

## **Falkirk Council Licensing Board**

**Subject:** Licensing Board Annual Report for 2017  
**Meeting:** Joint Meeting between Falkirk Council Licensing Board and the Licensing Forum  
**Date:** 19 February 2018  
**Author:** Consumer Protection Manager

### **1. Background**

1.1 The purpose of this report is twofold:

- to provide an update on legislative changes, and
- to give an outline of the work carried out by the Licensing Board from 1 January to 31 December 2017 in relation to activity under the Licensing (Scotland) Act 2005.

The budgetary information in the report relates to the financial year 2016/17.

### **2. Air Weapons & Licensing Act 2015 Update**

2.1 The Air Weapons & Licensing Bill was enacted on 24 June 2015 and royal assent was granted on 4 August 2015. The new Act makes significant changes to the Licensing (Scotland) Act 2005, and whilst seven Commencement Orders have subsequently been granted in relation to some provisions of the Act; some of it as it relates to alcohol licensing is not yet in force. A copy of the report detailing the main changes is attached as Appendix 1 to the report. An outline of the main provisions that have come into force and work undertaken to mainstream changes are given below.

#### Statement of Licensing Board Policy

2.2 The provisions of the 2015 Act which amend sections 6 and 7 of the 2005 Act, statement of licensing policy: licensing policy periods and overprovision came into force on 30 September 2016. Section 6 of the 2005 Act states that a Licensing Board must publish a statement of their policy every 3 years. This timescale is amended to change the period for statements of licensing policy which will now will run from 18 months after the next Council election (which was in May 2017) to 18 months after the following Council election. The policy approved by the Board on 3 February 2016 will continue to have effect until a new statement of licensing policy is approved by the Board. The Board will also still be able to publish a supplementary licensing policy statement to any existing licensing policy. A copy of the policy is attached as Appendix 2.

- 2.3 A sub group consisting of members of the Board and officers has been working on the review of the Statement of Licensing Policy since September 2016.
- 2.4 The sub group has reviewed the current policy as it relates to extended hours during the Festive Period and has decided to publish a supplementary policy relating to this. This will run concurrently with the existing policy so that it will apply to applications for the 2018/19 Festive Period. The full Board will consider this at their meeting on 21 March 2018 with a view to it being approved and issued for consultation.

#### Overprovision

- 2.5 In relation to overprovision, the 2005 Act is amended to allow the Board to treat the whole of its area as a “locality” and to allow (but not require) the Board to have regard not only to the number and capacity of licensed premises in the locality but also such other matters as the Board thinks fit including the licensed hours of premises in the locality. This change will simply refusal of a premises licence application on the grounds of overprovision.
- 2.6 The sub group of the Licensing Board has been carrying out preparatory work in relation to the assessment of overprovision in the area since September 2016. Officers have written to stakeholders seeking statistics and evidence to assist with the assessment. Falkirk Alcohol and Drug Partnership has supplied health statistics.

#### Financial Statement

- 2.7 The Board must prepare and publish an annual financial report within three months of the end of the financial year. This report must include a statement of relevant income received by the Board during the financial year and the amount of relevant expenditure incurred in the year. An explanation of how the amounts were calculated must be included. Relevant income and relevant expenditure include fees brought in and costs incurred under the 2005 Act and also income received and costs incurred in relation to the social responsibility levy from premises licenceholders and occasional licenceholders. However, no regulations have as yet been made under s14 of the Alcohol etc Act 2010 bringing the social responsibility levy into play.
- 2.8 Scottish Ministers have not made any regulations detailing the form and content of the report. The first report was to be made in relation to the financial year 2016/17 and required to be published by the end of June 2017. A copy of the Statutory Annual Income and Expenditure Report 2016/17 was considered by the Board at its meeting in June 2017 when it was determining the annual fee levels. It was published on the Council’s web site in accordance with the statutory timescale. A

copy of the full fees report (including the Statutory Annual Income and Expenditure Report 2016/17) is appendix 3.

