

SCOTTISH BORDERS LICENSING BOARD
ANNUAL FUNCTIONS REPORT 2017-2018

1 INTRODUCTION – SCOTTISH BORDERS LICENSING BOARD

1.1 This report has been prepared in accordance with the provisions of Section 9 of the Licensing (Scotland) Act 2005 (“the Act”).

Scottish Borders Licensing Board (“the Board”) is the Licensing Authority for the Scottish Borders area for the purposes of the act which makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.

1.2 The current Board which was formed in May 2017 comprises 9 Members all of whom are elected members of Scottish Borders Council.

1.3 The Council boundaries cover 4,742 square km. The estimated population as identified by the 2011 Census is 113,870. The area is divided into 10 Wards of 3 Councillors and 1 Ward of 4 Councillors totalling 34 Councillors of whom 9 sit on the board. All have completed the Statutory training required under the Act.

1.4 The Board is a Licensing Authority for the purposes of the Act and is responsible for the consideration of applications for:

- Premises Licences
- Occasional Licences
- Temporary Licences
- Provisional Licences
- Personal Licences
- Variation of Licences
- Review of Licences
- Transfer of Licences
- Extension of Licensing hours

There are currently 454 licenced premises within the Scottish Borders.

2 ANNUAL FUNCTIONS REPORT

The purpose of this report is to detail the operation of the Board during the period from 1 April 2017 until 31 March 2018.

In terms of Section 9a of the Act an Annual Functions Report must include:

- (a) a Statement explaining how the Board has had regard to the licensing objectives; and
- (b) the Board’s Policy Statement in exercise of its functions under the Act.
- (c) a summary of decisions made by the Board
- (d) information about the number of licences held in the Board’s area including occasional licences.

During the period 1 April 2017 to 31 March 2018 the Board met on a monthly basis to determine applications not determined using delegated powers. The statistics for this period are shown in Annex I.

3 LICENSING OBJECTIVES

The Act sets out the following 5 licensing objectives:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health, and
- Protecting children and young persons from harm.

The Board is aware of its responsibilities to uphold the licensing objectives equally and the board details its approach and expectations regarding the objectives in its Statement of Licensing Policy. From the context of its policy the Board seeks to ensure that both the licence holders and the residents of the Scottish Borders are fully informed of the Boards approach and expectations with regard to the operation of licenced premises in its area.

4 DECISIONS OF THE BOARD

Applications for the Board were dealt with in an open and transparent manner and were considered on their individual merits in accordance with the Act and the Statement of Licensing Policy.

- 5** The Board recognises the importance of licenced hours to the operators of licenced premises. The Board is also aware that when licensed premises are open they can have an impact on persons who live and work near to the premises.

The Boards Policy on licensed hours is dependent on the type of operation that is being conducted and details of the Board's position is contained in its Statement of Licensing Policy.

6 Licensing Board Training

Board members received statutory training from alcohol focus Scotland in licensing legislation and board functions. This included a post training examination which all required to pass with a minimum of 75% before they were permitted to make any decisions.

7 The Local Licensing Forum

The Licensing Forum membership includes Licensing Standards Officers, representatives of the licensed trade, license holders and a representative of the Chief Constable. The Forum has worked well in partnership with the Board and the Board provides statistical information for the Forum regularly. The Board acknowledges the work that the Forum does in the local area.

8 Review of Licensing Policy Statement

The Board is currently reviewing its statement of Licensing and Policy. In doing so the Board will consult with partners such as NHS, Police Scotland, a local licensing forum and all premises licence holders in the Scottish Borders area and at the time of this report the Board's public consultation is about to conclude. Thereafter the Board will complete its review with the aim of publishing the new Statement in November 2018.

9 Conclusion

The Board is pleased to report that licenced premises in the Scottish Borders have been well run and generally problem free during the period covered by this report. The Board is thankful to the licensed trade in its efforts of promoting and upholding the licensing objectives and complying with the Board's policy.