

# Inverclyde Licensing Board

## ALL MEMBERS OF THE LICENSING BOARD

Direct Line: 01475 712109  
Enquiries To: Fiona Denver  
E-mail: [fiona.denver@inverclyde.gov.uk](mailto:fiona.denver@inverclyde.gov.uk)  
Our Ref: FD  
Your Ref:  
Date: 19 October 2022

Dear Member

Please attend a special meeting of the **INVERCLYDE LICENSING BOARD** to be held on **WEDNESDAY 26 OCTOBER 2022 at 10.00 a.m.**

The Licensing Board Meeting will be held in hybrid format. Members may attend the meeting in person or access the meeting by remote online access. The joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Fiona Denver by 12 noon on Monday 24 October how they intend to access the meeting

Yours faithfully

Clerk

## AGENDA

- 1. Apologies, Substitutions and Declarations of Interest**
- 2. Licensing (Scotland) Act 2005: Application for Variation of Premises Licence**  
A list of applications is enclosed.
- 3. Inverclyde Licensing Board Festive Season Policy 2022 - 2023**  
Report by the Clerk.
- 4. Update regarding Future Delivery of Licensing Board Meetings**  
Report by the Clerk.
- 5. Benchmarking Exercise on the Inverclyde Licensing Board's Income and Expenditure Position**  
Report by the Clerk.
- 6. Report regarding remit to the Inverclyde Licensing Board regarding Control the Bleed Kits**  
Report by the Clerk.
- 7. Remit to the Inverclyde Licensing Board regarding "Get Me Home Safely" Campaign of Unite the Union**  
Report by the Clerk.

INVERCLYDE LICENSING BOARD – 26 OCTOBER 2022

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR TRANSFER WITH VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Applicant</u>	<u>Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	James Kelly	<b>Vino 13 Ltd</b> 13 St James Terrace Kilmacolm	(a) Transfer of licence holder from James Kelly to Kilmacolm Wine Bar Ltd t/a Vino 13  (b) Increase terminal core licensing hour to 12 Midnight Monday to Saturday.  <b>Existing</b> <u>On Sales</u> Monday – Saturday 11.00 a.m. – 10.30 p.m. Sunday 12.15 p.m. – 10.00 p.m.  <u>Off Sales</u> Monday – Saturday 10.00 a.m. – 10.00 p.m. Sunday 12 Noon – 10.00 p.m.  (c) Add the following to Seasonal Variations:-  Extensions over the festive period will be operated in accordance with Inverclyde Licensing Board Policy.  <b>Existing</b> None  (d) Amend activities /....	

No Applicant

Premises

**Vino 13 Ltd**  
13 St James Terrace  
Kilmacolm

Variation Details

- (d) Amend activities to be provided on the premises during core licensing hours as follows:-
- (i) Addition of Receptions including weddings, funerals, birthdays, retirements etc.; and Live performances.  
(Tick Box – Yes)

**Existing**

Tick Box – No

(ii) Further Details

Add the following information to further details in respect of activities to be provided:-

The First Saturday of each month, premises to open at 10.00 a.m. to offer teas/coffees to customers attending the Farmers Market. No on sales of alcohol to be sold prior to 11.00 a.m.

Offering private functions and hosting live music performances. Due to the size of the premises and to prevent excessive noise nuisance to neighbours, this will be limited to small acoustic performances.

Frequency of live performances will be limited and with a terminal hour of 10.00 p.m.

**Existing**

None

Decision

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<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date:</b>	<b>26 October 2022</b>
<b>Report By:</b>	<b>Clerk to Inverclyde Licensing Board</b>	<b>Report No:</b>	<b>LS/93/22</b>
<b>Contact Officer:</b>	<b>Fiona Denver</b>	<b>Contact No:</b>	<b>01475 712109</b>
<b>Subject:</b>	<b>Inverclyde Licensing Board Festive Season Policy 2022-2023</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to request that members of the Licensing Board consider and determine the Board's 2022-2023 Festive Season Policy with regard to extended hours applications for Premises Licences and Occasional Licence applications for non-licensed premises within Inverclyde.

1.3 Whilst the Board is asked to consider this report, members are asked to note that as in the previous two years, any rules and regulations set by the Scottish Government in respect of the coronavirus pandemic pertaining to the Inverclyde area will take precedence over the Festive Season Policy.

## 2.0 RECOMMENDATIONS

2.1 It is recommended that the Licensing Board considers the following:

(a) If the Festive Season Policy is determined by:-

(i) Section 68 of the 2005 Act whereby licence holders require to lodge an Extended Hours application;

**OR**

(ii) Section 67 of the 2005 Act, whereby the Licensing Board may agree a "blanket" extension in connection with a special event of local or national significance, and extend licensing hours by such period as the Board may determine.