### Functions Report

- 2.9 The duty on Licensing Boards to prepare an annual functions report came into force on 20th December 2017. The first reports for 2017/2018 due to be published by the end of June 2018.

### “Fit and proper” Test

- 2.10 The reintroduction of the 'fit and proper' test for licensees allows Police Scotland to present more information to licensing boards about applicants than was the case when the legislation came into force in 2009. The Licensing Board can only refuse an application on the grounds of the applicant not being a fit and proper person. The 'fit and proper' test is, however, narrower to that in place under the 1976 Act, as it restricts any assessment of the licence holder or applicant's fitness to being "with regard to the five licensing objectives".
- 2.11 The new test applies to applications for personal or premises licences, applications for transfer of premises licences and applications for renewal of personal licences. This came into force on 15 May 2017 and applied to applications received after that date. It will also be a ground for review of a premises licence.
- 2.12 The Board has refused one application for a personal licence on the grounds that the applicant was not a fit and proper person.

## **3. Alcohol (Minimum Pricing) (Scotland) Act 2012**

- 3.1 As part of a package aimed at helping reduce alcohol consumption and related harm, the Scottish Parliament passed legislation in 2012, the Alcohol (Minimum Pricing) (Scotland) Act 2012, which allows the Scottish Ministers to introduce a system of Minimum Unit Pricing for alcohol. The legislation was then challenged in court by some parts of the alcohol industry and that has delayed the implementation of this important policy. On 15 November 2017, the UK Supreme Court confirmed that the legislation which allows Minimum Unit Pricing to be introduced is lawful.
- 3.2 The Scottish Government plans to introduce Minimum Unit Pricing for alcohol on 1 May 2018. Before they introduce the Minimum Unit Price (MUP), the Scottish Ministers are having a public consultation to gather views from people, businesses, public bodies and interested parties about the Scottish Government's preferred price of 50 pence per unit of alcohol.

- 3.3 Information on Minimum Unit Pricing is available on the licensing pages of the council's website. The Licensing Standards Officer is undertaking a series of visits throughout the area to provide advice and guidance to licenceholders.

#### **4. Immigration Act 2015**

- 4.1 The Scottish Government are currently focussing on the remaining liquor provisions with particular focus on interaction with the Immigration Act 2016. Currently right to work in the UK checks are being carried out by the Licensing Section in relation to taxi and private hire drivers in accordance with the legislation and this has been the case since December 2016.
- 4.2 The provisions are to be extended to cover alcohol licensing however, this has yet to come into force.

#### **5. Budgetary Information**

- 5.1 The financial year runs from 1 April to 31 March the following year. In terms of the Licensing (Scotland) Act 2005, however, the annual retention fee is payable midway through the financial year on 1 October for all Premises Licences in effect or suspended on that date or, in any other case, 30 days after the date on which the licence takes effect. The income generated from the annual retention fees is therefore split equally between consecutive financial years; the income received from the annual retention fees in October 2016 being added to 50% of the retention fee income from October 2017. The remaining 50% of the October 2017 retention income will be carried forward at the end of March 2018 into the 2018/19 budget.
- 5.2 As in previous years, the collection of the 2017 annual retention fee was again carried out in conjunction with Falkirk Council's Sundry Accounts Team. All invoices were issued timeously to give the licenceholders 30 days' notice as required by the Act. The annual fee income gathered in respect of Premises Licences in effect or suspended on 1 October 2017 was circa £132,040 which is a slight increase in the annual fee income gathered in 2016 (£122,020).
- 5.3 At the meeting of the Licensing Board on 21 June 2017, members approved the 2017/18 annual fee. There was no reduction in the fee level from the maximum prescribed, which has been the case since the 2005 Act came into force.

