

## ANNUAL FUNCTIONS REPORT – 2021/22 - LICENSING (SCOTLAND) ACT 2005 SECTION 9A

### 1. Purpose

- 1.1 The Board requires to publish an annual report setting out how it has carried out its functions in terms of the Licensing (Scotland) Act 2005 (“the Act”). This report covers the period from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.
- 1.2 The Board operated under the restrictions in place as a result of the Covid 19 pandemic. Various legislative changes made to the Act by the Coronavirus (Scotland) Act 2020 remained in effect during this period.

### 2. Main Report

- 2.1 In order to satisfy the reporting requirements in terms of the Act this report is provided to the Board prior to its dissolution, to provide a summary of the work it has carried out in the past year. Having adapted its arrangements for consideration of non-delegated matters since the initial lockdown in March 2020 due to the Covid-19 pandemic the Board has continued to conduct its meetings remotely, in line with Covid guidance. As at the date of this report, this remains the case.
- 2.2 The Board’s functions include considering applications for premises and provisional premises licences and applications for variations of licence. The Board also has responsibility for considering applications for review of both Premises and Personal Licences granted by the Board. All of these are dealt with at regular Board meetings. The Board’s other functions including temporary licensing of venues (by means of occasional licences), extension of licensed hours, minor variations, transfers and the consideration of applications for personal licences are largely dealt with via the Board’s scheme of delegation.
- 2.3 As at 31<sup>st</sup> March 2022 within the Edinburgh Licensing Board area there were 1952 (1,917) premises licences, comprising 399 (415) on sale, 485 (476) off sale and 1068 (1,026) on and off sale in force. The number of persons issued with personal licences was 7909 (7,341), (2020/21 figures in brackets for comparison).

### 3. Board Functions

- 3.1 In carrying out its functions under the Act, the Board should have regard to the five licensing objectives set out in the Act and the terms of its Statement of Licensing Policy. The relevant links are provided at the end of this report.
- 3.2 The Board requires all applicants for new premises and provisional premises licences to provide details as to how they will ensure the operation of their premises complies with the requirements of the licensing objectives. The Board’s policy sets out examples of positive

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control measures for consideration by applicants and operators in relation to each of the five objectives.

3.3 When assessing applications in relation to specific licensing objectives the Board has been provided with supplementary information from applicants where it has not been possible to carry out site visits. This has included additional supporting materials, more detailed descriptions of premises and the proposed changes being made all with the aim of ensuring careful consideration by the Board of premises' suitability having regard to the licensing objectives. Examples include arrangements for children and young persons' access to licensed premises, potential impacts on public safety and public nuisance licensing objectives arising from noise and anti-social behaviour etc. The Board has recommenced site visits during the period covered by this report, ensuring observance of covid restrictions.

3.4 Over the course of the reporting period, when considering applications for new premises and changes to existing premises the Board has continued to make use of licensing conditions where it has considered it necessary for the licensing objectives, having regard to the terms of its policy. Examples include:-

- consideration of amplified music and vocals in premises and the appropriate levels of volume control in relation to the public nuisance licensing objective
- consideration of additional control of off sales supply of alcohol, to be with provision of food only in certain circumstances, in relation to the public health licensing objective
- careful consideration of outdoor drinking areas, where applicants have requested later than the 2200 terminal hour in terms of the Board's policy.
- consideration of applications for occasional licences, which have been referred by Board members for wider consideration by the Board, to obtain further information from applicants where applications have been submitted over a protracted period of time.

### **4. Board Business**

4.1 During the reporting period, the Board met monthly (other than December) to determine applications that could not be dealt with under delegated authority. Details of Board meetings are published here [Browse meetings - Licensing Board - Modern Council \(edinburgh.gov.uk\)](#) and public notification of future applications is published here ([Alcohol licence registers – The City of Edinburgh Council](#)).

4.2 The Board continues to recognise the importance of ensuring continued access to the licensing decision making process, during the

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Covid -19 pandemic and all consultees, agents and applicants have been provided with the opportunity to attend Board meetings remotely and guidance for those attending was updated and regularly sent out in advance of Board meetings. So far as possible the Board has been able to continue conducting applications business online. Contact details are published online to ensure meetings are also readily accessible to the public for those who wish to attend and observe.

- 4.3 During the 2021-22 period the Board considered further changes to the Act introduced by the Coronavirus (Scotland) Act 2020 along with updates. The Board agreed to extend timelines for submission of refresher training for personal licences, from four months to fourteen months.
- 4.4 Whilst not wholly within the remit of the 2005 Act, but representing a piece of work which has some connection with it, the Board carried out a consultation on the terms of its Gambling Policy, before agreeing the terms of its new policy, published earlier this year.

### **5. Decisions of the Board**

- 5.1 At Board meetings held during the period covered by this report, the Board considered applications and reached decisions as detailed below:-
- Four applications for premises licence were considered and granted on the terms requested
  - Seventy provisional premises licence applications were considered by the Board, fifty of which were granted on the terms requested. Nineteen were granted following amendment. One application was refused.
  - One hundred and eleven applications for variations (other than minor variations) were considered during the relevant period, of which ninety-four were granted on the terms requested. Fourteen were granted following amendment and three applications were withdrawn by the applicant.
  - The Board has considered and agreed fifteen requests for extensions of existing provisional premises licences.

#### **Reviews**

- 5.2 During the period covered by this report the Board received one application for review of premises licence and a connected application for review of the personal licence held by the manager of the premises. The Board agreed to issue the premises licence holder with a written warning, and to suspend the manager's premises licence for a period of 28 days.

### **6. Recommendation**

- 6.1 The Board is asked to –

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- (a) approve the report; and
- (b) publish the report.

**Depute Clerk of the Licensing Board**

**Links**

[Section 9A Licensing \(Scotland\) Act 2005](#) – functions report requirements

[Licensing \(Scotland\) Act 2005 \(legislation.gov.uk\)](#) – licensing objectives

[Edinburgh's Licensing Board – The City of Edinburgh Council](#) – details of policy, etc