(b) That the period to which the Festive Season Policy will apply is Friday 9 December 2022 to Monday 2 January 2023 inclusive;

(c) The days and hours premises may be open during this period for both nightclub and non-nightclub premises;

(d) Whether or not the terminal hour for Sunday 25 December and Monday 26 December 2022, and Sunday 1 January and Monday 2 January 2023 should be the same as a Thursday to Saturday;

(e) That the event being held must relate to the festive season, such as a Christmas party night, Hogmanay and not to birthday parties, weddings etc., or whether extensions may be granted as per the Festive Season Policy agreed during this period regardless of the type of event proposed;

(f) If the curfew of 12 midnight on 31 December 2022 should be relaxed to 1:00 am on 1 January 2023;

(g) To assist the administering process, request licence holders notify Police Scotland Licensing Section as soon as possible of those dates within the Festive Season Policy they intend to utilise; and

- (h) Whether an occasional licence application made for non-licensed premises for an event during the period of the Festive Season Policy be granted in terms of the Festive Season Policy for events solely related to festive activities.

**Iain Strachan**  
**Clerk to the Board**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 Last year, as in previous years, the Board agreed a “blanket” extension across Inverclyde in terms of section 67 of the Licensing (Scotland) Act 2005. A copy of the Inverclyde Licensing Board’s Festive Season Policy for 2021-2022 is attached as **Appendix 1** to this report for information purposes.
- 3.2 In previous years Police Scotland has not objected to the “blanket” extension although they advised they would object to any application which was submitted to the Board which sought extended hours beyond those proposed in the Festive Season Policy. The proposed draft Festive Season Policy for 2022-2023, which is set out in **Appendix 2**, has been intimated to Police Scotland for comment. Members of the Board will be provided with a copy of any written response from Police Scotland in relation to the proposed policy in advance of the Board’s meeting.

### 4.0 PROPOSALS

- 4.1 The Inverclyde Licensing Policy Statement identifies that the festive season period will be considered by the Board on an annual basis. The Board therefore requires to determine if it will be necessary for licence holders to make an Extended Hours application under Section 68 of the 2005 Act, or if the Board is willing, as in previous years, to agree a “blanket” extension in relation to extended opening hours over the festive season period.
- 4.2 The Board will also require to address the days and hours licensed premises may be open during the festive season for both nightclub and non-nightclub premises, the period covered by the policy, and whether or not the terminal hour for Sunday 25 December and Monday 26 December 2022 and Sunday 1 January and Monday 2 January 2023 will be the same as a Thursday to Saturday. Members will also require to consider if the Licensing Board’s curfew of 12 midnight on 31 December 2022 should be relaxed to 1.00 am on 1 January 2023.
- 4.3 The Board will also require to consider whether an occasional licence application made for a non-licensed premises, such as Greenock Town Hall, Gamble Halls, and Port Glasgow Town Hall, for an event within the festive period should be granted in terms of the Festive Season Policy for events solely related to festive activities.
- 4.4 Should the Board approve the Festive Season policy for 2022-2023, it will be unnecessary for licensed premises to submit an Extended Hours application in relation to the period covered by the policy, although Licence Holders should notify Police Scotland’s Licensing Section of those nights they wish to utilise within the policy as soon as possible.

### 5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Financial			X
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People’s Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

## 5.2 Finance

There are no financial implications as a result of this report or proposed policy.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

## 5.3 Legal/Risk

The legal issues are set out within this report.

## 5.4 Human Resources

None.

## 6.0 CONSULTATION

6.1 Police Scotland has been consulted regarding the proposed policy and the Board will be updated regarding any response in advance of the Board meeting on 26 October 2022.

## 7.0 BACKGROUND PAPERS

7.1 None.

# Inverclyde Licensing Board

## Festive Season Policy 2021 - 2022

APPENDIX 1

Inverclyde Licensing Board at their meeting on 29 October 2021 agreed the Festive Season Policy 2021 - 2022 in terms of Section 67 of the Licensing (Scotland) Act 2005 to permit Premises Licences (except Off Sales) to extend the terminal Core Hour of the premises on the following dates and hours, if the Licensees so wish:-

### FRIDAY 10 DECEMBER 2021 – SUNDAY 2 JANUARY 2022 INCLUSIVE

#### Premises Licence (except Nightclubs)

Premises may open:

Sunday – Wednesday 1.00 am

Thursday – Saturday 2.00 am

#### Premises Licence (Nightclubs)

Premises may open:

Sunday – Wednesday 2.00 am

Thursday – Saturday 3.30 am  
(Bar to close 3.00 am)

**Note:** Sunday 26 December 2021 and Sunday 2 January 2022 may have the same terminal hour as Thursday – Saturday.

**Note:** It is important that Licence Holders note that the Festive Season Policy has been approved as standard procedure, however, any Rules and Regulations set by the Scottish and UK Government in respect of the coronavirus pandemic pertaining to the Inverclyde area will take precedence over the Festive Season Policy.

There is **NO** requirement to submit an Extended Hours application for the above dates and hours however the event being held within the premises **MUST** relate to the festive season e.g. Christmas Party, Hogmanay. This extension does **NOT** include a birthday party, anniversary, charity event, christening etc. Applications for these type of events should be applied for in the normal manner.

