

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	6
Report No	HLB/009/23

Highland Licensing Board Policy Statement 2023-2028

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 2023 to November 2028.

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 2018 and covers the period to 3 November 2023 (18 months after the local government election). The Board's next statement of policy must be published by 4 November 2023.
- 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 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 proposed timetable is set out at **Appendix 1** to this report.

Recommendation

The Board is invited to agree the proposed timetable for preparation and adoption of its Policy Statement 2023-2028 as set out in Appendix 1 to this report.

Date: 1 February 2023

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Background Papers:
Licensing (Scotland) Act 2005
Policy Statement 2018-2023

APPENDIX 1

14 FEBRUARY 2023

The Board 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 of the report.

30 APRIL 2023

Evidence submission deadline

MAY 2023

The Clerk and Depute Clerk will prepare a draft Consultation Policy Statement setting out the options for the Board's consideration and invite those who have submitted evidence to the Board on 20 June 2023.

20 JUNE 2023

The Board will consider the draft Consultation Policy Statement together with the evidence submissions and agree a final version of the Consultation Draft on which to go out to formal consultation.

31 AUGUST 2023

Consultation response deadline

SEPTEMBER 2023

The Clerk and Depute Clerk will collate consultation responses and prepare an Options Report for the Board's consideration.

24 OCTOBER 2023

The Board will:

- hear submissions from those who have submitted consultation responses (should they wish to be heard)
- consider both written consultation responses and submissions made at the meeting
- consider the options and adopt the final terms of its Policy Statement 2023-2028, subject to the wording of the document being finalised by the Clerk and Depute Clerk (to reflect the final terms adopted by the Board) and approved by the Convenor and Vice Convenor prior to publication.

4 NOVEMBER 2023

Publication deadline