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# **Scottish Borders Licensing Board**

## **Report by Clerk**

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### **Annual Report December 2017 to November 2018**

**5 December 2018**

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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 6 December 2017, the Board have met 10 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.

1319 Occasional Licences have been granted in this period, of which 372

were granted to voluntary organisations. In addition 103 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 Variations**

The Board considered 17 applications to vary Premises Licences in this period. This included both major 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.

### **3.5 Reviews**

#### **Premises Licences**

The Board arranged Review hearings in respect of 12 premises licences. All were in relation to notices for failure of premises to make a payment of the annual fee. This resulted in 5 licences being revoked, 2 licences being suspended and 2 licences being surrendered with the other 3 licence holders making payment of the annual fee prior to the hearing taking place.

### **3.6 Grants Including Provisional Grants**

The Board must hold a hearing for the Grant or Provisional Grant of a

Premises Licence. 10 new Premises Licences were granted. 7 Licence Holders chose to surrender their Licence and the Board revoked 5 licences and suspended 2 Licences as referred to at 3.5.

#### 4 **OTHER MATTERS**

- (a) One of the main functions of the Board is to finalise its Licensing Policy Statement. At its meeting on 20 April 2018, the Board agreed a draft Statement of Licensing Policy for consultation. A 12 week period of consultation took place from 8 May until 31 July. A total of 35 responses were received. 19 were from individuals, 9 were from licensees and 7 were from organisations including the Forum and Alcohol Focus Scotland.

The Consultation asked specific questions which covered the 5 licensing objectives, the period of licensed hours, the events including children and invited the consultees for other comments or suggestions. 12 of the consultees who responded agreed with the proposed draft statement and made no additional comments or suggestions, 14 agreed with the proposed draft statement but provided additional comments or suggestions for consideration and 9 stated that they did not agree with some parts of the draft policy and made comments or suggestions they wished to be considered for inclusion in the final policy statement.

Following the close of the consultation period officers' on behalf of the Board considered all responses received and thereafter proposed revisions to the draft policy statement for consideration by the Board. The Board considered the proposed revisions at its meeting on 26 October when the proposed revisions were accepted and the revised draft policy statement was approved by the Board and subsequently published.

The Board acknowledges the work of the Forum in producing the alcohol profile and keeping it under review and also their contribution to the review of the final Policy Statement.

- (b) On 20 December 2017 the remaining part of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 came into force. Accordingly this required the Board to produce an Annual Functions Report for the period 1 April 2017 to 31 March 2018. The Board is required to include in the report a statement explaining how it has regard to the licensing objectives and its policy statement in the exercise of its functions, a summary of the decisions made by the Board and information on the number of licences held in the Boards area including occasional licences. The Board considered and approved its first Annual Functions Report at its meeting on 24 August and the report was subsequently published thereafter.
- (c) The Board is also required to produce an Annual Financial Report for the period 1 April to 31 March. This is a requirement which was also brought into effect by Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 and which came into force on 15 May 2017. The Board considered its Annual Financial Report at its meeting on

24 August and following an amendment approved the report at its next meeting on 16 November. The report was subsequently published thereafter.