
Report to **Clackmannanshire Licensing Board**

Date of Meeting: **24 April 2018**

Subject: **Review of Statement of Licensing Policy**

Report by: **Lindsay Thomson, Clerk to the Licensing Board**

1.0 Purpose

- 1.1. This report advises members that the current Statement of Licensing Policy needs to be reviewed by November 2018.
- 1.2. It also proposes a process for the review to be carried out.

2.0 Recommendations

- 2.1. It is recommended that the Licensing Board
 - 2.1.1. Notes the requirement to review the Statement of Licensing Policy, including an assessment of overprovision.
 - 2.1.2. Approves the proposed approach and timescale for the review as set out in Appendix 1, including the requirement to consult.
 - 2.1.3. Nominates three members of the Licensing Board to take forward the review and
 - 2.1.4. Provides feedback on the matters which should be covered by the review as appropriate.

3.0 Considerations

- 3.1. The Board is statutorily required to publish a statement of licensing policy. The current Statement of Licensing Policy was approved in November 2013 for a period of 3 years. The approach taken then was to form a sub-committee of the Licensing Board which reviewed the current policy, prepared a draft for consultation, led the consultation process and then reported back to the full Board with a final version for approval. The reports to the Licensing Board from the previous review are available as background papers.
- 3.2. The current policy was due to expire in November 2016, however the Air Weapons and Licensing (Scotland) Act 2015 changed the timescale for the frequency of publication of the policy to 18 months after local authority

elections. The policy will therefore need to be reviewed by the 4 November 2018.

3.3. Members are invited to consider the proposed approach for the review set out in appendix 1. The proposed approach builds on the success of the process adopted for the last review. It identifies a number of key tasks for each stage of the process. It also proposes that the Licensing Standards Officer attends the Sub-committee in addition to the Clerk. Finally, one of the focusses of the review will be to simplify the language and level of detail and avoid repetition of statutory requirements.

3.4. The Board is invited to indicate any particular areas which the sub-committee should consider including or revising in the new policy. Suggested areas for consideration may be:-

3.4.1. Children and young persons' access to licensed premises

3.4.2. Festive policy

3.4.3. Voluntary organisations

3.4.4. Delegation

3.4.5. Licensed Hours

3.4.6. Outside Areas and

3.4.7. Occasional Licences

4.0 Sustainability Implications

4.1. None identified

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes x

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes x

5.4. *Staffing*

5.5. *This project will be delivered within the existing staff capacity.*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No X

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- | | |
|--|--------------------------|
| Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all | X |
| Our families; children and young people will have the best possible start in life | X |
| Women and girls will be confident and aspirational, and achieve their full potential | <input type="checkbox"/> |
| Our communities will be resilient and empowered so that they can thrive and flourish | <input type="checkbox"/> |

(2) **Council Policies** (Please detail)

Statement of Licensing Policy 2013-2016

8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes No x

The equalities impact of any changes to the policy will be addressed as part of the review.

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes X

This Board is required to publish a statement of licensing policy in terms of section 6 of the Licensing (Scotland) Act 2005.

10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Proposed approach to the review

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes X


Report to Licensing Board - June 2013

Report to Licensing Board - November 2013

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lindsay Thomson	Clerk to the Licensing Board	2084

Approved by

NAME	DESIGNATION	SIGNATURE
Lindsay Thomson	Clerk to the Licensing Board	

Appendix 1 Review of the Statement of Licensing Policy – proposed timetable and key actions

Stage 1 Initiation of Review

When	Who	Key tasks
24 April 2018	Licensing Board	<ul style="list-style-type: none"> • Approve process for review • Nominate working group • Provides feedback on the areas for further consideration as part of the review

Stage 2 Information Gathering and Review

When	Who	Key tasks
25 April – 27 April	Officers	<ul style="list-style-type: none"> • Collate reference material including LOIP and other applicable policies • Review and collate information on legislative changes, case law developments and good practice from other boards • Prepare statistical information about the type and volume of applications under the 13-16 policy, including consideration of any themes and issues
w/c 30 April	Working Group	<p>Meeting One</p> <ul style="list-style-type: none"> • Review any reference material or statistical information provided by officers • Review section of policy headed Licensing Objectives • Identify which areas will be reviewed in meeting 2 (to include overprovision) • Identify what is good in existing Policy, that can remain unchanged
7 May – 18 May	Officers	<ul style="list-style-type: none"> • Prepared revised policy on Licensing Objectives per meeting one for review by working group • Prepare draft policy for review by group on areas identified for meeting two

w/c 28 May	Working Group	Meeting Two <ul style="list-style-type: none"> • Review and agree revised section on policy on Licensing Objectives • Review draft policy on specific areas agreed in meeting one
4 June – 15 June	Officers	<ul style="list-style-type: none"> • Prepare revised policy per discussion at meeting 2 • Prepare draft consultation document
w/c 18 June	Working Group	Meeting Three <ul style="list-style-type: none"> • Review final draft of policy for consultation • Approve consultation document and consultation process
26 June	Licensing Board	<ul style="list-style-type: none"> • Update from working group on draft policy and consultation process

Stage 3 Formal Consultation

When	Who	Key tasks
29 June – 27 August (8 Weeks)	Statutory consultees Other stakeholders as appropriate Officers	<ul style="list-style-type: none"> • Profile raising of consultation • Acknowledging and reviewing responses

Stage 4 Post Consultation process and approval

When	Who	Key tasks
28 August – 31 August	Officers	<ul style="list-style-type: none"> • Review all consultation responses and prepare a report on consultation
w/c 3 September	Working Group	<ul style="list-style-type: none"> • Review consultation report and agree required changes
10 September – 28 September	Officers	<ul style="list-style-type: none"> • Prepare final draft of policy • Prepare covering report for Licensing Board
w/c 1 October	Working Group	<ul style="list-style-type: none"> • Review final draft and covering report
8 October – 23 October	Officers	<ul style="list-style-type: none"> • Final amendments
30 October	Licensing Board	<ul style="list-style-type: none"> • Final approval