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### CURFEW AND CONDITIONS

The curfew will be relaxed on the evening of 31 December to 1.00 a.m. on 1 January.

The requirements of the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 will apply to premises opening after 1.00 am

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### POLICE NOTIFICATION

Licence holders should notify Police Scotland, Licensing Department of those nights they wish to utilise within the Policy as soon as possible. Police Scotland may be contacted by e-mail:-

[RenfrewshireInverclydeLicensing@scotland.pnn.police.uk](mailto:RenfrewshireInverclydeLicensing@scotland.pnn.police.uk)

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### CONTACT DETAILS

If you have any questions, please contact:

Fiona Denver, Inverclyde Licensing Board, Inverclyde Council, Municipal Buildings, Clyde Square, Greenock PA15 1LX  
Tel: 01475 712109 e-mail: [fiona.denver@inverclyde.gov.uk](mailto:fiona.denver@inverclyde.gov.uk)



## Inverclyde Licensing Board

### Festive Season Policy 2022 - 2023

Inverclyde Licensing Board at their meeting on *(date to be inserted)* agreed the Festive Season Policy 2022 - 2023 in terms of Section 67 of the Licensing (Scotland) Act 2005 to permit Premises Licences (except Off Sales) to extend the terminal Core Hour of the premises on the following dates and hours, if the Licensees so wish:-

#### FRIDAY 9 DECEMBER 2022 – SUNDAY 2 JANUARY 2023 INCLUSIVE

##### **Premises Licence (except Nightclubs)**

Premises may open:

Sunday – Wednesday 1.00 am

Thursday – Saturday 2.00 am

##### **Premises Licence (Nightclubs)**

Premises may open:

Sunday – Wednesday 2.00 am

Thursday – Saturday 3.30 am  
(Bar to close 3.00 am)

**Note:** Sunday 25 December, Monday 26 December 2022, Sunday 1 January and Monday 2 January 2023 may have the same terminal hour as Thursday – Saturday.

There is **NO** requirement to submit an Extended Hours application for the above dates and hours however the event being held within the premises **MUST** relate to the festive season e.g. Christmas Party, Hogmanay. This extension does **NOT** include a birthday party, anniversary, charity event, christening etc. Applications for these type of events should be applied for in the normal manner.

#### CURFEW AND CONDITIONS

The curfew will be relaxed on the evening of 31 December to 1.00 a.m. on 1 January.

The requirements of the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 will apply to premises opening after 1.00 am

#### POLICE NOTIFICATION

Licence holders should notify Police Scotland, Licensing Department of those nights they wish to utilise within the Policy as soon as possible. Police Scotland may be contacted by e-mail:-

[RenfrewshireInverclydeLicensing@scotland.pnn.police.uk](mailto:RenfrewshireInverclydeLicensing@scotland.pnn.police.uk)

#### CONTACT DETAILS

If you have any questions, please contact:

Fiona Denver, Inverclyde Licensing Board, Inverclyde Council, Municipal Buildings, Clyde Square, Greenock PA15 1LX

Tel: 01475 712109 e-mail: [fiona.denver@inverclyde.gov.uk](mailto:fiona.denver@inverclyde.gov.uk)

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<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date:</b>	<b>26 October 2022</b>
<b>Report By:</b>	<b>Clerk to Licensing Board</b>	<b>Report No:</b>	<b>LS/94/22</b>
<b>Contact Officer:</b>	<b>Anne Sinclair</b>	<b>Contact No:</b>	<b>01475 712034</b>
<b>Subject:</b>	<b>Update regarding Future Delivery of Licensing Board Meetings</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to provide members of the Licensing Board with proposals around the future delivery of Licensing Board meetings.

1.3 In light of legislative change introduced by the Coronavirus (Recovery and Reform) (Scotland) 2022 which received Royal Assent on 10 August 2022, it is appropriate for the Licensing Board to review its current meeting arrangements, and resolve what future arrangements should be in place, in order to provide Licensing Board Members, officers, applicants and their representatives with clarity.

## 2.0 RECOMMENDATIONS

2.1 It is recommended that the Licensing Board agree with the following:

- That meetings of the Licensing Board are all held on a hybrid basis moving forward, in accordance with Inverclyde Council's previously approved Remote and Hybrid Meeting Protocols, the exception to this being as agreed by the Council at its meeting on 23 September 2021;
- That public attendance be facilitated by permitting physical attendance and extending an electronic invite to any member of the public who requests an invitation, with contact details to make such a request being published on each Calling Notice;
- That, as under the current arrangements, given its *quasi-judicial* nature, the Licensing Board will adopt the position agreed by the Council, that such meetings shall not be live streamed, save where required by law;
- That authority be delegated to the Clerk and Depute Clerk of the Licensing Board, in consultation with the Chair of the Licensing Board, to determine whether any Licensing Board meeting should instead be held on a fully in person or fully remote basis, where it is considered appropriate, for example, for reasons of public health; and
- That authority be delegated to the Clerk and Depute Clerk of the Licensing Board, in consultation with the Chair of the Licensing Board, to determine the manner in which a hearing is held before the Licensing Board, in terms of the Coronavirus (Recovery and Reform)(Scotland) Act 2022.

