

**ANGUS LICENSING BOARD – 2 NOVEMBER 2017**

**REVIEW OF STATEMENT OF LICENSING BOARD POLICY**

**REPORT BY SHEONA C HUNTER CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to advise the Board of the requirement to review the Board's Statement of Licensing Policy and Supplementary Statement of Licensing Policy and for Members to consider the review process.

**1. RECOMMENDATION**

It is recommended that the Board:-

- (i) note the requirement for the Board to review its Statement of Licensing Policy and Supplementary Statement of Licensing Policy,
- (ii) approve the proposed process for carrying out the review; and
- (iii) identify any particular aspect of the Board's current Statement of Licensing Policy and Supplementary Statement of Licensing Policy that it would, in particular, wish to be considered as part of the review..

**2. BACKGROUND**

2.1 Section 6 of the Licensing (Scotland) Act 2005 ("the Act") obliges every Licensing Board, before the beginning of each licensing policy period, to publish a statement of their policy with respect to the exercise of their functions under the Act during that period. In exercising their functions under the Act during the licensing policy period, the Board must have regard to the Statement of Licensing Policy in relation to that period. Previously, a new Statement of Licensing Policy was required every three years. As a result of changes instigated by the Air Weapons and Licensing (Scotland) Act 2015, the three year period became the "licensing policy period" which commences 18 months after an ordinary election of councillors for local government areas. Therefore, the next licensing policy period commences on 4 October 2018.

2.2 A copy of the Board's current Statement of Licensing Policy is available on the Council's website at:-

<http://www.angus.gov.uk/sites/angus-cms/files/2017-06/Statement%20of%20Policy%20-%20Alcohol.pdf>

A copy of the Board's current Supplementary Statement of Licensing Policy is available on the Council's website at:-

<http://www.angus.gov.uk/sites/angus-cms/files/2017-08/Supplementary%20Statement%20of%20Licensing%20Board%20Policy%20November%202016.pdf>

Hard copies of the Policy are available from the Clerk on request.

- 2.3 In preparing its new Statement of Licensing Policy, the Board must ensure that the policy stated in the statement seeks to promote the licensing objectives. In addition, the Board must consult with Angus Local Licensing Forum. If membership of the Forum is not representative of holders of premises and personal licences, the Chief Constable, NHS Tayside, persons having functions relating to health, education or social work, young people and persons resident in the Forum's area then the Board must consult with such representatives as appear to the Board to be representative of those interests. In addition, the Board is required to consult with other such persons as the Board thinks appropriate.
- 2.4 It is proposed that in reviewing the Statement of Licensing Policy, the following will be consulted:
- Angus Local Licensing Forum
  - Every Member of Angus Council
  - Angus Council Education Department
  - Angus Alcohol and Drugs Partnership
  - Angus Health and Social Care Partnership
  - Angus Council Housing Department
  - Strategic Director, Angus Council – Place
  - Strategic Director, Angus Council - People
  - Police Scotland
  - NHS Tayside
  - Angus Child Protection Committee
  - Angus Vulnerable Adult Protection Committee
  - Scottish Licensed Trade Association
  - Scottish Grocers Federation
  - Community Councils in the Angus area
  - Professional Football Clubs in the Angus area
- 2.5 In addition, it is proposed that a press release will be issued via Facebook and Twitter advising the public of the review of process and how to make comments or suggestions. The "Have Your Say" area of Angus Council's website will be utilised as a means of advising of the consultation exercise and ingathering comments of suggestion.
- 2.6 Section 7 of the Act also provides that each Statement of Licensing Policy must include a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board's area. In considering whether there is overprovision in any locality, the Board must have regard to the number and capacity of licensed premises in the locality and consult the Chief Constable, NHS Tayside, holders of premises licences in respect of premises within the locality, persons resident in the locality and such other persons as the Board thinks fit. It is considered that the consultation exercises considered within this Report will discharge the duties of the Board in respect of this particular obligation.
- 2.7 In order to assess overprovision, the Board is required to determine "localities" within the Board's area. Changes to the legislation now allow that the Board may determine that the whole of the Board's area is a locality.
- 2.8 Scottish Government Guidance for Licensing and Local Authorities states:
- "In formulating its overprovision assessments the Licensing Board should closely scrutinise the provision of licensed premises across the whole of its area and then proceed to determine those localities which it proposes to examine. It is not necessary to divide the whole of the Board's area into separate localities.

The process by which the selection exercise is carried out is largely a matter for the Licensing Board and will no doubt involve the use of its own local knowledge. A locality could, for example, consist of a particular town, a city centre area, a street, a collection of streets or a council ward.”

### **3. CONSULTATION**

3.1 Having regard to the change in legislation and the above Guidance, it is submitted that an initial consultation regarding the localities which the Board should identify and examine should be undertaken. The options being the whole of the local authority area as one locality or, as separate localities, the Burghs of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose.

3.2 During the second consultation, it having been established whether the locality is the whole of the local authority area or each Burgh, it is proposed that the following statistical information will be ascertained:-

- i) number of licensed premises
- ii) capacity of premises licensed for on sales
- iii) number of premises licensed for off sales only
- iv) capacity of premises licensed for off sales only
- v) number and capacity of premises providing entertainment (e.g. dance facilities/live and/or recorded music)
- vi) licensing hours of licensed premises
- vii) number and capacity of licensed premises permitted to trade after 1am
- viii) number and capacity of premises where children are permitted access.

3.3 In terms of timescales it is submitted that the initial consultation exercise in terms of determining “the locality” will take place between mid November 2017 and mid December 2017. A further report will be placed before Committee providing the results of the consultation exercise and a final decision taken by the Board.

3.4 The second consultation exercise regarding the content of the Statement of Licensing Board Policy, including overprovision, will commence in the middle of January 2018 with the deadline for comments/suggestions being the middle of March 2018. Thereafter, a further report will be submitted to one or more subsequent Boards, as necessary, prior to implementation on 4 October 2018.

3.5 Post the meeting of the Angus Licensing Board on 2 November 2017, the annual joint meeting between Angus Licensing Board and Angus Licensing Forum will take place. It is proposed that the creation of the new Statement of Licensing Board Policy is discussed as an item at the joint meeting. This will allow for pre-consultation discussion regarding all matters by those present which can inform the formalisation of views/information to be submitted during the stated consultation periods.

3.6 Members are asked to raise any additions to the process for the carrying out of the review that they seek to incorporate with the Clerk during the meeting of 2 November 2017. In addition, the Board is invited to identify any particular aspect of the Board’s current Statement of Licensing Policy and Supplementary Statement of Licensing Policy that it would, in particular, wish to be considered as part of the review.

### **4. FINANCIAL IMPLICATIONS**

4.1 There are no significant financial implications arising from this Report. Any costs incurred will be met from existing revenue budgets.

## **5. HUMAN RIGHTS IMPLICATIONS**

5.1 There are no human rights implications arising from this report.

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