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# **Scottish Borders Licensing Board**

## **Report by Clerk**

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### **Annual Report December 2016 to November 2017**

**6 December 2017**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 **The purpose of this report is to give a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board**
- 1.2 **It is hoped that this report will assist the Forum to facilitate its scrutiny role of how the Board discharges its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 (the Act), as amended.**

#### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Board and the Forum note the report and request that the Clerk continues to provide updates to the joint meeting on an annual basis.**

**Nuala McKinlay  
Clerk  
Scottish Borders Licensing Board**

#### **3 SUMMARY OF ACTIVITY**

- 3.1 Since the last joint meeting on 22 November 2016, the Board have met 11 times. At each Board meeting, in addition to determining applications and reviews, members consider all matters which have been dealt with under the delegated powers of the Clerk where both the Act permits this method of determination and there have been no objection or representation in respect of the application.

##### **3.2 Delegated Decisions**

The majority of delegated decisions are in connection with grants of occasional licences which are a feature of sporting fixtures and local festivals in the Community.

1220 Occasional Licences have been granted in this period, of which 425

were granted to voluntary organisations. In addition 56 applications by the holders of a Premises Licence for extended hours were granted.

The other reported decisions relate to minor variations of premises licences, substitution of premises managers, grants of personal licences and transfers of premises licences.

### **3.3 Hearings**

The hearings take place as part of the Board's business as narrated in the published agenda. Hearings are held in public and parties have the right to address the Board or rely solely on their written submissions.

### **3.4 Grants Including Provisional Grants**

The Board must hold a hearing for the Grant or Provisional Grant of a Premises Licence. 16 new Premises Licences were granted. 9 Licence Holders chose to surrender their Licence and the Board suspended 6 Licences as referred to at 3.6.

### **3.5 Variations**

The Board considered 39 applications to vary Premises Licences in this period. This included both non minor variations which must be determined by the Board and applications which attracted objections or representations.

As in previous years much work has been generated by established businesses who realign their layout and/or operating plans or as a result of transfer of business to a new licence holder or manager. Such applications can be the outcome of visits by the Licensing Standards Enforcement Officer when it is apparent that the current operation does not comply with the Licence or the Licence Holders discuss how they can amend their Licence to move with their perceived training and business needs. When subsequent applications are submitted and processed often these do not generate objections and are granted by the Board at the meetings after due consideration of the application in relation to the statement of policy.

Such non contentious applications can relate to changes in opening hours often relating to the times for sales of alcohol where premises wish the opportunity to open earlier for the sale of breakfasts, coffees etc. Applications are also generated from store refits where national retailers change corporate layout and/or practice such as playing music in store. The majority of these have also contained an increase in the area of alcohol sales in shops and these have all been within policy and have not attracted objections from the statutory consultees.

### **3.6 Reviews**

#### **Premises Licences**

The Board arranged Review hearings in respect of 8 premises licences. All were in relation to notices for failure of premises to make a payment of the

annual fee. This resulted in 6 licences being suspended with the other 2 licence holders making payment of the annual fee prior to the hearing taking place.

#### 4 **OTHER MATTERS**

- (a) Following the local government elections at the beginning of May 2017, a new board was created consisting of nine elected members appointed by Scottish Borders Council. Three of these members had served on the previous board and one of those members, Councillor John Greenwell, was appointed Convenor of the new board.
- (b) Eight of the members of the new board underwent training on 2 June 2017 and attained the statutory qualification covering the key areas of knowledge necessary to support their roles as a Licensing Board Member as required by the Act. The one other member subsequently underwent the mandatory training externally and attained the required qualification. The new board sat for the first time on 23 June 2017.
- (c) The Air Weapons and Licensing (Scotland) Act 2015 introduced a requirement that Licensing Boards produce annual financial reports. The requirement to produce such a report came into effect on 15 May 2017. The Boards annual financial report must be prepared not later than three months after the end of each financial year. This means that the Board's report for the financial year 2016/2017 should have been published no later than the end of June 2017. However, the Scottish Government recognised that due to the short notice of this requirement coming into effect together with the local government elections at the beginning of May 2017 which resulted in the creation of new Licensing Boards the requirement to have financial reports published by the end of June 2017 was unrealistic and that Boards should therefore be allowed some leeway and should strive to publish their financial report as soon as possible. The Board considered their financial report at their meeting on 22 September and the report was subsequently published thereafter.
- (d) One of the first functions of the new board was to consider its review of its Licensing Policy statement. The new policy statement requires to be implemented in November 2018 for a 5 year period to November 2023. The Board has formed a working comprising 4 of its members who along with the Board's officers will carry out an initial review of its policy before reporting back its findings and recommendations to the full Board prior to the consultation with the relevant consultees.
- ( e) On 28 October 2016, eight members of the new board attended the Board's late night premises visits. During the evening the members Visited functions in the Volunteer Hall in Galashiels and at Kelso Racecourse before visiting the town centres of Kelso, Hawick and Galashiels. The members witnessed how the night time economy functions in each of these towns and also met with Street Pastors

whilst in Galashiels and gained an insight of their role within the community.