

LICENSING BOARD

MINUTE OF MEETING OF RENFREWSHIRE LICENSING BOARD HELD ON 1 AUGUST 2017 at 10.00am.

PRESENT

Councillors Andy Steel, Bill Brown, Jane Strang, Jennifer Adam-McGregor, Kevin Montgomery, and Scott Kerr

IN ATTENDANCE

Douglas Campbell, Depute Clerk, Andrew McLaughlin, Senior Solicitor Litigation & Regulatory Services, Colin Dickson, LSO and Aileen Easdon, Licensing Officer.

1. **APOLOGIES** – Cllr Marie McGurk, Cllr Michelle Campbell, Cllr Natalie Don
3. **DECLARATION OF INTEREST** – None
4. **LICENSING (SCOTLAND) ACT 2005**
 - Page 1 **Premises Licence Review Hearings to be considered** - see agenda page
 - Page 2 **Notification of convictions to be considered** – see agenda page
5. **ADMINISTRATIVE ITEMS**
 - a) **Report by Clerk to the Licensing Board – Delegated list of Revocation of Personal Licences (For members information)** - Noted
 - b) **Minute of Previous meeting on 21 June 2017 to be agreed** – Agreed subject to the amendment to include Cllr Jennifer Adam-McGregor who was omitted in error.
 - c) **Additional Item – Report by Clerk to the Licensing Board – Fit and Proper Person Test and Other Recent Legislative Changes** - Agreed

RENFREWSHIRE LICENSING BOARD

Meeting 1 August 2017 at 10:00am in Council Chambers, Renfrewshire House, Cotton Street, Paisley, PA1 1TT

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
1 O'CONNORS IRISH BAR 3 - 5 ST. JAMES STREET PAISLEY PA3 2HL	CHANTEL NG	26 June 2017	Ground for review not established No action
2 HOGSHEAD 130 FERGUSLIE MAIN ROAD PAISLEY PA1 2XP	POLICE SCOTLAND	13 July 2017	Cont'd
3 ASDA STORE PHOENIX RETAIL PARK LINWOOD ROAD PAISLEY PA1 2AB	POLICE SCOTLAND	19 April 2017	Ground for review not established No action

RENFREWSHIRE LICENSING BOARD**Meeting 1 August 2017 at 10:00am in Council Chambers, Renfrewshire House, Cotton Street, Paisley, PA1 1TT****Licensing (Scotland) Act 2005****Notification of convictions**

	Premises	Applicant	Date Received	Comments
1	MORRISONS FALSIDE ROAD PAISLEY PA2 6JE	GOSSCHALKS AGENT FOR L/H	29 June 2017	No action taken
2	MORRISONS ANCHOR MILL PAISLEY PA1 1GZ	GOSSCHALKS AGENT FOR L/H	29 June 2017	No action taken
3	MORRISONS BRIDGEWATER SHOPPING CENTRE ERSKINE PA8 7AA	GOSSCHALKS AGENT FOR L/H	29 June 2017	No action taken
4	MORRISONS 30 NAPIER STREET JOHNSTONE PA5 8SF	GOSSCHALKS AGENT FOR L/H	29 June 2017	No action taken

RENFREWSHIRE LICENSING BOARD

LICENSING BOARD MEETING

TUESDAY 1 AUGUST 2017

- 1. Delegated list of Revocation of Personal Licences - For members information - Noted**

To: RENFREWSHIRE LICENSING BOARD

By: CLERK TO THE LICENSING BOARD

Date: 1 AUGUST 2017

Subject: DELEGATED REVOCATION OF PERSONAL LICENCES

1. SUMMARY

1.1 Attached as Appendix I is a list of Personal Licences that were revoked under delegated powers on 17 March, 4 April, 2 May and 2 June 2017 where the Personal Licenceholder failed to comply with the requirement to produce evidence of refresher training in terms of Section 87(3) of the Licensing (Scotland) Act 2005.

2. RECOMMENDATION

For Members Information

Contact Officer: - Douglas Campbell (Ext 7172)

Personal Licence

No:	PersonalLicence Holder	Status	Date Revoked
RC/1210	Amanda Paterson	Revoked	17/03/2017
RC/1212	Lynn Clen	Revoked	17/03/2017
RC/1213	Christopher Agnew	Revoked	17/03/2017
RC/1214	Christine Jane McCombe	Revoked	17/03/2017
RC/1215	Joanne MacIntyre	Revoked	17/03/2017
RC/1219	Elizabeth Hannah Hay	Revoked	04/04/2017
RC/1220	David John Moore	Revoked	04/04/2017
RC/1223	Stacy Liddell	Revoked	04/04/2017
RC/1224	Fraser James Angus Soverall	Revoked	04/04/2017
RC/1228	Donna Corbett	Revoked	04/04/2017
RC/1229	Tracy Banaghan	Revoked	04/04/2017
RC/1231	Robert Gordon Skiffington	Revoked	04/04/2017
RC/1232	David Gary Hood	Revoked	04/04/2017
RC/1236	Christopher James Brown	Revoked	04/04/2017
RC/1237	Kenneth William Kelly	Revoked	04/04/2017
RC/1238	Yvonne McGeoch	Revoked	04/04/2017
RC/1233	Calum Matthew Skinner	Revoked	04/04/2017
RC/1239	Carol Kelly	Revoked	02/05/2017
RC/1240	David Anthony Clegg	Revoked	02/05/2017
RC/1243	Stuart Hatch	Revoked	02/05/2017
RC/1246	Stewart Sillars	Revoked	02/06/2017
RC/1247	Graham Craig	Revoked	02/06/2017
RC/1249	Sunil Chand	Revoked	02/06/2017
RC/1248	Linda Glen	Revoked	02/06/2017
RC/1250	Mark Christopher Taylor	Revoked	02/06/2017