**Iain Strachan**  
**Clerk to the Inverclyde Licensing Board**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 Elected Members have received and considered a number of reports regarding the delivery of Council/Committee and *quasi-judicial* Board meetings since the outbreak of the Covid-19 pandemic in March 2020. The approach adopted by the Council in relation to meetings of the Council/Committee and the *quasi-judicial* Board meetings has been a response to both the UK and Scottish Government regulations and guidance.
- 3.2 At its meeting on 23 September 2021, the Council agreed that approval should be given to all meetings of the Council/Committees, Sub-Committees and *quasi-judicial* Boards continuing to be held on a hybrid basis, except in the following circumstances:
- the Chair/Vice Chair or Convener/Vice Convener is unable to attend the meeting in person;
  - holding a hybrid meeting would be contrary to the legislation, regulations and guidance of the Scottish Government regarding the Covid-19 pandemic with regards to public health and the requirement for social distancing measures.  
<https://www.inverclyde.gov.uk/meetings/meeting/2384>
- 3.3 At its meeting on 23 December 2021, the Policy & Resources Executive Sub-Committee, as a response to the rising level of infection rates agreed that all meetings of the Council, Committees, Sub-Committees and *quasi-judicial* Boards would revert to remote on line meetings. At a more recent meeting on 17 February 2022, the Council agreed that it would revert to the hybrid Committee model approved by the 23 September 2021 Council with effect from 1 March 2022 and this decision included the way in which meetings of the Inverclyde Licensing Board would be held.
- 3.4 By necessity, the requirement to move to remote, and then hybrid, meetings was taken quickly, and in response to the pandemic and the changing nature of it, coupled with its impact on the Council and citizens of Inverclyde. However, what were once thought likely to be short-term and temporary arrangements have now become long-term and more permanent. The Scottish Government has now deemed that it is appropriate that formal decisions are made by Licensing Boards in relation to how future meetings shall be held.
- 3.5 Following a period of consultation, the Scottish Government has introduced the recently enacted Coronavirus (Recovery and Reform) (Scotland) Act 2022 which confirms that hearings in respect of civic or alcohol licensing matters can be held on a remote or hybrid basis, as well as in person. The newly enacted legislation inserts new provisions in Section 133A and paragraph 12 of Schedule 1 of the Licensing Scotland (Scotland) Act 2005 whereby a Licensing Board may determine that a hearing is to be held – (a) in person, (b) wholly through the use of remote facilities, or (c) partly in person and partly through the use of remote facilities.

### 4.0 PROPOSALS

- 4.1 Given the Inverclyde Licensing Board is a separate legal entity from the Inverclyde Council, it is appropriate that the Inverclyde Licensing Board now make a formal determination regarding how meetings shall be held in future.
- 4.2 It is the view of the Clerk of the Inverclyde Licensing Board that hybrid meetings have been successful in enabling meetings of the Licensing Board to be conducted in an efficient and effective manner. They have enabled the business of the Licensing Board to be progressed in an expeditious manner whilst providing flexibility and convenience for Licensing Board members, applicants and representatives providing them with choice to attend in person or remotely via video link with the advantage for applicants and representatives that they now only require to join the Licensing Board meeting for the calling of their own application rather than waiting in the Chambers for their application to call. Holding meetings in this way makes for more efficient use

of officer time, which is particularly important given the current challenges around resource capacity.

- 4.3 In light of the flexibility offered to Licensing Board members, applicants and representatives it is proposed that the default position for the Inverclyde Licensing Board is that meetings will be held partly in person and partly through the use of remote facilities, that is on the hybrid model, and that the use of remote facilities shall be preserved and used in the circumstances set out in paragraphs 3.2 and 4.4 of this report. In addition to the advantages set out at paragraph 4.2 above, it should be noted that the adoption of hybrid meetings is also consistent with the Council’s approach to flexible workstyles.
- 4.4 In terms of the new provisions introduced into the Licensing (Scotland) Act 2005, the Licensing Board when determining how a hearing is to be held must take account of the views given on that issue by a person who notifies the Board of an intention to participate in the meeting. Accordingly, whilst it is proposed that a hybrid meeting of the Inverclyde Licensing Board will be the default position, it is also proposed that the Board retain the possibility of holding a Licensing Board in person or wholly through the use of remote facilities, and that authority be delegated to the Clerk and the Depute Clerk in consultation with the Chair of the Licensing Board to determine the manner in which a hearing is held in terms of the Coronavirus (Recovery and Reform) (Scotland) Act 2022.
- 4.5 It is a requirement of existing legislation that meetings of a Licensing Board require to be held in public. In terms of the newly enacted Coronavirus (Recovery and Reform) (Scotland) Act 2022, the new legislation states that:
- 4.6 A2 where a meeting is held wholly or partly through the use of remote facilities, a Licensing Board complies with the requirement mentioned in sub-paragraph (2) by enabling the public to observe the meeting through the use of remote facilities (for example, by making a web link to the meeting publicly available)”.
- 4.7 Accordingly it is proposed that the Licensing Board Calling Notice will contain a statement that any person who wishes to attend a meeting of the Inverclyde Licensing Board, which is being held either fully remotely or partly in person and partly through the use of remote facilities (the hybrid model) should contact the Licensing Section and request an electronic invitation to observe the meeting. Appropriate contact details shall be provided for this purpose.

