

The Highland Licensing Board

Meeting – 27 March 2017

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| Agenda Item | 6 |
| Report No | HLB/015/18 |

Highland Licensing Board Policy Statement 2018-2023

Report by the Clerk to the Licensing Board

Summary

This report invites the Board to agree a timetable for preparation and adoption of its next Policy Statement for the period November 2018 to November 2023.

1. Background

- 1.1 Licensing Boards in Scotland have a duty to publish a statement of their policy in respect of their functions under the Licensing (Scotland) Act 2005. The Board's policy statement must seek to promote each of the five licensing objectives and must not be inconsistent with any of those licensing objectives. The policy statement must include, amongst other things, a statement as the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description in any locality within the Board's area. The Board may determine that the whole of its area is a locality for this purpose.
- 1.2 The Highland Licensing Board's current Policy Statement (including its overprovision statement) was adopted in 2013 and was originally for the period from 1 December 2013 to 30 November 2016. A Supplementary Policy Statement on extended hours for special events of local or national significance was also adopted on 12 May 2015 and was also for the period to 30 November 2016. The licensing policy period was extended in 2016, however, to 4 November 2018 by virtue of the Air Weapons and Licensing (Scotland) Act 2015. The Board's next statement of policy, which will cover the period from 4 November 2018 to 3 November 2023 (i.e. 18 months after the next scheduled local government election), requires therefore to be published before 4 November 2018.
- 1.3 The process of adopting a statement of policy includes statutory consultation with the local Licensing Forum, the relevant Health Board and such other persons as the Board thinks appropriate. In respect of its overprovision statement, the Board must also consult the chief constable.
- 1.4 So far as possible, the Licensing Forum should include in its membership persons representative of the interests of
 - holders of premises licences and personal licences

- the chief constable
- persons having functions relating to health, education or social work
- young people
- persons resident in the Forum's area

If the membership of the Forum is not representative of all of those persons, the Board must consult separately on its policy statement with such persons as appear representative of those interests.

- 1.5 Although the Highland Licensing Forum membership is generally representative of all such interests, the Highland Licensing Board has always consulted as widely as possible on its policy proposals, inviting views and responses also from community councils, trade associations and the general public as well as from the statutory consultees.
- 1.6 Prior to producing a draft policy statement on which to go out to consultation (a "Consultation Draft"), the Board must first conduct an initial evidence-gathering exercise, inviting various bodies to submit relevant evidence which may inform the preparation of the Consultation Draft. These bodies are generally the Highland Licensing Forum, NHS (Highland), Police Scotland and Scottish Fire and Rescue Service. Any other body which may be able to provide relevant information may also be invited to do so. These bodies are asked to submit evidence in relation to such matters as alcohol-related mortality, hospital admissions, crime, disorder, nuisance, fires or any other alcohol-related harm. They may do so by reference to the Board's overprovision policy or any other aspect of the Board's existing policies (or any additional policy which they think the Board should consider introducing) and by reference to particular licensed premises, particular types of licensed premises, particular wards or localities, or any other matter of relevance.
- 1.7 Once this evidence is ingathered, the Clerk prepares a draft Consultation Draft and submits this for the Board's consideration, along with any evidence received. Those who have submitted evidence may attend the Board meeting to present their evidence to the Board before the Board agrees the final terms of its Consultation Draft. The Board must then agree a final version of the Consultation Draft on which to go out to consultation, but this remains merely a set of proposals at that stage. It may take the form of the existing Policy Statement and Supplementary Policy Statement, but contain also possible options for changes and consultation questions on these.
- 1.8 The final version of the Consultation Draft policy statement is then published for public consultation and sent out direct to all statutory consultees, the community councils and trade associations.
- 1.9 At the end of the consultation period, the Clerk collates the consultation responses received and prepares an options report for the Board's consideration. All parties who have submitted consultation responses will be invited then to attend a meeting of the Board at which they will have the opportunity to be heard by the Board before members agree to adopt final terms of the Policy Statement for publication.

2. Proposed timetable

2.1 The following timetable for this work is proposed.

- 2.2
- **27 March 2018** – the Board HLB will agree an initial evidence-gathering exercise in which The Highland Licensing Forum, NHS (Highland), Police Scotland, and Scottish Fire and Rescue Service are invited to submit evidence on matters as outlined at paragraph 1.6 above. **Evidence submission deadline will be end May 2018.**
 - **End May to mid-June 2018** – The Clerk will prepare a draft Consultation Draft policy statement setting out options for the Board’s consideration (incorporating the existing Supplementary Policy Statement on extended hours) and invite those who have submitted evidence to present their evidence to the Board on 26 June 2018.
 - **26 June 2018** – The Board will consider this draft Consultation Draft policy statement together with the evidence submissions, and agree a final version of the Consultation Draft on which to go out to formal consultation. **Consultation response deadline will be end August 2018.**
 - **September 2018** – The Clerk will collate consultation responses and prepare an options report for HLB consideration
 - **Early October 2018** – a Special Meeting of the Board will be convened at which the Board will hear submissions from those who have submitted consultation responses (should they wish to be heard), consider both the written consultation responses and submissions made at the meeting, consider the options and adopt the final terms of its Policy Statement 2018-2023, subject to the wording of the document then being finalised by the Clerk (to reflect the final terms adopted by the Board) and approved by the Convener and Vice-Convener prior to publication. **Publication deadline will be 3 November 2018.**

Recommendation

The Board is invited to agree the proposed timetable for preparation and adoption of its Policy Statement 2018-2023 as set out at section 2. of this report.

Date: 12 March 2018

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Background Papers: Licensing (Scotland) Act 2005, Policy Statement 2013-2018