

East Renfrewshire Licensing Board
Annual Functions Report
2022/23

Approved by East Renfrewshire Licensing Board
22 June 2023

INTRODUCTION

1. The East Renfrewshire Licensing Board (hereafter referred to as “the Board”) is the liquor licensing authority for the Local Government area of East Renfrewshire. The Board comprises five elected Members of East Renfrewshire Council. Members are placed onto the Board following Local Government elections and accordingly the current Board has been in place for the period May 2022 to present. The former board as constituted following elections in 2017 was in place during the early part of the period to which this report relates ie April 2022. The Board is constituted and operates in accordance with the Licensing (Scotland) Act 2005.
2. The Board currently comprises:-

Cllr Paul Edlin (Convener)
Provost Mary Montague
Cllr Angela Convery
Cllr Andrew Morrison
Cllr David MacDonald
3. Board meetings are held in public but deliberations tend to take place in private. All decisions taken by the Board are made in public. During the period in which COVID restrictions were in place, all meetings of the Licensing Board were held remotely using the TEAMS online meeting platform. Invitations were issued to applicants and any representatives who required to appear. Following relaxation in Covid rules all meetings of the board once more take place in the Council Chambers in Eastwood Park, Giffnock and are open to public attendance. Applicants and representatives are required to attend physically.
4. The Board recognises that attendance at such a hearing before councillors can be difficult for many and accordingly seeks to make the proceedings as informal as possible. Where applicants are not represented by solicitors, the Chair will explain the process being followed and what considerations the Board will and are entitled to take into account when making their decision.
5. The Board is quasi-judicial in nature and accordingly does not operate along party political lines, but must instead have regard to the Licensing (Scotland) Act 2005, the licensing objectives contained therein and its own Statement of Licensing Policy. Under the Act, Licensing Boards are responsible for considering applications for:-
 - premises licences (including provisional premises, transfer, variation and temporary applications)
 - occasional licences and extended hours
 - personal licences

To fulfil this function, all Board members are required to undertake specialised training prior to undertaking Board business. All the current Board members attended externally commissioned training provided by Alcohol Focus Scotland in July 2022 and successfully passed the end-of-course examination.

FUNCTIONS REPORT

6. The Air Weapons and Licensing (Scotland) Act 2015 introduced a statutory obligation on all Boards in Scotland to produce and publish an Annual Functions Report within three months of the end of each financial year. This is the Annual Functions report for 2022-2023.
7. The 2015 Act inserted Section 9A into the Licensing (Scotland) Act 2005. The section sets out the required content of this report and provides the Board with a discretion to include such other information regarding the exercise of its functions as it sees fit.
8. The terms of Section 9A require the Board to
 - publish a statement explaining how it has had regard to the licensing objectives and its own policy statement (including its statement on overprovision) throughout the financial year;
 - publish a summary of decisions it has made during the financial year; and
 - provide statistical information on the number of licences (including Occasional licences) held and that were granted during the financial year.
9. A copy of the section is attached as Appendix A for ease of reference:

THE LICENSING OBJECTIVES AND POLICY STATEMENT

10. The Licensing (Scotland) Act 2005 sets out five licensing objectives ("the licensing objectives"). They are:-
 - preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health
 - protecting children and young persons from harm
11. The Board recognises that the licensing objectives provide a basis for the administration and determination of applications under the licensing regime. The Board must and does consider the licensing objectives in determining all applications that come before it. The Board appreciates that there is a statutory presumption that an application should be granted unless one or more of the licensing objectives would be breached and as such, it is careful to ensure that any decisions made by it are supported by cogent evidence. In particular it strives to ensure that any rejection of applications is based upon sufficient belief that one or more of the objectives would be breached by a grant. Deliberations in respect of applications coming before

the Board in the period to which this report relates have resulted in only one refusal, the Board being satisfied in that particular case that the application would have been in breach of the objective to prevent public nuisance.

12. While breach of the objectives may also provide grounds for reviewing a premises licence, the Board did not require to consider the need for review of any licences during the period to which this report relates.
13. The Board's current policy reflects a position whereby no area is considered overprovided. In the context of protecting and improving public health, the Board do recognise that some areas within the authority are, whilst not yet overprovided, well served by licensed premises for off and on sale where drinking is the only or primary purpose. Some of these areas are also recognised to be subject to higher than average rates of alcohol related illness and as such the Board gives particular consideration to this factor in determining further licence applications within those locales. The Board are also conscious in such areas that a prevalence of licensed premises can be a factor in public nuisance and public safety issues and have therefore applied particular scrutiny to such applications. The Board continues to monitor the situation in this regard and will give further detailed consideration to the issue as part of its ongoing review of the policy referred to below.
14. The Board's Policy had been reviewed by the previous Board in 2018. In terms of the Air Weapons and Licensing (Scotland) Act 2015 the period of publication of the Licensing Policy statement was amended from three to five years to correspond more closely with the local government election term. Statements must now be produced within 18 months of local government elections and therefore the Policy Statement must be reviewed and published no later than November 2023. The current Board have already commenced this review process in early 2023 and have begun to ingather the views of relevant agencies such as the police and Health Board. Further consultation with relevant parties will continue throughout the new financial year with the intention to issue a revised policy statement by the November deadline. The Board considers the Policy Statement to form a fundamental basis for all decisions it makes and a means to ensure consistency of decision making and fairness to all applicants. It is also viewed as an ideal vehicle with which to provide licensees and applicants with an illustration of the Board's expectations of those operating licensed premises. As an accessible source of what the Board considers good practice the Policy also assists in reinforcing in the minds of potential applicants the significance of the licensing objectives and their practical implications, thus encouraging such issues to be addressed at the earliest possible stage by those intending to operate licensed premises
15. Given the above the Board is satisfied that it has had due regard to the licensing objectives in its decision-making throughout the period covered by this report. The Board does not make decisions based on local knowledge or the personal views of Members of the Board relative to the sale of alcohol and approaches any decision on the presumption that an application should be granted unless there is evidence to support the likelihood of a breach of the licensing objectives should the licence be granted. The Board also contends that its Policy Statement sets a clear and concise backdrop, encouraging applicants to consider the objectives at the very earliest stage of planning.