**5.0 IMPLICATIONS**

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Financial		X	
Legal/Risk	X		
Human Resources	X		
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People’s Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

**5.2 Finance**

There are no financial implications directly arising from this report and its proposals.

### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.3 Legal/Risk

There is a need for the Licensing Board to ensure that its meetings are suitably accessible to the public and other relevant stakeholders, and at the same time ensure such meetings are conducted in a manner that complies with the relevant regulations and guidelines that have been introduced as a consequence of the Covid-19 pandemic. The Licensing Board requires to resolve how its meetings will be held in light of the new Coronavirus (Recovery and Reform) (Scotland) Act 2022.

### 5.4 Human Resources

The main implication is the impact on staff of the proposed meeting arrangements that the Licensing Board wishes to have. It is assessed that the proposals in this report can be supported by staff, as they are now. In addition, there are health and safety considerations but they too should be capable of being satisfied. The adoption of hybrid meetings is consistent with the Council's approach to flexible working lifestyles.

### 6.0 CONSULTATION

6.1 The Scottish Government introduced the Coronavirus (Recovery and Reform) (Scotland) Act 2022 following a period of consultation.

### 7.0 BACKGROUND PAPERS

7.1 None.

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<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date:</b>	<b>26 October 2022</b>
<b>Report By:</b>	<b>Clerk to the Licensing Board</b>	<b>Report No:</b>	<b>LS/95/22</b>
<b>Contact Officer:</b>	<b>Anne Sinclair</b>	<b>Contact No:</b>	<b>01475 712034</b>
<b>Subject:</b>	<b>Benchmarking Exercise on the Inverclyde Licensing Board's Income and Expenditure Position</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to update the Members of the Licensing Board on a benchmarking exercise which has been undertaken by the Depute Clerk of the Licensing Board in respect of the Inverclyde Licensing Board's income and expenditure position and how it compares to that incurred by other Licensing Boards.

1.3 This report addresses an outstanding remit from the Licensing Board meeting on 23 June 2022.

## 2.0 RECOMMENDATIONS

2.1 It is recommended that Members of the Board note the information contained within **Appendix 1** to this report, setting out the income and expenditure for the Inverclyde Licensing Board for the period from 2017/18 to 2021/22 and the benchmarking exercise in respect of the financial year 2020/21 as set out in **Appendix 2**.

2.2 It is recommended that this outstanding remit from the Licensing Board meeting on 23 June 2022 is closed.

**Iain Strachan**  
**Clerk of the Licensing Board**

### **3.0 BACKGROUND AND CONTEXT**

- 3.1 Section 9B of the Licensing (Scotland) Act 2005 (“the Act”) requires the Licensing Board, on an annual basis, to publish a report detailing, not later than three months after the end of the financial year, the Licensing Board’s relevant income and expenditure in the previous financial year. This requirement was introduced as an amendment to the Act by the Air Weapons & Licensing (Scotland) Act 2015. “Relevant Income” includes income received in connection with the Board’s liquor licensing function and “Relevant Expenditure” includes expenditure incurred by the Board in connection with the Board’s liquor licensing function. The statement also needs to include an explanation of how the amounts set out in it have been calculated.
- 3.2 The Licensing Board at its meeting on 23 June 2022 considered and approved the Inverclyde Licensing Board’s Annual Income and Expenditure Report for the financial year 2021/2022. The Board also agreed that it should be remitted to the Depute Clerk of the Licensing Board to provide a further report to the Board providing a comparison of the Board’s deficit which was noted as £18,999 for the financial year 2021/2022, in comparison with that of other Licensing Boards.
- 3.3 To assist the Board’s understanding, income and expenditure figures for the Inverclyde Licensing Board in respect of financial years from 2017/2018 to 2021/2022 are set out in Appendix 1 to this report. It should be highlighted that the increased income figure in 2018/2019 reflects the number of Personal Licences which fell to be renewed during that period, having initially been granted in 2008 for a duration of 10 years. Further, Members will note the reduction in levels of income in the financial year 2020/2021 due to the Coronavirus pandemic resulting in a reduced number of applications received by the Board.
- 3.4 It has not been possible to undertake a comparison with other Licensing Boards in respect of the financial year 2021/2022 as few other Boards appear to have published their reports for this period. Some Boards appear to have relied upon provisions in the Coronavirus (Scotland) Act 2022 which permit Licensing Boards to delay publication of their reports for a period of 9 months after the end of their financial year, for a reason due to Coronavirus. In the circumstances, the Depute Clerk of the Inverclyde Licensing Board has undertaken a benchmarking exercise in respect of the financial year 2020/2021 instead, as set out in Appendix 2 to this report, as relevant information is available for some other Licensing Boards.

