City of Glasgow Licensing Board

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Report by Clerk to the Licensing Boa

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Item 6

9th May 2023

Licensing (Scotland) Act 2005

Annual Functions Report – 2022-2023 (year ending 31 March 2023)

Purpose of Report:
To advise members of the Local Licensing Forum on the annual functions of the Licensing Board under section 9A of the Licensing (Scotland) Act 2005 over financial year 2022/23.

1. Statement of how the Licensing Board has had regard to the Licensing Objectives (Section 9A (2)(a)(i) of the 2005 Act)

1.1 Five licensing objectives have been established that are designed to represent the principles upon which the 2005 Act is based. The licensing objectives are:
(a) Preventing crime and disorder;
(b) Securing public safety;
(c) Preventing public nuisance;
(d) Protecting and improving public health; and
(e) Protecting children and young persons from harm

1.2 The application of the licensing objectives is of paramount importance to the Board in carrying out its functions and determining applications lodged under the 2005 Act.

2. Statement of how the Licensing Board has had regard to its Licensing Policy Statement (Section 9A(2)(a)(ii) of the 2005 Act)

2.1 The Policy Statement states how the Board will exercise its licensing functions in order to promote the five licensing objectives when considering applications.

2.2 Whilst every application is considered on its own merit, the Board's Policy Statement was designed to provide licence holders, prospective licence holders, members of the public and responsible authorities with information in advance, on the Board's general approach to the making of licensing decisions.

2.3 The Board has regard to its Fourth Edition Licensing Policy Statement adopted on 4 November 2018 when considering all applications.

3. Summary of the decisions made by (or on behalf of) the Licensing Board during the Financial Year (Section 9A(2)(b))

A summary of the decisions made by the Licensing Board is shown in Table 1 below.

Table 1

Premises Licences	
Licences in Force on 31 March 2023	**1966**
(a) on-sales only	665
(b) off-sales only	599
(c) both	702
Applications received under section 20 during 2022-23	
(a) on sale	10
(b) off sale	23
(c) both	25
Applications refused during 2022-23 under section 23	0
Applications granted during 2022-23 under section 23	48
Applications received under section 29 during 2022-23	93
(a) on sale	23*
(b) off sale	10*
(c) both	60*
Applications refused during 2022-23 under section 30	1
Applications granted during 2022-23 under section 30	110*
Applications for review of premises licence during 2022-23 under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	0
(d) revocation	0
(e) no action	1
Occasional Licence Statistics	
Number of Occasional Licences granted during 2022-23	**1581**
Personal Licence Statistics	
Personal Licences in Force on 31 March 2023	**5973**
Applications during 2022-23 under section 72:-	645**
(a) refused	0
(b) granted	**548
Applications during 2022-23 under section 78	
(a) refused	0
(b) granted	**0
Proceedings taken during 2022-23 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2022-23 under section 84 (conduct inconsistent with licensing objectives) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0

Proceedings during 2022-23 under section 86 (multiple endorsements) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Revocations of personal licences during 2022-23 under section 87(3) (failure to provide evidence of having undertaken refresher training)	1284

4. Information about the number of licences held.

Please see information shown in Table 1.

5. General

5.1 Schedule 1 of the 2005 Act provides that a Board shall consist of such number of members (being not fewer than five and not more than ten) as may be determined by the relevant Council. Members of a Board must be appointed by the Council from amongst their Councillors. The Board is currently made up of 9 Elected Members from the Council.

5.2 The Board normally meets every four weeks throughout the year, apart from when the Council is in recess. In 2022/23 the Board did not meet during the month of May as a result of the Local Government Elections. The meetings also normally take place in the Burgh Court Hall, City Chambers.

5.3 In the 2022/23 financial year the Board met on 10 occasions to consider various licensing applications under the 2005 Act. A short hand writer is present at each Board meeting and the transcript from each meeting is available on request to the Clerk to the Board after the meeting. The decisions made by the Board for each application are published on the Council's website.

5.4 Information and assistance is provided by the Council's licensing department and the licensing standards officer to members of the public wishing to apply for a licence, to object to a licence, or to complain about the operation of licensed premises.

5.5 In addition to the information and assistance provided by the Council's licensing staff, many guidance documents and application forms are available from the Council's website.