

Inverclyde Licensing Board

Municipal Buildings, Greenock PA15 1LY

Ref: FD

Date: 29 November 2022

I refer to the Agenda for the meeting of the Inverclyde Licensing Board to be held on Thursday 1 December 2022 and now enclose the report relative to Item 5 on the Agenda which was not available on the day of issue.

IAIN STRACHAN
Clerk

Undernote

- 5 Licensing Board Policy Review Consultation**
Report by Depute Clerk

Enquiries to – - Tel 01475 71

Report To:	Inverclyde Licensing Board	Date:	1 December 2022
Report By:	Clerk of the Licensing Board	Report No:	LS/111/22
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Review of the Inverclyde Licensing Board Policy Statement		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to ask members of the Inverclyde Licensing Board to note the commencement of the statutory review of the Board’s Licensing Policy Statement which requires to be published within 18 months of the local government election on 5 May 2022 and that a consultation will now be undertaken with relevant statutory consultees.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Licensing Board note:

- the commencement of the statutory review of the Inverclyde Licensing Board’s Licensing Policy Statement;
- that the Clerk and Depute Clerk of the Licensing Board will undertake an initial consultation with relevant statutory consultees; and
- that a report will be brought back to the Board on the outcome of the consultation and with proposed revisals to the Licensing Policy Statement for consideration by the Board.

Anne Sinclair
Depute Clerk

3.0 BACKGROUND AND CONTEXT

- 3.1 In terms of section 6 of the Licensing (Scotland) Act 2005 (the 2005 Act) every Licensing Board must publish a statement of their policy, with respect to the exercise of their functions under the 2005 Act. This is referred to as a Licensing Policy Statement and previously required to be published before the end of each 3 year period.
- 3.2 The Scottish Government has made a number of legislative changes to the 2005 Act through The Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act). In particular, section 42 of the 2015 Act now requires every Licensing Board to publish their policies within 18 months of any local government election, rather than every 3 years.
- 3.3 The most recent local government election was held on 5 May 2022, and hence the Inverclyde Licensing Board Policy Statement will require to be published no later than 4 November 2023.
- 3.4 At its meeting on 29 October 2021 the Board unanimously agreed to adopt its previous Licensing Board Policy Statement which covered the period from January 2019 to November 2021. As a result a Licensing Board Policy Statement for the period from December 2021 to November 2024 was published on the Licensing Board's website. The Board also agreed to carry out a consultation process to ingather views of consultees during the lifetime of the previous Board on a future Policy Statement. At a further meeting of the Board on 14 April 2022 Members considered the responses to the consultation and unanimously agreed that no amendment to the Licensing Board Policy Statement was required at that time.

4.0 PROPOSALS

- 4.1 It is now appropriate that the Inverclyde Licensing Board undertake a fresh consultation with the local licensing forum for its area and statutory consultees. Consultation on a new Licensing Policy Statement gives the local community an opportunity to provide input into formulation of a new policy.
- 4.2 Licensing Boards have a statutory duty to ensure that measures included in their policy statements seek to promote the statutory licensing objectives:
 - (a) Preventing crime and disorder;
 - (b) Securing public safety;
 - (c) Preventing public nuisance;
 - (d) Protecting and improving public health;
 - (e) Protecting children and young persons from harm.

It is incumbent on Licensing Boards to gather sufficient information on each of the licensing objectives to enable them to ensure that the policy measures they adopt serve to promote these objectives. These licensing objectives will be shown in the Licensing Policy Statement and framed in terms of the local circumstances within the Inverclyde area, but it is important that not only is the evidence which the Board has considered made public, but that the use of the same is explained in the Licensing Policy Statement when making licensing decisions

- 4.3 The Licensing Policy Statement must include a statement as to the extent to which the Board considers there to be overprovision of licensing premises in any locality within its area. The current Licensing Policy Statement does not include any area as having overprovision. It is a requirement that this is looked at again, bearing in mind that members should have regard to the description of premises, current licensing hours, character of premises and number of premises within any such area.

4.4 The Inverclyde Licensing Board will require to adopt its new Licensing Policy Statement no later than 4 November 2023. Once adopted the new Licensing Policy Statement will replace in its entirety the previous Licensing Policy Statement adopted by the Board on 29 October 2021. The new Licensing Policy Statement will remain in effect for a period of 5 years and will require to be reviewed no later than 18 months after the next Local Government election which is due to be held in May 2027. A Licensing Board may issue a supplementary policy statement during its 5 year term of local government.

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 in connection with this report.

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 within the body of this report.

5.4 Human Resources

N/A.

6.0 CONSULTATION

- 6.1 A consultation will require to commence with statutory consultees, including Police Scotland, the Greater Glasgow & Clyde Health Board and the Local Licensing Forum.

7.0 BACKGROUND PAPERS

- 7.1 None.