### **4.0 PROPOSALS**

- 4.1 Members will note that there is only a relatively slight difference in the deficit of the Inverclyde Licensing Board’s income and expenditure between the financial years 2020/2021 and 2021/2022, with the deficit being £844 greater in 2021/2022. Although it has not been possible to access reports for all Licensing Boards for the financial year 2020/2021, the reports of other local authorities for this financial year and earlier periods which are available indicate that many other Boards also incur a significant deficit, albeit the figures vary. It should also be noted that Licensing Boards covering larger geographical or more heavily populated areas receive a higher level of income than Inverclyde as a consequence of receiving a larger number of alcohol related licensing applications. Whilst it is difficult to make a direct comparison between Licensing Boards, as the income and expenditure in each Board varies considerably, it is clear from the benchmarking exercise that the Inverclyde Licensing Board is not unique in having a deficit.
- 4.2 In respect of dealing with the deficit of the Inverclyde Licensing Board, Members should be aware that the Board only has discretion to increase certain liquor licensing fees as provided for in regulations made under the Act. The fees set by those regulations have not been updated since the regulations were introduced in 2008. Members should also be aware that almost all the fees charged by Inverclyde Licensing Board, where there is some discretion, already reach the statutory maximum limit.

4.3 Members are aware of the increased number of occasional licences granted by the Board throughout the Coronavirus pandemic to facilitate outdoor drinking, as encouraged by the Scottish Government. During the financial years 2020/21 and 2021/22 the Board received 161 and 340 occasional licence applications respectively. The statutory charge for processing such an application is set by the regulations at the sum of £10. There is generally a consensus amongst Licensing Boards that the level of fee for an occasional licence, as with other types of liquor licences which have been set by the regulations, is inadequate to meet the necessary administration, consultation and grant of a licence. In 2019 the Scottish Government undertook a public consultation regarding both the use of occasional licences and the level of fees set for them. Although the responses received as a result of the consultation were published by the Scottish Government in December 2019, it is understood that there are no immediate plans to increase the level of fee.

## 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial	X		
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

### 5.2 Finance

The financial implications are addressed in this report.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.3 Legal/Risk

The legal issues are addressed in this report.



## **6.0 CONSULTATION**

6.1 N/A

## **7.0 BACKGROUND PAPERS**

7.1 None

Appendix 1

**INVERCLYDE LICENSING BOARD  
INCOME & EXPENDITURE FOR PERIOD FROM 2017/18 to 2021/22**

	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021/22</b>
Income (£)	<b>77,830</b>	<b>108,030</b>	<b>90,871</b>	<b>68,959</b>	<b>77,045</b>
Staff Costs (£)	63,502.31	83,502.31	78,124	68,802	76,044
Other Expenditure (£)	20,000	20,000	20,000	20,000	20,000
Total Expenditure (£)	<b>83,502.31</b>	<b>103,502.31</b>	<b>98,124</b>	<b>88,802</b>	<b>96,044</b>
Difference - income & Expenditure (Deficit) (£)	<b>(5,672.31)</b>	<b>4,527.69</b>	<b>(7,253)</b>	<b>(19,843)</b>	<b>(18,999)</b>

## Appendix 2

### COMPARISON OF INCOME & EXPENDITURE REPORTS OF LICENSING BOARDS FOR THE FINANCIAL YEAR 2020/21

	<b>Inverclyde 20/21</b>	<b>East Dunbartonshire 20/21</b>	<b>Renfrewshire 20/21</b>	<b>West Dunbartonshire 20/21</b>
Income (£)	<b>68,959</b>	<b>81,350</b>	<b>190,804</b>	<b>94,966</b>
Staff Costs (£)	68,802	113,129	24,474 (LSO) 135,500 (other)	174,390
Other Expenditure (£)	20,000	4,021	40,831	97,901
Total Expenditure (£)	<b>88,802</b>	<b>117,150</b>	<b>200,805</b>	<b>272,291</b>
Deficit (£)	<b>-19,843</b>	<b>-35,800</b>	<b>-10,001</b>	<b>-177,325</b>

	<b>South Ayrshire 20/21</b>
Income (£)	<b>170,222</b>
Staff Costs (£)	132,293
Other Expenditure (£)	66,963
Total Expenditure (£)	<b>199,256</b>
Deficit (£)	<b>-29,033</b>

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<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date:</b>	<b>26 October 2022</b>
<b>Report By:</b>	<b>Clerk to Inverclyde Licensing Board</b>	<b>Report No:</b>	<b>LS/96/22</b>
<b>Contact Officer:</b>	<b>Anne Sinclair</b>	<b>Contact No:</b>	<b>01475 712034</b>
<b>Subject:</b>	<b>Report regarding remit to the Inverclyde Licensing Board regarding Control The Bleed Kits</b>		

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## 1.0 PURPOSE AND SUMMARY

- 1.1  For Decision  For Information/Noting
- 1.2 The purpose of this report is to consult with Members regarding a remit to the Inverclyde Licensing Board from the Education & Communities Committee requesting that Licensing Board Members consider whether it is appropriate to attach either a condition or recommendation to a Premises Licence that each licensed premises in Inverclyde should have a Control The Bleed Kit upon their premises.
- 1.3 This report addresses an outstanding remit from the Education and Communities Committee on 14 June 2022.