## 6. Licence Applications, Reviews and Revocations in 2017

The table below shows the total number of licences in force on 31 December 2017:

| Type Of Licence   | Number |
|-------------------|--------|
| Premises Licence  | 363    |
| Personal Licences | 1336   |

### Premises Licences

- 6.2 Since 1 January 2017, four applications for new premises licences were received. Three have been granted by the Board, these being The Tower Shop, Anna's Market and Premier Bo'ness Convenience Store. The application for the off sales at 18 Nisbet Drive in Denny is still being processed.
- 6.3 In addition, two applications for provisional premises licences have been granted by the Board, these being The Town Bar @ Forty-Six and Mexican Texmex. The application for The Town Bar @ Forty-Six was granted on 9 August 2017 and confirmed on 4 September 2017 and that for Mexican Texmex was granted on 15 November 2017 and confirmed on 20 December 2017. These premises are now operating.
- 6.4 During 2017, the Board refused one application for a premises licence. This application was for the Brian Clark Memorial Hall, Burnside Terrace, Camelon.

### Variations to Premises Licences

- 5.1 24 applications for non-minor variation to premises licences have been received during 2017. This type of application requires to be determined by the Licensing Board. Of these 24 applications, 14 have been granted by the Board and 10 are currently being processed.
- 5.2 41 applications to make a minor variation to a premises licence were received. These were for different types of changes including updating personal details, a decrease in the capacity (alcohol display area), change of store layout, request for a copy licence etc. In addition, 86 applications to change the Designated Premises Manager were received. All minor variations were granted under delegated powers.

### Transfers of Premises Licences

- 5.3 21 applications to transfer premises licences were received during 2017. All have been granted.

### Premises Licence Reviews

- 5.2 There was one request for a premises licence review during 2017. This request for review was submitted by the Licensing Standards Officer and was in relation to Aniel Brother in Denny. The Board revoked the licence as it considered this was necessary and appropriate for the purposes of the licensing objectives of Preventing crime and disorder, Securing public safety, Preventing public nuisance and Protecting children and young persons from harm.

### Occasional Licences

- 7.1 The table below shows the analysis of the types of applicant for occasional licences for 2017. 6 of these applications were withdrawn, 1 was refused and 5 fell. 376 were granted.

| <b>Applicant Type</b>  | <b>Number</b> |
|------------------------|---------------|
| Club                   | 80            |
| Premises Licenceholder | 72            |
| Personal Licenceholder | 175           |
| Voluntary Organisation | 61            |
| <b>TOTAL</b>           | <b>388</b>    |

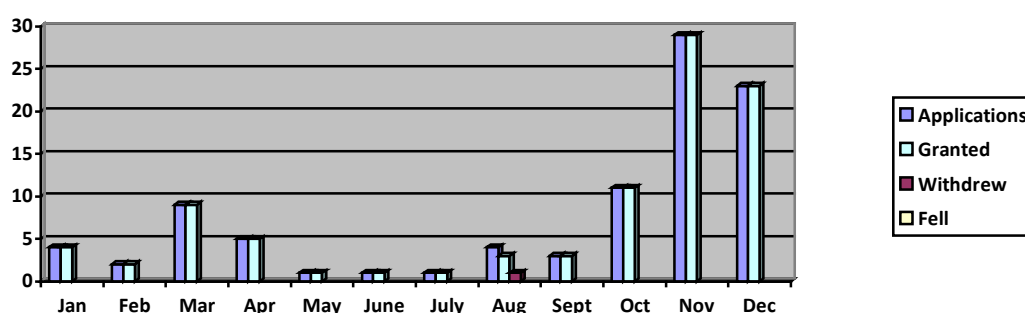
- 7.2 Appendix 4 gives details of these applications by type of applicant, venue and event.
- 7.3 During 2017, 17 applications for occasional licences required to be determined by the Board. 16 of these were granted and 1 was refused.

### Extended Hours

- 8.1 The bar chart below shows the number of applications received during 2017 for extended hours by month together with the numbers granted, withdrawn or fallen. No extended hours applications were refused by the Board. The increase in applications toward the end of the year is due to applications being made for events being held during the Festive Period. 19 premises made application for extended hours

during the Festive period that were outwith the policy. All were determined by the Board and all were granted.