BUSINESS OF THE BOARD 2022-2023

- 16 As previously stated the Board undertakes its functions and business in a transparent fashion with public access provided to its meetings for those who wish to attend. Consideration was given during the year to broadcasting proceedings to the public at large via the net but Board members rejected this proposal after discussion. The Board met on three occasions during the year to which this report relates, meetings being held on 21 April and 29 November, both 2022 and 23 February 2023. The Board meetings prior to the Coronavirus pandemic were held in public within the Council Chambers in Eastwood Park, Giffnock and this practice has resumed following the lifting of COVID restrictions. The April meeting of the Board was the last to be held virtually via a remote on-line platform. The majority of licence applications during the period were granted by Council Officers under delegated authority and did not require to call before the Board.
- 17 The Board conducted the following business during 2022/23:-

Premises Licences

Premises Licence Applications received - 6

Major Variation Application received - 7

Objections received to Applications - 7

Granted applications - 12

Refused applications - 1

Premises Licences Reviews

Applications Received - 0

Review Applications that Proceeded to a Hearing - 0

Applications Refused – 0

Personal licences

Applications Received - 97

Applications Granted - 96

Applications Withdrawn - 1

Applications Refused - 0

Personal Licence reviews

Applications Received - 0

Review Applications that Proceeded to a Hearing - 0

Applications Refused – 0

Site Visits by Licensing Board

One site visit in 2023

Occasional Licences

Applications Received - 115

Applications Granted - 115

Applications Refused - 0

Extended Hours Licences

Applications Received - 12

Applications Granted - 12

Applications Refused - 0

General Extensions to Licensed Hours

18. East Renfrewshire Licensing Board granted two General Extensions to On Sale Licensed Premises in accordance with Section 67 of the Licensing (Scotland) Act 2005 in connection with events of local and national significance.
19. The Board granted a General Extension of 1 hour trading from 4th June to 6th June to allow celebrations of the Queen's Platinum Jubilee.
20. In accordance with previous years the Board also granted General Extension to all On Sale Licensed Premises for the weekends in December 2022 of 1 hour to trading for the Festive Period. In addition automatic 2am extensions were granted to all On Sale Premises for 24th December and 31st December.

Licensees were under no obligation to use this extra hour and it was for their own determination if they wished to do so.

EAST RENFREWSHIRE LICENSING FORUM

- 21 The annual meeting between the Licensing Board and Licensing Forum did not take place due to the fact that the Licensing Forum is currently unable to meet due to a lack of membership and unable to maintain a quorum to hold a meeting. The Board

understands that the council are currently active in trying to recruit new membership for the Forum.

CONCLUSION

- 22 The Board is satisfied that its hearings are sufficiently open and transparent and that its decision making is underpinned by the relevant legislation, the licensing objectives and the terms of its policy statement which reflect these requirements. Business conducted throughout the year has generally seen applications which have been in compliance with these requirements and in turn resulted in few refusals. .
- 23 The Board recognises that a lot of good work is being undertaken by licensees to promote the licensing objectives and this is reflected in the lack of review proceedings and low volume of objections from both police and public. It is however mindful of the need to continue to promote the objectives and to ensure ongoing compliance with them by licensees and will not hesitate to utilise its powers accordingly if the need arises..
- 24 This report was approved by the East Renfrewshire Licensing Board on 22 June 2023.

Appendix A

Section 9A Licensing (Scotland) Act 2005

9A Annual functions reports

(1) Each Licensing Board must prepare and publish a report not later than 3 months after the end of each financial year.

(2) A report under this section must include—

(a) a statement explaining how the Board has had regard to—

(i) the licensing objectives, and

(ii) their licensing policy statement and any supplementary licensing policy statement (including the Board's statement under section 7(1) (duty to assess overprovision)),

in the exercise of their functions under this Act during the financial year,

(b) a summary of the decisions made by (or on behalf of) the Board during the financial year, and

(c) information about the number of licences held under this Act in the Board's area (including information about the number of occasional licences issued during the year).

(3) A report under this section may include such other information about the exercise of the Licensing Board's functions under this Act as the Board consider appropriate.

(4) At the request of a Licensing Board the relevant council must provide the Board with such information as the Board may reasonably require for the purpose of preparing a report under this section.

(5) In discharging their duties under subsection (1) and section 9B(1) (annual financial report), a Licensing Board may, if they consider it appropriate, prepare and publish a combined report containing the information required under this section and under section 9B (which combined report must be published not later than 3 months after the end of the financial year in question).

(6) The Scottish Ministers may by regulations make further provision about reports under this section including, in particular, provision about— (a) the form and required content of reports, (b) the publication of reports.

(7) In this section, "financial year" means a yearly period ending on 31 March.