## 2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Licensing Board agree with the following:
- (a) That consideration of Control the Bleed Kits will form part of the public consultation on the Licensing Board's Licensing Board Policy Statement which is due to be reviewed by 31 October 2023.
  - (b) Consider whether it would be appropriate to authorise the Clerk of the Licensing Board to write to all licensed premises in Inverclyde, or only those which currently have late opening hours within their operating plan, with a recommendation that licensed premises should acquire and have a Control the Bleed Kit on their premises.

**Iain Strachan**  
**Clerk to the Inverclyde Licensing Board**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 At its meeting on 17 February 2022 Inverclyde Council approved a Members Request by Councillor Brooks regarding the use of Control The Bleed Kits and the value of promoting the installation of the kits across Inverclyde. The Council agreed that this request would be remitted to a further report to be considered by the Education & Communities Committee.
- 3.2 A report providing proposals for establishing and promoting Control The Bleed Kits across Inverclyde was considered by the Education & Communities Committee on 14 June 2022. <https://www.inverclyde.gov.uk/meetings/meeting/2456>  
The decision of that Committee was that:
- (1) the proposed use of Control The Bleed Kits as part of the Community Safety Partnership be noted;
  - (2) that the purchase of Control The Bleed Kits for the Community Warden Service, be approved;
  - (3) that a promotional campaign to promote the purchase and use of Control The Bleed Kits across Inverclyde be approved; and
  - (4) that it be remitted to the Inverclyde Licensing Board to consider whether it would be appropriate to attach a condition or recommendation that premises that hold premises licences should have a Control The Bleed Kit upon the premises.
- 3.3 All premises licences issued by the Inverclyde Licensing Board are subject to mandatory conditions, imposed by legislation as set out in Schedule 3 of the Licensing (Scotland) Act 2005. These mandatory conditions are supplemented by discretionary conditions that Licensing Boards can impose if considered appropriate in order to meet local circumstances. However, there are certain constraints on what can be imposed.
- 3.4 Section 27(9) of the 2005 Act states that mandatory conditions are designed to require or prohibit an action in connection with the sale of alcohol or any other activity carried out on the premises. Therefore, the general nature of a condition is to enforce something to be done in connection with the sale of alcohol or such other activities as set out in the operating plan, or to prevent something being done relating to those matters.
- 3.5 Although the 2005 Act imposes a large number of mandatory conditions on premises licences, it provides the Board with authority to create and frame conditions of its own volition as it considers necessary for the purposes of any of the licensing objectives. The Licensing Board may therefore attach conditions which relate to activities other than the sale of alcohol but may only do so where it is necessary or expedient for the purposes of the licensing objectives. It is clear that there must be a link between that activity and the sale of alcohol. The fact an activity occurs on a licensed premises, does not take the connection far enough.
- 3.6 Members will be aware there is a mandatory condition in the 2005 Act in relation to premises where the operating plan specifies that the premises will be open for a continuous period beginning on one day and ending after 1am on the following day. The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 provide a schedule of conditions which apply to such late night premises. These conditions apply to all premises which are open after 1am. One such mandatory condition in relation to late night premises, is that a person suitably trained in first aid must be present on the premises from 1am until closing time or 5am, whichever is the earlier. Furthermore, the Inverclyde Licensing Policy Statement recommends that licence holders of premises with late night opening hours should consider having first aid facilities.

## 4.0 PROPOSALS

- 4.1 The remit from the Education and Communities Committee in relation to Control The Bleed Kits is that Licensing Board Members should consider whether it would be appropriate to attach a condition insisting that Control The Bleed Kits should be on all licensed premises within Inverclyde, not only those which have late night opening hours.
- 4.2 Members will be aware that in order to avoid duplication with other regulatory bodies and legislation, conditions will only be attached to premises licences by the Licensing Board if they are necessary to promote one or more of the Licensing Objectives and the effect of that condition is not covered by other legislation.
- 4.3 Members will also be aware that the Licensing Board requires to review and publish its Licensing Board Policy Statement 18 months after the Local Government Elections which were held in May 2022, and therefore no later than 31 October 2023. As part of that process of review it will be necessary to undertake a consultation exercise with statutory consultees and the licensing trade in relation to a draft Licensing Policy Statement.
- 4.4 A report is due to be submitted to the next standing meeting of the Licensing Board on 1 December 2022 asking Members to note the commencement of the consultation on the Licensing Board Policy Statement. It is therefore proposed that consideration of the issue regarding Control The Bleed Kits is included as part of this consultation process in order that the Licensing Board can determine the most appropriate approach to this issue.
- 4.5 In the meantime, Members should note that it is open to the Licensing Board to consider requesting that the Clerk of the Licensing Board write to all licensed premises in Inverclyde, or those with late opening hours, in order to request that they consider acquiring and having a Control The Bleed Kit on their premises.

