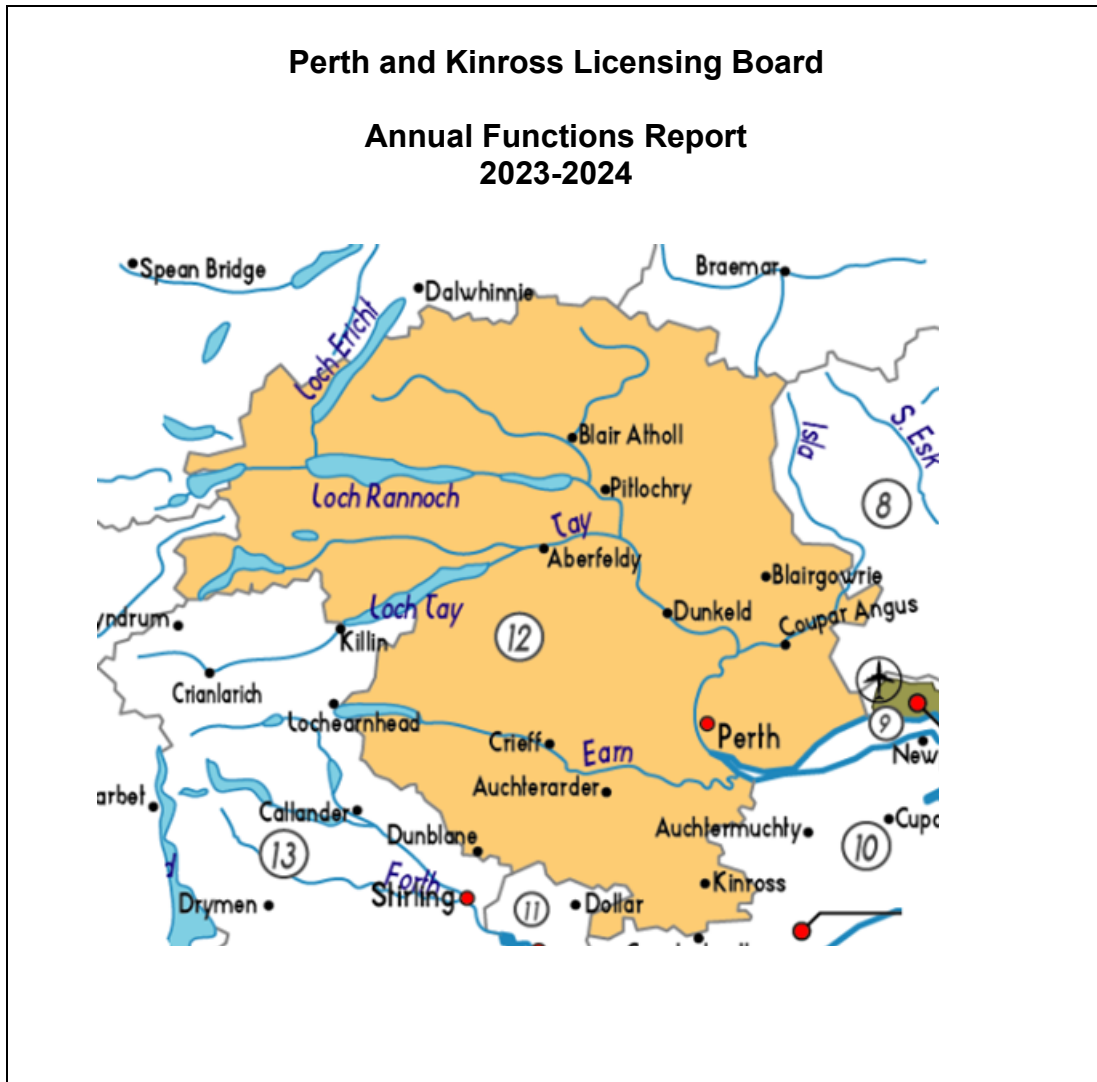


**Appendix 1 – Annual Functions Report**

**PERTH AND KINROSS  
LICENSING  
BOARD**



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## **1.0 Introduction – Perth and Kinross Licensing Board**

- 1.1 Perth and Kinross Licensing Board (“the Board”) is the licensing authority for the local government area of Perth and Kinross for the purposes of the Act. The current Board was formed in July 2022 and comprises 9 members all of whom are elected members of Perth and Kinross Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within Perth and Kinross.
- 1.2 Perth and Kinross shares borders with Dundee, Fife, Clackmannanshire, Highland, Aberdeenshire, Angus, Argyll and Bute and Stirling Councils and covers 5285 square kilometres. The 2022 Census states that 150,800 people live within the area, which stretches from the Spittal of Glenshee in the north to Blairingone in the South; in the East from Alyth and Blairgowrie and to the West, St. Fillans on the banks of Lochearn. The main administrative centre for Perth and Kinross is based in Perth.
- 1.3 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold. The Gambling Act 2005 makes provision for regulating betting and gaming. It gives responsibility for licensing some forms of gambling to Licensing Boards.
- 1.4 Under the Acts, Licensing Boards are responsible for considering applications for: -
  - All licences related to the sale of alcohol including premises licences, personal licences and occasional licences;
  - betting offices, gaming machines, small lotteries, bingo premises, track betting, adult gaming centres, family entertainment centres.

The vast majority of licences issued by the Licensing Board relate to the regulation of the sale of alcohol. Licensing under the Gambling Act forms only a small part of the work of the Board. For that reason, this report focuses on the work of the Board in relation to alcohol licensing.

