

7. REVIEW OF STATEMENTS OF LICENSING POLICY AND OVERPROVISION POLICY STATEMENTS

ABERDEENSHIRE LICENSING BOARDS

**REPORT TO SOUTH, CENTRAL AND NORTH DIVISIONAL LICENSING BOARDS – 2nd August 2017, 9th August 2017, 30th August 2017
LICENSING (SCOTLAND) ACT 2005
REVIEW OF STATEMENTS OF LICENSING POLICY AND OVERPROVISION POLICY STATEMENTS**

1 Recommendations

- 1.1 The Divisional Licensing Boards are asked to note the indicative timetable for the review of the Boards' licensing policy statements and overprovision policy statements, as set out in Appendix 1 to this Report.**

2 Background

- 2.1 The Licensing (Scotland) Act 2005 requires that every Licensing Board must, within 18 months of the Council elections, publish a statement of their policy with respect to the exercise of their functions under this Act during that period (a "*licensing policy statement*"). This means that each of the three Divisional Licensing Boards must publish their licensing policy statements by November 2018.
- 2.2 Scottish Government Guidance states that Policy Statements should provide local communities with a clear indication of the Licensing Board's policy and must be consistent with the licensing objectives set out in the Act. In particular the policy statement should include a clear indication of the Board's policy on the granting of licensed hours generally and where different policies may apply in different localities according to local circumstance; a statement on overprovision (see 2.4 below); a general statement on how many Licensing Standards Officers the authority intends to employ, their role and remit, and how they can be contacted; and a statement of the agreed procedures the Board has developed for handling applications, objections, representations, delegation of functions and review hearings etc. for premises and personal licences.
- 2.3 When preparing a licensing policy statement a Board must—
- ensure that the policy stated in the statement seeks to promote the licensing objectives, and consult—
- (i) the Local Licensing Forum for the Board's area,
 - (ii) the relevant health board, and
 - (iii) such other persons as the Board thinks appropriate.

- 2.4 Each licensing policy statement must include a statement as to 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. It is for each Board to determine the "localities" within the Board's area. A Board may determine that the whole of the Board's area is a locality. The localities must be determined by the Board then consulted upon.
- 2.5 In considering whether there is overprovision a Board must have regard to the number and capacity of licensed premises in the locality and may have regard to such other matters as the Board thinks fit including, in particular, the licensed hours of licensed premises in the locality. A Board must consult the chief constable and the health board and such persons as appear to the Board to be representative of the interests of—
- (i) holders of premises licences in respect of premises within the locality,
 - (ii) persons resident in the locality, and
 - (iii) such other persons as the Board thinks fit.

How will the Boards Achieve this in Practice?

- 2.6 In order to manage the preparation of the licensing policy statement it is proposed that the Boards approve the timetable attached as Appendix 1 to this report which sets out key tasks and milestones designed to ensure that the policy statements can be approved by the respective Boards in October 2018. The Tracking column will use the traffic light system and state whether the stage is complete (green), ongoing (amber) or overdue (red). The updated column will state when the column was last updated and there is space for comments.

The timetable is indicative and Officers recognise that there will inevitably be some slippage during the process but the aim is to have the revised policies approved and published by the statutory deadline in November 2018.

- 2.7 There will be a standing report on each Board agenda during the period of the review to ensure that the Boards, the trade, the public and partner organisations are kept up to date and will provide updates on the timelines.
- 2.8 Officers will engage with each of the Boards after Board Meetings where required. There will be a meeting directly following on from the October Board Meetings, to discuss the existing policies and to identify issues. Further sessions will be used to advise the Boards of the outcome of consultations and to allow the Boards to agree the direction of the review at each stage.

2.9 Consultation and engagement with partners, consultees and the public will take a variety of forms, inclusive of use of: -

- Focussed Survey monkey questionnaires
- Formal consultation
- Face-to-face engagement sessions, evidence gathering sessions
- Gathering statistical evidence and other material on which to evidence-base any revisals made to the Policies
- Comparisons with other Boards in Scotland
- Feedback sessions with the Boards

2.10 Officers will arrange engagement sessions allowing the Boards to discuss issues face-to-face with partners to inform the review process as it evolves. This ensures the Boards have ownership of the direction of the proposed Policies throughout the review process and the process is transparent to all involved.

