

ANNUAL FUNCTIONS REPORT – 2022/23 - LICENSING (SCOTLAND) ACT 2005 SECTION 9A

1. Purpose

- 1.1 The Board requires to publish an annual report setting out how it has carried out its functions in terms of the Licensing (Scotland) Act 2005 (“the Act”). This report covers the period from 1st April 2022 to 31st March 2023.

2. Main Report

- 2.1 The requirement to prepare and publish an annual functions report is set out in section 9A of the Act (see [Licensing \(Scotland\) Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)).
- 2.2 The Board’s functions include considering applications for premises and provisional premises licences and applications for variations of licence. The Board also has responsibility for considering applications for review of both Premises and Personal Licences granted by the Board. All of these are dealt with at regular Board meetings. The Board’s other functions including temporary licensing of venues (by means of occasional licences), extension of licensed hours, minor variations, transfers and the consideration of applications for personal licences are largely dealt with via the Board’s scheme of delegation.
- 2.3 As at 31st March 2023 within the Edinburgh Licensing Board area there were 1,950 premises licences, comprising 369 on sale, 481 off sale and 1100 on and off sale in force. The number of persons with personal licences was 7,345.

3. Board Functions

- 3.1 In carrying out its functions under the Act, the Board should have regard to the five licensing objectives set out in the Act and the terms of its Statement of Licensing Policy. The relevant links are provided at the end of this report.
- 3.2 The Board requires all applicants for new premises and provisional premises licences to provide details as to how they will ensure the operation of their premises complies with the requirements of the licensing objectives. The Board’s policy sets out examples of positive control measures for consideration by applicants and operators in relation to each of the five objectives.
- 3.3 When assessing applications in relation to specific licensing objectives the Board has carried out site visits prior to Board meetings. Examples include arrangements for children and young persons’ access to licensed premises, potential impacts on public safety and public nuisance licensing objectives arising from noise and anti-social behaviour etc.

ANNUAL FUNCTIONS REPORT – 2022/23 - LICENSING (SCOTLAND) ACT 2005 SECTION 9A

3.4 Over the course of the reporting period, when considering applications for new premises and changes to existing premises the Board has continued to make use of licensing conditions where it has considered it necessary for the licensing objectives, having regard to the terms of its policy. Examples include:-

- consideration of amplified music and vocals in premises and the appropriate levels of volume control in relation to the public nuisance licensing objective
- consideration of additional control of off sales supply of alcohol, to be with provision of food only in certain circumstances, in relation to the public health licensing objective.

4. Board Business

4.1 During the reporting period, the Board met monthly to determine applications that could not be dealt with under delegated authority. Details of Board meetings are published here [Monthly meetings calendar - April 2022 - Modern Council](#) and public notification of future applications is published here ([Alcohol licence registers – The City of Edinburgh Council](#)).

4.2 Copies of applications and responses to them are circulated to Board members during the week in advance of the board meeting. Applicants are provided with copies of representations made to their applications in advance of Board meetings, to ensure fair notice of what the Board will be considering when assessing applications

4.3 The Board is aware of the need to ensure access for all to the licensing process and provides information and assistance where requested. Information about the applications process is published online:-
http://www.edinburgh.gov.uk/downloads/download/2519/attending_a_licensing_board_meeting. Every application made to the Licensing Board is decided on its own individual merits and the Board seeks to be transparent, consistent and proportionate when considering and determining applications.

4.4 The Board's statement of licensing policy gives applicants an indication of how the Board is likely to view certain applications and how they are likely to be dealt with. The Board is likely to follow the statement of licensing policy unless an applicant can demonstrate good reasons to the Board as to why the policy should not be followed in a particular case.

5. Decisions of the Board

5.1 Each application which a Licensing Board has to consider is decided on its individual merits. When considering applications, the Board must have regard to the Act and to the licensing objectives. The Board

ANNUAL FUNCTIONS REPORT – 2022/23 - LICENSING (SCOTLAND) ACT 2005 SECTION 9A

must also have regard as to whether the application is in line with the Board's policy statement.

5.2 At Board meetings held during the period covered by this report, the Board considered applications and reached decisions as detailed below:-

- 45 applications for premises licence were considered and granted.
- 76 applications for non-minor variations were considered and granted and 1 application was refused.

5.3 Other licence applications such as occasional licences, extended hours and personal licences can be granted by the Clerk to the Licensing Board without the need for a hearing. The Clerk can only grant such a licence where an application is not contrary to the licensing policy and no objections are received. In the period from 1 April 2022 until 31 March 2023, the following applications were granted, refused or revoked

- 5114 applications for occasional licences were granted.
- 121 applications for extended licences were granted and 35 refused.
- 817 personal licences were granted and 5 were refused.
- 758 personal licences were revoked for a failure to provide evidence of refresher training.

6. Reviews

6.1 During the period covered by this report the Board held 40 premises licence review hearings, as follows: -

- Variation of premises licence – 3.
- Written warning – 2.
- Suspension – 11.
- Revocation – 24.
- No action taken – 0.

6.2 During the period covered by this report the Board held 4 personal licence review hearings, as follows: -

- Endorsement – 1
- Revocation – 1.
- No action – 2.

ANNUAL FUNCTIONS REPORT – 2022/23 - LICENSING (SCOTLAND) ACT 2005 SECTION 9A

7. Licensing Forum

- 7.1 There is a properly constituted Licensing Forum operating in Edinburgh. Members consist of representatives from the on and off trade, health, police, Licensing Standards Officers and community representatives. The Board invites the Forum to comment on matters of policy and in particular as a statutory consultee in preparation of the Board's statement of licensing policy.
- 7.2 Edinburgh Licensing Forum meets around a minimum four times a year. The Licensing Board is formally required to meet with the Licensing Forum at least once in a calendar year.

8. Conclusion

- 8.1 From the information provided it is clear that, generally speaking, licence holders comply with legislation and the Board's statement of licensing policy.
- 8.2 The Board may wish to recognise the efforts of those who have an input into the operation of the Licensing Board and will continue to work with partner agencies to ensure continuing good practice.

9. Recommendation

- 9.1 The Board is asked to –
- (a) approve the report; and
 - (b) publish the report.

Depute Clerk of the Licensing Board

Links

[Section 9A Licensing \(Scotland\) Act 2005](#) – functions report requirements

[Licensing \(Scotland\) Act 2005 \(legislation.gov.uk\)](#) – licensing objectives

[Edinburgh's Licensing Board – The City of Edinburgh Council](#) – details of policy, etc