## **2.0 The Licensing Objectives**

2.1 The Licensing (Scotland) Act sets out the following five alcohol licensing objectives (“the licensing objectives”): -

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young people from harm

2.2 The licensing objectives provide the basis for the administration of the alcohol licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may relate to any one or more of the licensing objectives.

2.3 In exercising its alcohol licensing functions under the Act, the Board is required to have regard to the licensing objectives.

## **3.0 Annual Functions Report**

3.1 In the year from 1 April 2023 to 31 March 2024 the Board met eight times.

3.2 All applications before the Board were dealt with in accordance with licensing legislation and the Board’s Statements of Licensing Policy 2018 – 2023 and 2023-2028.

3.3 Information and assistance was made available to those wishing to apply for a licence, make representations or lodge objections.

3.4 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process.

3.5 At the meetings, the Board adopts as informal a process as possible but consistent with the carrying out of the Board’s quasi-judicial functions.

3.6 The Board has continued to take advantage of legislative changes following the pandemic to conduct business efficiently and ensure access to meetings via remote link for those who cannot travel to the meeting.

## **4.0 Decisions of the Board**

4.1 The Board experienced a busy year with new premises licence applications and occasional licence applications. The following table sets out the information relating to the number of applications approved by the Board:

Premises licences	13
Major variations to existing premises licence	14
Personal licence	202
Minor variations	138
Transfer/Transfer and variation	26
Occasional licences	1127
Extended hours	7

4.2 Applications for new premises licences and applications for major variation are all dealt with at Licensing Board meetings. The vast majority of other applications are all dealt with by officers under delegated powers.

4.3 The Board considered 4 objections in relation to a provisional premises licence application, 2 objections in relation to a premises licence application and 2 in relation to an application to vary an existing licence.

Where the Board received objections to new provisional premises and new premises licences, the Board granted these applications subject to mandatory and local conditions being imposed. Local conditions imposed dealt with the following issues:-

- noise mitigation, litter and waste management and dispersal of patrons policies and
- policies to manage the taking of orders and delivery/collection of alcohol.

Where the Board received objections to vary an existing premises licence the Board refused the application.

4.4 In assessing applications, the Board used a considerable number of different sources of information to enable them to reach determinations. These sources included reports from Police Scotland, Scottish Fire and Rescue Service, Licensing Standards Officer, Building Standards, Planning and Environment Services.

## 5.0 Reviews

- 5.1 In the period 1 April 2023 to 31 March 2024 the Board did not consider any premises licence reviews.
- 5.2 One personal licence review was considered by the Board, which led to the offence being noted on the personal licence with no other action.

## **6.0 Licensed Hours**

- 6.1 In granting licences the Board recognised that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board did not wish to unnecessarily inhibit the development of thriving and safe evening and night-time local economies which are important for investment, employment, and tourism.
- 6.2 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am or after 10.00 pm.
- 6.3 Each application for a premises licence is assessed on its own merits against the policy hours appropriate to the type of activity and venue for which a licence is being sought.
- 6.4 Should an application be received in respect of opening earlier than 11 am for on sales, the Board will expect the applicant to justify their request and demonstrate measures that promote the five licensing objectives.
- 6.5 Extended hours applications are individually assessed on their own merits. When the extended hours sought are in respect of on sale and are outwith on sale policy hours appropriate to the applicant's premises, the applicant is required to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:-
- the hours sought;
  - a description of the special event or occasion;
  - the proposed activities to take place during these hours;
  - when each activity will take place;
  - management arrangements to be in place for the special event or occasion.

## **7.0 Licensing Board Training**

- 7.1 As stated at the beginning of this report, the Board comprises of 9 members who are elected Councillors for Perth and Kinross Council. They are appointed by the Council as Board Members.

7.2 All members of the Board have sat and passed the mandatory training from Alcohol Focus Scotland to enable them to sit as members of the Licensing Board.

7.3 All members also undertook 2 hours of internal training provided by the Depute Clerk to the Licensing Board.

## **8.0 Licensing Forum**

8.1 The role of the Licensing Forum is to keep under review the operation of the Licensing (Scotland) Act in the Perth and Kinross area and to give advice and make recommendations to the Board in relation to those matters as the Forum deems appropriate. The Forum is the community's voice on alcohol issues.

8.2 In January 2018 the group re-formed. Members include representatives from the Drugs and Alcohol Partnership, Police Scotland, Licensing Standards Officer, on and off sales representatives and an officer from the local University. However, due to members' time constraints, the last meeting of the group took place since November 2022. The LSO did attempt to reform the group to discuss the 2023-2028 Licensing Board Policy Statement, however could not gain sufficient interest. Officers will continue to give consideration to steps which can be taken to encourage and support the Licensing Forum to meet.

## **9.0 Perth and Kinross Licensing Board Policy Statement – 2023-2028**

9.1 Consultation on the revised Statement took place between May and July 2023 and is due to be reviewed in 2028.

## **10.0 Conclusion**

10.1 The efforts of officers and partners are recognised involved in ensuring that licensed premises in Perth and Kinross are compliant and kept well informed of the requirements of licensing legislation and regulations. Licence holders' efforts are acknowledged with regard to compliance with legal requirements and the management of well run businesses.

10.2 The Board will continue to ensure that good practice continues, and the licensing objectives are complied with during the period 2024-2025.