- 6.2 Every year, there is also a slight increase in the number of applications in February, March and April and these relate to Bank Holidays which fall in the following month(s) namely Easter and May Day. The Festive Period and the Bank Holidays are recognised in the Board's current Statement of Licensing Policy and licenceholders take advantage of the extra hour by applying for extended hours.
- 6.3 Only 1 non Festive or Bank Holiday application required to be determined by the Board as it was outwith policy. This was an application for extended hours for City Nightclub for a Halloween event.



### Personal Licences

- 6.1 During 2017, 128 applications for personal licences were received; 56 of the applicants were male and 72 female.
- 6.2 Of the applications received during this period, four required to be determined by the Licensing Board. This was as the applications had revealed that the applicants had convictions for a relevant offence(s) recorded against them. The Board granted three of the applications following a hearing in which the circumstances of the convictions were explored within the context of the licensing objectives. One application was refused as the was satisfied that it was necessary to do so having regard to the licensing objectives, as it considered the applicant not to be a fit and proper person to be the holder of a personal licence.

### Personal Licence Reviews

- 6.1 There were no applications to review personal licences submitted during 2017.

## Personal Licence Revocations

- 6.1 Section 87 of the Licensing (Scotland) 2005 Act provides that if a personal licenceholder fails to comply with the duty to undertake training and notify the appropriate Licensing Board within the statutory timescale, then the issuing Board *must* revoke the licence. The original provision was that the applicant cannot apply for another personal licence for a period of five years; however this has now been amended by the Air Weapons & Licensing Act 2015 which allows an application to be lodged for a new personal licence by a person whose licence has been revoked. It is important to note that this relaxation only applies where the licence has been revoked for failure to comply with Section 87.
- 6.2 88 personal licences were revoked in 2017. The revocations all being as a result of licenceholders failing to comply with the requirements of mandatory refresher training.

## **7. Recommendation**

### **7.1 For information.**

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**pp Clerk to the Licensing Board**

**Date:** 5 February 2018

**Contact Officer:** Alison Barr, Consumer Protection Manager ext. 1265

## **Appendices**

Appendix 1 – Air Weapons & Licensing Act 2015 Report

Appendix 2 - Statement of Licensing Policy 2016

Appendix 3 – Fees report dated 14 June 2016

Appendix 4 - Occasional Licence statistics 1 January to 31 December 2017

## **List Of Background Papers**

**Nil**



## **AGENDA ITEM**

### **FALKIRK COUNCIL LICENSING BOARD**

**Subject:** Licensing (Scotland) Act 2005  
Air Weapons and Licensing Act 2015  
**Meeting:** Licensing Board  
**Date:** 12 August 2015  
**Author:** Consumer Protection Manager

#### **1. INTRODUCTION**

- 1.1 This report is to advise Members of the numerous and significant changes to the Licensing (Scotland) Act 2005 that will take effect following the enactment of the Air Weapons and Licensing Bill on 24 June 2015. Royal assent was granted on 4 August 2015.

#### **2. BACKGROUND**

- 2.1 On 14 May 2014, the former Justice Secretary, Kenny MacAskill, introduced a Government Bill to make provision for the licensing and regulation of air weapons; to amend the Licensing (Scotland) Act 2005; and to amend and extend the licensing provisions of the Civic Government (Scotland) Act 1982. In terms of liquor licensing, the main changes to the 2005 Act are in relation to:

- Statements of Policy and annual reports
- reintroduction of a “fit and proper person” test
- transfers of premises licences
- personal licences
- creation of new offences

- 2.2 The date(s) on which the amendments to the 2005 Act will come into force is as yet unknown as Scottish Ministers have not made any Commencement Orders. However, in relation to the removal of the requirement to refuse a personal licence application if the applicant has had a previous personal licence revoked in the last five years because of failure to adhere to refresher training requirement, this will come into effect on the day after Royal Assent.

