

ANGUS LICENSING BOARD – 14 SEPTEMBER 2023

STATEMENT OF LICENSING BOARD POLICY

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to provide the Board with an update following consultation on the Board's Draft Statement of Licensing Policy and Overprovision statement, and to finalise the Board's new Statement of Policy.

1. RECOMMENDATIONS

It is recommended that the Board: -

- (i) Considers the response received to the consultation on the Board's Draft Statement of Policy and Overprovision Assessment (**Appendix 1**);
- (ii) Considers the additional and updated data relating to licensed premises provided at Appendices 4 and 5, particularly with respect to the Overprovision Assessment;
- (iii) Note and approve amendments to the current Statement of Policy made by the Board at the special meeting of the Board on 20 June 2023 and additional changes all as detailed in the Draft Policy Statement at **Appendices 2 and 3**; and
- (iv) Authorise the Clerk to update the new Statement of Policy.

2. BACKGROUND

- 2.1 Section 6 of the Licensing (Scotland) Act 2005 obliges every Licensing Board before the beginning of each licensing period to publish a statement of their policy with respect to the exercise of their functions for that period. In exercising their functions under the Act, the Board must have regard to the Statement of Policy. In preparing its new licensing policy the Board must ensure that the policy seeks to promote the licensing objectives. In preparing the Statement of Policy the Board must consult the Local Licensing Forum, local Health Board and such other persons as the Board thinks appropriate. In terms of Section 7 of the Act the Statement of Policy must include a statement of the Board's assessment of overprovision in the Board's locality or localities.
- 2.2 At the meeting on 19 January 2023, the Board determined to commence the Licensing Policy review, approved the process for carrying out the review and identifying any particular aspect of the Board's current Statement of Licensing Policy for consideration. [Report LB4/23](#) refers.
- 2.3 Consultation took place with the Licensing Forum and initial public consultation took place between 31 January 2023 and 28 February 2023.
- 2.4 At the Special Meeting of the Board on 20 June 2023, Board members noted and considered the written and oral representations received in relation to the initial consultation, including from the Licensing Forum, and the information received from the Chief Constable, Police Scotland, NHS Tayside and from Angus Council [Report LB 37/23](#) refers.
- 2.5 The Board determined the localities for overprovision assessment and that these would remain unchanged, namely the seven burghs of: - Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. The Board agreed the Overprovision Statement for inclusion in the draft Statement which the Board also agreed. The Board agreed an increased list of consultees and that public consultation on the draft Statement of Policy would take place over the summer recess. [Report LB 37/23](#) refers.

- 2.6 Public consultation on the Draft Statement agreed by the Board took place between 30 June and 31 July 2023. One response was received which is shown at **Appendix 1** to the Report.
- 2.7 In terms of section 7 of the Act, 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 Section 125 clubs) and may have regard to such other matters as the Board thinks fit including, in particular, the licensed hours of licensed premises in the locality. Information about 'On sales' and 'Off sales' premises and their capacities was considered by the Board when it met in June 2023. Additional information, updated to 23 August 2023 is shown at **Appendix 4**. It is arranged by locality and gives information for 'On sales' premises, 'Off Sales' premises and also includes premises which are licensed for both 'On and Off sales'. **Appendix 5** provides a table of the numbers of such licences in the seven localities, with those for 'Off Sales' premises compared with numbers of those in March 2018. Data available from 2018 does not categorise premises into those which were 'On Sales' and 'On and Off Sales' for similar comparison.
- 2.8 A draft Statement of Licensing Policy has now been produced at **Appendix 2**. It reflects the tracked change amendments agreed by Board members on 20 June, (which are still shown as tracked). It also includes additional changes, which are also tracked. This document is also shown without tracked changes at Appendix 3. The Board is asked to agree any changes to the Draft Statement of Licensing Policy and thereafter approve and adopt the Policy. The Board's Statement of Policy will be publicised as required by legislation and must be in place before 6 November 2023.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly from this Report.

4. HUMAN RIGHTS IMPLICATIONS

- 4.1 An Equality Impact Assessment has been carried out and is attached to the Report as **Appendix 6**.

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