## 5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

### 5.2 Finance

There are no financial implications, at this stage, as the Licensing Board is not being asked to attach a discretionary condition insisting that Licensed Premises acquire and have Control The Bleed Kits on their premises.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.3 Legal/Risk

The legal issues are set out in this report.

### 5.4 Strategic

There are no strategic implications arising from this report.

## 6.0 CONSULTATION

6.1 It is proposed that the issue regarding Control the Bleed Kits is included in the public consultation which is due to commence after the Licensing Board in December 2022.

## 7.0 BACKGROUND PAPERS

7.1 None

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<b>Report To:</b>	<b>Inverclyde Licensing Board</b>	<b>Date:</b>	<b>26 October 2022</b>
<b>Report By:</b>	<b>Clerk to Inverclyde Licensing Board</b>	<b>Report No:</b>	<b>LS/97/22</b>
<b>Contact Officer:</b>	<b>Anne Sinclair</b>	<b>Contact No:</b>	<b>01475 712034</b>
<b>Subject:</b>	<b>Remit to the Inverclyde Licensing Board regarding “Get Me Home Safely” Campaign of Unite the Union</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to consider a request from Councillor Cassidy that the Inverclyde Licensing Board considers the most appropriate approach to Unite’s Get Me Home Safely Campaign and whether any additional licensing conditions should be attached to premises licences with late opening hours.

## 2.0 RECOMMENDATIONS

2.1 It is recommended that the Licensing Board agree that consideration of the Get Me Home Safely Campaign will form part of the public consultation on the Licensing Board’s Policy Statement which is due to be reviewed by 31 October 2023.

**Iain Strachan**  
**Clerk to the Inverclyde Licensing Board**



### **3.0 BACKGROUND AND CONTEXT**

- 3.1 Unite, the union, has been promoting the “Get Me Home Safely” Campaign to ensure safe home transport is widely available for night time economy and shift workers who struggle to find and pay for transport home after midnight.
- 3.2 Unite has called for Licensing Boards to use their powers when considering late opening hours applications from licensed premises dependent on venues providing free transport home for nightshift employees. Unite state this will significantly benefit the safety and wellbeing of hospitality workers, particularly women, who often cannot afford, or access, safe transport options late at night and benefit our community.
- 3.3 In terms of the Licensing Board's Licensing Policy Statement which is due to be reviewed by November 2023, the Licensing Board has recommended as a control measure that licence holders with late opening hours in their operating plan should consider introducing and have regard to displaying local transport information to facilitate safe journeys home for customers.
- 3.4 Although the Licensing (Scotland) Act 2005 imposes a large number of mandatory licensing conditions on premises licences, it also authorises Licensing Boards with a power to create and frame conditions of their own volition as the Board considers necessary for the purposes of any of the Licensing Objectives. The Licensing Board may therefore attach conditions which relate to activities other than the sale of alcohol but may only do so where it is necessary or expedient for the purposes of the Licensing Objectives. It is crucial that there is a link between that activity and the sale of alcohol. The fact an activity occurs on a licensed premises, does not take the connection far enough.

### **4.0 PROPOSALS**

- 4.1 The Licensing Board has no direct remit in relation to employment or health and safety issues involving staff working within licensed premises. There is no power within the current licensing legislation that indicates transport arrangements for staff can be a condition of a liquor licence. Accordingly there does not appear to be a route at the present time whereby the Licensing Board can attach such a condition. It is understood that no Licensing Board in Scotland has attached a condition to this effect.
- 4.2 As Members are aware, the Inverclyde Licensing Board requires to review and publish its Licensing Policy Statement 18 months following the Local Government Election in May 2022 and therefore no later than October 2023. As part of that review process it will be necessary to undertake a consultation exercise in relation to a draft Policy Statement. Following consultation Members may wish to recommend that licence holders consider what arrangements they have in place or intend to introduce for staff returning home safely after the premises have closed when transportation options may be more limited.
- 4.3 It is proposed that consideration of the Get Me Home Safely Campaign is included as part of the consultation process in respect of the Inverclyde Licensing Board Policy Statement in order that the Licensing Board can determine the most appropriate approach. This is the approach adopted by at least one other Licensing Board in Scotland.

### **5.0 IMPLICATIONS**

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Financial		X	
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

## 5.2 Finance

There are no financial implications as a result of this report.

One off Costs

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Years</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>
N/A					

Annually Recurring Costs/ (Savings)

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>With Effect from</b>	<b>Annual Net Impact</b>	<b>Virement From (If Applicable)</b>	<b>Other Comments</b>
N/A					

## 5.3 Legal/Risk

The legal issues are set out within this report.

## 6.0 CONSULTATION

6.1 It is proposed in this report that consideration regarding the Get Me Home Safely Campaign is included within the Licensing Board's consultation on the Inverclyde Licensing Board Policy Statement which is due to commence in December 2022.

## 7.0 BACKGROUND PAPERS

7.1 None.