#### **3. STATEMENTS OF POLICY AND ANNUAL REPORTS**

- 3.1 Section 6 of the 2005 Act states that a Licensing Board must publish a statement of their policy every 3 years. This timescale is amended to change the period for statements of licensing policy which will now run from 18 months after the next Council election (which is in May 2017) to 18 months after the following Council election. Boards are permitted to decide that the currency of their next policy statement will begin earlier, so can stick with 1 December 2016 for introduction of the next one if so desired.

- 3.2 As Members are aware, an assessment of overprovision is contained within the Board's Statement of Licensing Policy. The current legislation states that it is for Boards to determine the "localities" within their area for the purposes of overprovision assessment. This is amended to allow the Board to treat the whole of its area as a "locality" and to allow (but not require) the Board to have regard not only to the number and capacity of licensed premises in the locality but also such other matters as the Board thinks fit including the licensed hours of premises in the locality.
- 3.3 The new Act introduces a requirement for Licensing Boards to prepare and publish an annual functions report by no later than 3 months after the end of each financial year. The report must:
- state how, in the exercise of their functions under the Act during the financial year, the Board has had regard to the licensing objectives and their licensing policy statement, including any supplementary policy statement and the Board's overprovision statement, and
  - summarise the decisions made by or on behalf of the Board during the financial year and state the number of licences held under the Act in the Board's area, including the number of occasional licences issued during the year.
- 3.4 The Board may include any other such information in the report about the exercise of their functions under the Act as it considers appropriate. Scottish Ministers may make regulations detailing the form and content of the report and the publication thereof.
- 3.5 In addition to the requirement detailed in section 3.3, the Board must prepare and publish an annual financial report within the same timescale. This report must include a statement of relevant income received by the Board during the financial year and the amount of relevant expenditure incurred in the year. An explanation of how the amounts were calculated must be included. Relevant income and relevant expenditure include fees brought in and costs incurred under the 2005 Act and also income received and costs incurred in relation to the social responsibility levy from premises licenceholders and occasional licenceholders. However, no regulations have as yet been made under s14 of the Alcohol etc Act 2010 bringing the social responsibility levy into play. Again, Scottish Ministers may make regulations detailing the form and content of the report and the publication thereof.

#### **4. FIT AND PROPER PERSON**

- 4.1 Members will be aware that the previous alcohol licensing regime, the Licensing (Scotland) Act 1976, included a "fit and proper" test to assess the suitability applicants, but that this was not carried through to the 2005 Act. There was a view, particularly from Police Scotland, that the lack of such a test limited the breadth of information that could be presented to Boards when considering applications. The test has now been reintroduced and will allow Boards to consider if an applicant, or those connected with an organisation, are "fit and proper" persons to hold an alcohol licence. The Bill's Policy Memorandum

envisaged that that would allow Boards to take into account a wider range of information about an applicant's character when reaching a decision, including police intelligence. It would also allow consideration of spent convictions.

- 4.2 Under the 2015 Act, there is now an additional ground of refusal in relation to determination of premises licence applications, personal licence applications and applications to transfer a premises licence where the Board "*consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence*". It is worth noting that no "fit and proper" test has been added for variations.
- 4.3 The "fit and proper test" has also been introduced as an additional ground of review both in relation to requests for reviews submitted by any person and on the Board's initiative. The Board must revoke the licence if, at the review hearing, they are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence. However, there is also a requirement for the Board to recall such a revocation if, within 28 days, either a transfer application is received and granted or a variation application is received which seeks a variation of the licence that the Board considers would remove the ground on which the licence was revoked, and the Board grants the application

