistics	
Licences in Force on 31 March 2024 (this should equal total of a+b+c)	427
(a) on sales only	89
(b) off license only	151
(c) both	187
Applications received during 2023-2024	
(a) on sale	1
(b) off sale	0
(c) both	2
Applications refused during 2023-2024 under section 23	0
Applications granted during 2023-2024 under section 23	3
Applications for review of premises licence during 2023-2024 under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	0
(d) revocation	0
(e) no action	0
Occasional Licence Statistics	
Number of Occasional Licences granted during 2023-2024	1001
Personal Licence Statistics	
Personal Licences in Force on 31 March 2024	1515
Applications during 2023-2024 under section 72:-	
(a) refused	0
(b) granted	137
Proceedings taken during 2023-2024 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2023-2024 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 2023-2024 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 2023-2024 under section 87(3) (failure to provide evidence of having undertaken refresher training)	3
Staff employed at 31 March 2024	
Number (full-time equivalent) of licensing standards officers employed	1