3. Governance

3.1 The Boards can consider this matter in terms of paragraph 1.1 and 1.2 of the Boards' current Scheme of Delegation.

3.2 Officers will use Aberdeenshire Council's Policy Development & Review Framework as the foundation for the review of the Licensing Boards' Policy Statements. This can be found at Section 6 of Part 4A - Scrutiny at Aberdeenshire of Aberdeenshire Council's Scheme of Governance.

4. Equalities, Staffing and Financial Implications

4.1. Preparation of the licensing policy statements will be carried out by the Governance Team within existing budgets.

4.2. An equality impact assessment will be carried out as part of the review of the Policy Statements.

Karen Wiles
Clerk to the Board

Report Authors: Peter Robertson, Depute Clerk to the Board, Senior Solicitor (Governance) and Fiona M. Stewart, Depute Clerk to the Board, Senior Solicitor (Governance)

Date: 12th July 2017

**Indicative Timetable for Review of Licensing Policy Statements and
Overprovision Policy Statements**

POLICY STATEMENT REVIEW

Review of Licensing Policy Statements

Supervising Officer – Lauren Cowie

Lead Officer – Fiona Stewart

KEY – Tracking Column	Target deadline met	Ongoing	Target deadline missed
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Officers will use Aberdeenshire Council's Policy Development & Review Framework as the foundation for the review of the Licensing Boards' Policy Statements. This can be found at Section 6 of Part 4A - Scrutiny at Aberdeenshire of Aberdeenshire Council's Scheme of Governance.

Item Number	Responsible Officer	Activity	Timescale	Tracking	Updated	Comments
STEP 1 – Agree the timeline						
1A	Peter Robertson	South Board to agree Indicative Timetable for Review of Policy Statements	2/8/17			
1B	Jill Joss	Central Board to agree Indicative Timetable for Review of Policy Statements	9/8/17			
1C	Fiona Stewart	North Board to agree Indicative Timetable for Review of Policy Statements	30/8/17			
STEP 2 – Review existing Policy Statement and identify focus issues for the review						
2A	Fiona Stewart	Review Existing Policy Statements	Aug-Sept 2017			
2B	Paralegal Trainee	Look at examples of other policy Statements	Aug-Sept 2017			
2C	Fiona Stewart Paralegal	Finalise Annual Report on Existing Policy Statement	Aug-Sept 2017			

2D	Peter Robertson	Engage with South Board to identify main issues to address in the review	4/10/17			
2E	Jill Joss	Engage with Central Board to identify main issues to address in the review	11/10/17			
2F	Fiona Stewart	Engage with North Board to identify main issues to address in the review	25/10/17			
2G	Peter Robertson	Progress Report to South Board	4/10/17			
2H	Jill Joss	Progress Report to Central Board	11/10/17			
2I	Fiona Stewart	Progress Report to North Board	25/10/17			
STEP 3 – Draft Impact Assessments						
3A	Fiona Stewart Iain Meredith	Draft outline Equalities Impact Assessment	30/9/17			
3B	Fiona Stewart Iain Meredith	Draft outline Privacy Impact Assessment	30/9/17			
STEP 4 - Engagement with partners on identified issues (in conjunction with the overprovision policy review)						
4A	Fiona Stewart Iain Meredith Paralegal ICT and Corporate Communications	Prepare and issue survey monkey to all stakeholders	Nov-Dec 2017			

4B	Fiona Stewart Trainee	Consult with Council Services and Community Councils	Nov-Dec 2017			
4C	Fiona Stewart	South Board engages with Forum re issues	Nov 2017			Special Meeting
4D	Fiona Stewart	Central Board engages with Forum re issues	Nov 2017			Special Meeting
4E	Fiona Stewart	North Board engages with Forum re issues	Nov 2017			Special Meeting
4F	Peter Robertson	South Board engages with Police, LSOS & Public Health	6/12/17			
4G	Jill Joss	Central Board engages with Police, LSOS & Public Health	13/12/17			
4H	Fiona Stewart	North Board engages with Police, LSOS & Public Health	20/12/17			
4I	Peter Robertson	Progress Report to South Board	6/12/17			
4J	Jill Joss	Progress Report to Central Board	13/12/17			
4K	Fiona Stewart	Progress Report to North Board	20/12/17			
4L	Fiona Stewart All Clerks	Officer engagement with Community Planning, Community Safety, Transport Authorities and Tourism Representatives	Jan 2018			Meeting

STEP 5 – Review of engagement with partners (in conjunction with overprovision policy review)

