

ANGUS LICENSING BOARD – 19 JANUARY 2023

STATEMENT OF LICENSING BOARD POLICY

REPORT BY 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 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;
- (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 that it would, in particular, wish to be considered as part of the review in addition to the Ask Angela Initiative and/or provide a time frame to do so.

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. The "licensing policy period" commences 18 months after an ordinary election of councillors for local government areas. Therefore, the next licensing policy period commences on 6 November 2023 unless the Board determines an earlier date in terms of Section 6 (3ZA) of the Act.

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

<https://www.angus.gov.uk/sites/default/files/2018-08/Statement%20of%20Policy%20-%20Alcohol.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, 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 Tayside Health Board and 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

- Director of Education and Lifelong Learning, Angus Council
- Director of Children, Families and Justice, Angus Council
- Police Scotland
- NHS Tayside
- Angus Child Protection Committee
- Angus 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 or suggestions.

2.6 Overprovision is a ground for refusal of a premises or provisional premises licence application. Section 7 of the Act 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, excluding club premises, and consult the Chief Constable; NHS Tayside; such persons as appear to the Board to be representative of the interests of holders of premises licences in respect of premises within the locality and persons resident in the locality; as well as such other persons as the Board thinks fit. The Board may also have regard to such other matters as it thinks fit, including, in particular, the licensed hours of licensed premises in the locality. 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 The Act provides that it is for the Board to determine the “localities” within the Board’s area for the purposes of the Act and 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.”

2.9 The localities previously consulted upon and determined by the Board and referred to in the current Statement of Policy are the Burghs of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Montrose and Monifieth.

2.10 It is suggested that the Board does not change the previously determined localities.

2.11 As part of Equality Progress Reporting, the Licensing Board, with a view to progressing the outcome of increasing safety on licensed premises, stated in 2021 that at its next Statement of Policy Review the Board would give consideration to incorporating the “Ask Angela” initiative and guidance into the Statement of Licensing Policy, linking it with the licensing objectives of securing public safety, and preventing crime and disorder.

3. CONSULTATION

- 3.1 It is suggested that the Board proceeds to request statistical information (excluding in relation to premises with club licences and occasional licences in terms of the Act) to assist with preparing its draft Statement, including overprovision, as follows: -
- 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.
 - ix) any other information which the Board may think fit, such as relevant statistical information from the Chief Constable or Tayside Health Board and the licensed hours of licensed premises in the locality (other than club premises and those subject occasional licences).
 - x) Number of premises operating the "Ask Angela" initiative and number of people who have used it.
- 3.2 It is proposed that further reports will be brought to the Board in due course to enable preparation of a draft policy, including overprovision, for formal consultation.
- 3.3 The annual joint meeting between Angus Licensing Board and Angus Licensing Forum will take place in February 2023. It is anticipated that the creation of the new Statement of Licensing Board Policy will be discussed as an item at the joint meeting and will allow pre-consultation which may help the Forum to formalise any views/information it may wish to submit to the Board during the stated consultation periods.
- 3.4 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 19 January 2023. In addition, the Board is invited to identify any particular aspect of the Board's current Statement of Licensing Policy that it would, in particular, wish to be considered as part of the review in addition to the "Ask Angela" initiative referred to at paragraph 2.11 above.

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 directly from this report.

REPORT AUTHOR: Jennifer Burns, Solicitor

E-MAIL LEGDEM@angus.gov.uk