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**Report to Licensing Board**

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**Date of Meeting: 11 December 2018**

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**Subject: Report on the review of the Statement of Licensing Policy**

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**Report by: Lindsay Thomson**

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**1.0 Purpose**

- 1.1. This report summarises the activity undertaken in the review of the Licensing Board's Statement of Licensing Policy and seeks approval for the revised Statement of Licencing Policy set out in appendix one.

**2.0 Recommendations**

- 2.1. It is recommended that the Licensing Board approves the revised Statement of Licensing Policy.

**3.0 Considerations**

- 3.1. Process

In April 2018 the Board agreed to delegate authority to a working group to carry out the required review of the Statement of Licensing Policy. The members of the working group were Councillor Earle, Councillor Clark, Councillor Matchett, Councillor Sharp and Councillor Benny. The working group was also supported by the Clerk to the Board and the Licensing Standards Officer.

The working group committed to a timeline of meetings as agreed by the Board. This timeline included an initial process of gathering information and reviewing the current policy, followed by a formal consultation and then a post consultation responses review. There was some slippage in the timeline as there was a request to extend the timeline from a consultee so that their response could be signed off by their board. The working group agreed to extend the consultation period.

The working group met on eight occasions between April and November.

- 3.2 Statistical references and strategic context

One of the early pieces of work the group carried out was to review information about the volume and type of applications. This information is contained in appendix two.

The main points which the group noted were the relative parity of the number of off and on sales and the stability in the number of licences, the reduction in occasional licence applications over the 3 year period and very small amount of formal enforcement action.

The group also reviewed statistics provided from external sources such as such as CRESH and alcohol focus and considered the policy in the context of the Local Outcome Improvement Plan, Children's Service and Health and Social Care Partnership plans and the draft strategic plan.

3.3 Early in its discussion the group identified what it wanted to achieve in the revised policy:-

- More concise user friendly and understandable statement of policy
- Removal of repetition of legislative provisions
- Focus on matters related to licensing objectives
- Continuing to see successful operation of on-sales
- Considering carefully the position of off-sales
- Reaching a concluded position on over provision

3.4 Consultation

The group prepared a draft of the policy for consultation. They also considered what questions they would include in the consultation response. This is available as a background paper, as members of the Board all received a copy during the consultation process.

The consultation ran for 10 weeks between June and September. The consultation was promoted through direct emailing of both the statutory consultees and the list of consultees drawn up by the group, publication on a specialist licensing website as facilitated by the Licensing Standards Officer and on the Council's citizen space and then regular social media posts.

At the conclusion of the consultation there 19 responses which had come through the citizen space portal and 4 direct responses from the following consultees.

- Licensing Forum
- AFS
- Police Scotland
- ADP

In addition to the very helpful and detailed responses which the group considered in full in their meetings, there were a number of key messages from the consultation. These were:

- Majority say the number of off sales (54%) and on sales (72%) are about right.
- High level of support for new approach to policy (86%)
- Most responses from Alloa Town Centre, Alloa West and Tullibody.
- No responses from a number of areas including Dollar, Menstrie, Coalsnaughton, Fishcross and Clackmannan

### 3.5 Overprovision

The Group was also required to consider the position of overprovision. They had a detailed and lengthy discussion on overprovision, considering the specific terms of the legislation, localities and what evidence would be required to establish over provisions.

In particular the group considered all of the information gathered at the outset of the working group's activity, what it understood of the shopping habits of local residents, the stability of number of premises, and the consultation responses.

The group has reached the view that there is no overprovision in Clackmannanshire.

### 3.6 Working group approach

Finally the working group welcomed the opportunity to carry out this task in a smaller group on behalf of the Board. The group considered that it gave the group the chance to look carefully at the detail and to have a full, frank and honest discussion,

The group also recognised that the process for review had been time-consuming and noted that additional meetings of the group were required in order to finalise the draft. The group also recommends that in future summer consultation is avoided. Finally the group noted that there is an opportunity for further research to be carried out on the local area which would assist in the next review of the policy.

The group recommend that there is now a programme of profile raising of the revised policy and that it is made widely available.

## **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

5.4. *Staffing*

**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
- Our communities will be resilient and empowered so that they can thrive and flourish X

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

**Statement of Licensing Policy – current**

**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

**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

**10.0 Appendices**

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

Appendix 1 Revised Statement of Licensing Policy

Appendix 2 Data considered as part of the review of the policy

**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  (please list the documents below) No

**Consultation on the revised statement of licensing policy**

**Author(s)**

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

**Approved by**

NAME	DESIGNATION	SIGNATURE
Lindsay Thomson	Clerk to the Board	