RENFEWSHIRE LICENSING BOARD

LICENSING BOARD MEETING

TUESDAY 1 AUGUST 2017

ADDITIONAL ITEM

1. Report by the Clerk to the Licensing Board – Fit and Proper Person Test and Other Recent Legislative Changes

To: Renfrewshire Licensing Board

On: 1st August 2017

Report by Clerk to the Licensing Board

Fit and Proper Person Test and Other Recent Legislative Changes

1. Introduction

1.1 The purpose of this report is to highlight recent changes to the Licensing (Scotland) Act 2005 ("the 2005 Act"), made by the Air Weapons and Licensing (Scotland) Act 2015, which affect the business of the Licensing Board. Approval of new delegated powers to members of the Licensing Board as a result of these changes is also sought.

2. Background

2.1 The Air Weapons and Licensing (Scotland) Act 2015 ("the 2015 Act") introduces a number of changes to liquor licensing legislation. Some of these changes have already been reported to the Board, including amendments to the rules on overprovision and the new requirement for annual publication of financial reports.

2.2 Further changes to the 2005 Act have been introduced with effect from 15th May 2017. One key change introduced from that date is the introduction to the 2005 Act of a "fit and proper person" test for certain types of application. This new test, which the legislation requires to be applied "having regard to the licensing objectives", is introduced in relation to premises licence applications, transfer applications, premises licence applications and reviews, personal licence applications and renewals and hearings in relation to notification of personal licence holders' convictions.

2.3 Special rules apply where it is found that there is a failure to meet the new fit and proper person test at a review hearing. In those circumstances, the Board is required to revoke a premises licence and cannot take alternative steps such as a written warning or suspension, as in other review hearings. An order to revoke then takes effect 28 days thereafter. Where a licence is revoked on this ground, however, it is open to the licence holder to apply, within the 28 day period, to transfer the licence or vary its terms to remove the concerns which led to the revocation. Should such an application be granted, then the Board is required to recall its decision to revoke. Given, however, it may not be possible to decide the transfer or variation application within the 28 day period, the new legislation allows the Board to extend the 28 day period pending that application.

- 2.4 It is likely that revocation of a licence would be imposed in circumstances where the Board has serious concerns about the fitness of a licence holder. Given this, it is desirable that any consideration as to whether the 28 day period should be extended is by members of the Licensing Board. A delegation to the Convener and another Board member, or to two Board members, to allow extension of this 28 day period is therefore proposed at Paragraph 3.1.1 of this report.
- 2.5 A further change made by the 2015 Act is in relation to notifications of convictions by premises licence holders. In the case of relevant convictions confirmed by Police Scotland prior to 15th May 2017, the Board was required to make a "premises licence review proposal" under section 37 of the 2005 Act. The effect of this provision was that a review hearing required to be held. Similar provisions required a hearing to be fixed in relation to personal licence holders following confirmation by the police of a relevant conviction of the personal licence holder.
- 2.6 These provisions have now been amended by the 2015 Act. For relevant convictions confirmed by Police Scotland after the above date, a hearing is only a requirement where the Chief Constable recommends action be taken in relation to a licence. Otherwise, it is at the Board's discretion whether to hold a hearing. In terms of the Board's current Statement of Licensing Policy, it is necessary to refer these matters to the Board to determine whether a hearing should be fixed. It is recommended, however, that this power should be delegated to the Convener and another member, or two members, of the Licensing Board, as proposed at Paragraph 3.1.2, which would simplify these procedures.
- 2.7 The 2015 Act has also made miscellaneous other changes to the 2005 Act. These include procedural changes, such as the period within which applications to renew personal licences will require to be made. The first personal licence renewal applications are likely to be received in late 2018 as a result of these changes.
- 2.8 The new provisions further require that personal licence applications will now be intimated to the Licensing Standards Officers to enable them to comment on an applicant's fitness and propriety to be licensed within a period of 21 days. Licensing Standards are given additional powers, similar to those already available to the police, to report the conduct of personal licence holders which they consider to be inconsistent with the licensing objectives.
- 2.9 The 2015 Act also amends the fifth licensing objective, which is extended from "protecting children from harm" to include young persons (aged 16 and 17).
- 2.10 There remain other liquor licensing provisions of the 2015 Act which have still to be commenced, including procedural provisions in relation to the transfer of licences. No dates are available at this time for these provisions being commenced. Further reports will be brought to the Board as the remaining provisions come into effect.

3. Recommendations

3.1 It is requested that the Board:

3.1.1 Agree to delegate to the Convener and another member, or to two members, of the Licensing Board authority to extend the 28 day period following upon a decision to revoke a premises licence at a review hearing, pending determination of an application for transfer or variation made within that period;

3.1.2 Agree to delegate to the Convener and another member, or to two Members, of the Licensing Board authority to decide whether to hold a hearing or to take no action in relation to a premises licence or personal licence, where no recommendation has been received from the Chief Constable after notification of a relevant conviction;

3.1.3 Otherwise note the contents of the report.


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Kenneth Graham
Clerk to the Licensing Board