City of Glasgow Licensing Board

Item 5

6 September 2022

City of Glasgow Licensing Board

Report by Depute Clerk to the Lice

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Licensing (Scotland) Act 2005

Annual Functions Report – 2020-2021 (year ending 31 March 2021)

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 2020/21.

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 2022	**1927**
(a) on-sales only	670
(b) off-sales only	579
(c) both	678
Applications received under section 20 during 2021-22	
(a) on sale	9
(b) off sale	33
(c) both	24
Applications refused during 2021-22 under section 23	3
Applications granted during 2021-22 under section 23	57
Applications received under section 29 during 2021-22	111
(a) on sale	48
(b) off sale	37
(c) both	25
Applications refused during 2021-22 under section 30	2
Applications granted during 2021-22 under section 30	67
Applications for review of premises licence during 2021-22 under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	0
(d) revocation	0
(e) no action	0
Occasional Licence Statistics	
Number of Occasional Licences granted during 2021-22	**1118**
Personal Licence Statistics	
Personal Licences in Force on 31 March 2022	**6709**
Applications during 2021-22 under section 72:-	
(a) refused	0
(b) granted	613
Applications during 2021-22 under section 78	
(a) refused	0
(b) granted	44
Proceedings taken during 2021-22 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2021-22 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 2021-22 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 2021-22 **under section 87(3) (failure to provide evidence of having undertaken refresher training)**	**6**

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 8 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. The meetings also normally take place in the Burgh Court Hall, City Chambers. However, due to the Covid-19 pandemic, all meetings of the Licensing Board in the 2021/22 financial year have been held online via Microsoft Teams, with meetings generally held once or twice a month.

5.3 In the 2021/22 financial year the Board met on 15 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.

6. Licensing Board response to Covid-19

6.1 The Covid-19 pandemic and the resulting restrictions put in place to reduce the transmission of the virus have undoubtedly had a huge impact on the vast majority of businesses within the city's hospitality, including the on-sales licensed trade. In recognition of the restrictions on trading throughout the financial year 2021/22 , the Licensing Board put in place a number of measures to support and assist the city's licensed trade in adapting to the changing restrictions, including the adoption of a temporary minor variation process to allow off-sales and home deliveries to be added

to premises licences and for nightclubs to temporarily repurpose as bars. The Licensing Board also approved a one third reduction in the annual fees payable by all premises in the city with on-sales as part of the premises licence.

6.2 The Licensing Board has also granted extended occasional licences for outdoor areas associated with licensed premises in recognition of capacity reductions brought about by social distancing and the demand for additional outdoor space. 157 premises had previously operated outdoor drinking areas under occasional licences prior to the first lockdown in March 2020, which were all automatically granted and extended to the end of September 2022.

6.3 A further 144 new outdoor drinking areas associated with licensed premises were granted occasional licences in 2020, which were also automatically extended to the end of September 2022.

6.4 A further 32 new outdoor areas have been granted occasional licences since March 2021.

6.5 All of these occasional licences have now been automatically extended to the end of September 2022 without the need for a further application or fee.

6.6 In granting and extending these occasional licences, the Licensing Board reminded licence holders of the need to continue to have regard to the impact that outdoor areas can have on local residents and that they should at all times operate as “good neighbours”, particularly in relation to issues such as the removal and storage of furniture, noise, waste disposal, litter and the impact of customers smoking where there are residential premises directly above the outdoor area. Outdoor areas should also only be set up and used where it is safe to do so, taking account of the weather conditions and forecast.

6.7 While these occasional licences will continue to apply for an extended period of time, they have all been granted subject to ongoing compliance with relevant Scottish Government Covid regulations and guidance and on condition that if an outdoor area is operated in a manner inconsistent with one or more of the licensing objectives and the issues cannot be adequately resolved, the occasional licence may be revoked.