5A	Peter Robertson	Review of Engagement Exercise with South Board	Jan 2018			Special Meeting
5B	Jill Joss	Review of Engagement Exercise with Central Board	Jan 2018			Special Meeting
5C	Fiona Stewart	Review of Engagement Exercise with North Board	Jan 2018			Special Meeting
5D	Peter Robertson	Progress Report to South Board	7/2/18			
5E	Jill Joss	Progress Report to Central Board	14/2/18			
5F	Fiona Stewart	Progress Report to North Board	28/2/18			
STEP 6 – Draft revised Statements of Licensing Policy						
6A	Peter Robertson All Clerks Paralegal	Draft revised Statement of Licensing Policy	Feb – Mar (Week 1) 2018			
STEP 7 – Draft Impact Assessments						
7A	Fiona Stewart Peter Robertson	Update the information in the Draft Equality Impact Assessment	Feb – Mar (Week 1) 2018			
7B	Fiona Stewart Jill Joss	Update the information in the Draft Privacy Impact Assessment	Feb – Mar (Week 1) 2018			
STEP 8 – Annual Meeting of the licensed trade						
8A	Fiona Stewart Peter Robertson	South Board engages with the Licensed Trade in their Area	7/3/18			

8B	Fiona Stewart Jill Joss	Central Board engages with the Licensed Trade in their Area	14/3/18			
8C	Fiona Stewart	North Board engages with the Licensed Trade in their Area	28/3/18			
8D	Peter Robertson	Progress Report to South Board	4/4/18			
8E	Jill Joss	Progress Report to Central Board	11/4/18			
8F	Fiona Stewart	Progress Report to North Board	25/4/18			
STEP 9 – Formal consultation on revised Policy Statement						
9A	Fiona Stewart Peter Robertson	Formal consultation with all partners and the public on the proposed revised Statements of Licensing Policy	May-Jul 2018			
9B	Fiona Stewart Jill Joss	Either some form of community engagement exercise at each Board or a joint community engagement exercise with all Boards	Jun 2018			At each Board in June / Special Meeting
9C	Fiona Stewart	Progress Report to South Board	Jun 2018			Board Meeting
9D	Fiona Stewart All Clerks	Progress Report to Central Board	Jun 2018			Board Meeting
9E	Fiona Stewart Iain Meredith	Progress Report to North Board	Jun 2018			Board Meeting
STEP 10 – Finalisation of Licensing Policy Statements						

10A	Fiona Stewart Peter Robertson	Review Report to South Board following consultation period	Aug 2018			
10B	Fiona Stewart Jill Joss	Review Report to Central Board following consultation period	Aug 2018			
10C	Fiona Stewart	Review Report to North Board following consultation period	Aug 2018			
10D	Fiona Stewart All Clerks	Finalise wording of Revised Licensing Policy Statement	Sept 2018			
10E	Fiona Stewart Iain Meredith	Finalise terms of the Equality Impact Assessment	Sept 2018			
10F	Fiona Stewart Iain Meredith	Finalise terms of the Privacy Impact Assessment	Sept 2018			
STEP 11 – Approval and publication of Policy Statements						
11A	Peter Robertson	Report to South Board for Approval of Policy Statement	Oct 2018			Board Meeting
11B	Jill Joss	Report to Central Board for Approval of Policy Statement	Oct 2018			Board Meeting
11C	Fiona Stewart	Report to North Board for Approval of Policy Statement	Oct 2018			Board Meeting
STEP 12 – Publication of Policy Statements						
12A	Fiona Stewart Susan Odlin	Publication of Approved Policy Statements on the Boards' Website	31/10/18			

OVERPROVISION POLICY STATEMENT REVIEW

Review of Licensing Policy Statements

Supervising Officer – Lauren Cowie

Lead Officer – Peter Robertson

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1C	Fiona Stewart	North Board to agree Indicative Timetable for Review of Overprovision Policy	30/8/17			
STEP 2 – Review existing Policy Statement and gather evidence to assist the Boards in identifying localities						

2A	Peter Robertson	Review Existing Overprovision Policies	Aug-Sept 2017			
2B	Paralegal Trainee	Look at examples of other policy Statements	Aug-Sept 2017			
2C	Peter Robertson Susan Odlin Paralegal Trainee	Identify occupancy Capacity Figures and Licensed Hours Stats for each Board	Aug-Sept 2017			
2D	Peter Robertson	Engagement with partners to provide evidence to assist the Board in identifying localities for Overprovision in each of the Board Areas	Aug-Sept 2017			
2E	Peter Robertson	Progress Report to South Board	4/10/17			
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