

## **Licensing Board Policy**

### **Report by Alan Turpie, Clerk**

#### **1 Purpose of Report**

The purpose of this report is to seek approval of the terms of the proposed Licensing Board Policy November 2018 to November 2023.

#### **2 Background**

- 2.1** As Board members are aware, the Board is required, in terms of section 6 of the Licensing (Scotland) Act 2005, to publish a Licensing Policy Statement in respect of the exercise of their powers under the Act. Previously, each Policy Statement had a duration of three years but this has been amended and the Act now requires that a Licensing Policy Statement must be in place by November 2018 and run for a period of 5 years.
- 2.2** In preparing the Licensing Policy Statement, the Board must ensure that the policy seeks to promote the licensing objectives. The Board must also consult the Midlothian Licensing Forum, the Health Board and any other persons the Board considers appropriate.
- 2.3** Accordingly, in preparing the Policy document, in addition to the Forum and the Health Board, the following bodies have been consulted as well as a public consultation:
- Midlothian Council
  - Police Scotland,
  - Scottish Fire & Rescue Service,
  - Midlothian Child Protection Committee,
  - Community Councils within the Midlothian area
  - MDAAT,
  - Alcohol Focus Scotland
  - Representatives of licensees.
- 2.4** In terms of Section 7 of the Act, the Licensing Policy Statement also has to include a statement as to the extent to which the Board considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description in any locality within the Board's area. When considering overprovision, the Board must consult:
- Police Scotland
  - The Health Board
  - Representatives of premises licence holders
  - Representatives of local residents; and
  - Any other persons the Board considers appropriate.

- 2.5** In order to be effective, the Policy should be evidence based. The Community Safety team of Midlothian Council have provided statistics on alcohol use within Midlothian and these statistics have formed part of the public consultation and the basis of the joint meeting between the Forum and the Licensing Board held earlier this year to consider overprovision.
- 2.7** Other than the overprovision statement, there have been relatively few amendments to the draft policy through the consultation process. The proposed Licensing Policy Statement is attached at Appendix 1 to this report. The amendments are shown track-changed on the Statement and Members are referred specifically to Part 4 Overprovision

### **3 Report Implications**

#### **3.1 Resource**

There are no resource implications in this report.

#### **3.2 Risk**

It would be a breach of the Licensing (Scotland) Act 2005 should the 2018 Licensing Policy Statement not be approved by November 2018. Further, it could be claimed that the Board would not be fully supporting the Licensing Objectives if decisions were based on an out of date Policy.

#### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value

x None of the above

#### **3.4 Key Priorities within the Single Midlothian Plan**

This report does not affect key priorities within the Midlothian Single Plan

#### **3.5 Impact on Performance and Outcomes**

This report does not have an impact on performance and outcomes.

### **3.6 Adopting a Preventative Approach**

This report does not affect the preventative approach

### **3.7 Involving Communities and Other Stakeholders**

In addition to a public consultation the views of the communities and other stakeholders detailed in paragraph 2.4 above have been sought.

### **3.8 Ensuring Equalities**

An EQIA was carried out during the process to ensure the new Policy will not have a negative impact on any equalities group.

### **3.9 Supporting Sustainable Development**

There are no sustainable development issues raised in this report.

### **3.10 IT Issues**

There are no IT issues raised in this report.

## **4 Recommendations**

The Licensing Board are requested to approve the terms of the 2018 – 2023 Licensing Policy Statement, subject to any amendments the Board may wish to instruct.

**Date 06 November 2018**

**Report Contact:**

Alan Turpie Tel No 0131 271 3667

[alan.turpie@midlothian.gov.uk](mailto:alan.turpie@midlothian.gov.uk)