## 5. TRANSFERS OF PREMISES LICENCES

- 5.1 Currently an application to transfer a premises licence can be made by the current licenceholder under section 33 of the 2005 Act or, in certain prescribed circumstances eg sale of the business or death of the licenceholder, by a person other than the premises licenceholder under section 34. These current provisions of section 34 are complex particularly where circumstances arise that are not provided for. An example of this is where the existing premises licenceholder is the tenant of the property and at the end of the lease he refuses to transfer the licence to the owner of the property.
- 5.2 The new Act repeals section 34 in its entirety. Section 33 is renamed "**Application for transfer of premises licence**" and becomes the only method of transfer of a premises licence. Its terms are amended as follows:
- The application must specify the date on which the transfer is to take effect and must be accompanied by the premises licence (or a statement of reasons for failure to produce the licence) and a written statement signed by the current premises licence holder consenting to the transfer of the licence to the transferee (the "consent statement") or a statement of reasons for failure to obtain the licence holder's signed consent.
  - The Board must refuse the application if it is not accompanied by the current premises licence holder's signed consent statement unless the Board dispenses with the requirement for a consent statement

- The Board must give notice of the application, and a copy of the application, to the Police (which is a requirement of the 2005 Act), unless refusing the application because of the lack of a consent statement.
- Within 21 days of receipt of the notice of application, the Police may, in addition to giving notice of whether or not the transferee or any connected person has been convicted of a relevant or foreign offence, give notice of any other information about the transferee, any connected person or any interested party which the Police consider relevant to consideration of the application.
- The Board must grant the application if the Police notice confirms no convictions, if no recommendation to refuse is made by them and if they provide no additional information about the transferee, connected persons interested parties. Otherwise the Board must hold a hearing.
- The grounds of refusal of transfers are changed from “*if satisfied that it is necessary to do so for the purposes of any of the licensing objectives*” to “*(a) having regard to the licensing objectives, the transferee is not a fit and proper person to be the holder of a premises licence*” or “*(b) it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives*”.

5.3 The new Act introduces a new section 33A which contains further provisions on section 33 transfers as follows:

- The Board must take all reasonable steps to give notice of the s33 application to the current premises licence holder. This duty exists even where a signed consent statement from the licence holder has been submitted with the application.
- If the transferee has not submitted a consent statement from the licence holder, the Board may dispense with the requirement for a consent statement if satisfied that the transferee has taken all reasonable steps to contact the licence holder to obtain consent but has received no response. There is no power to dispense with the requirement for a consent statement if the current licence holder is simply refusing to consent to the transfer.
- If the Board dispenses with the requirement for a consent statement, the Board must hold a hearing before determining the application.
- If the Board decides not to dispense with the requirement for a consent statement, the Board must give notice of the decision to the transferee and give reasons for the decision.

5.4 The applicant for the transfer has the right to appeal a decision not to dispense with the requirement for a consent statement, as well as a right to appeal a decision to refuse the application. Similarly, a licenceholder from whom the licence is transferred has the right to appeal the decision to transfer the licence or a decision to refuse a transfer application.

## **6. PERSONAL LICENCES**

- 6.1 Members are aware of the requirement for personal licenceholders to undertake mandatory refresher training and to advise the Board that they had complied with this requirement within the statutory timescales. The Board **must** revoke the personal licence should the licenceholder fail to comply with this requirement and the licenceholder cannot reapply for a new personal licence for 5 years. To date, 379 personal licences have been revoked by the Falkirk Board.
- 6.2 The Act has been amended so that revocation of a personal licence for failure to undertake training requirements does not result in a 5 year ban for applying for a personal licence. This will not be backdated to include those persons who have had their licence revoked since 1 December 2014. The statutory timescales for notifying licenceholders in relation to renewal are increased.
- 6.3 The 2005 Act is also amended to require personal licence applications to also be notified to Licensing Standards Officers, **who may comment on the application within 21 days of receipt** providing any information about the applicant they consider relevant. The provision of relevant information about the applicant is also extended to the Chief Constable who can now include it in his notice confirming convictions or lack of convictions. The determination of personal licence applications is amended accordingly.
- 6.4 The new legislation introduces power to the Licensing Standards Officer (LSO) to report to the Board any conduct by a personal licence holder which is inconsistent with the licensing objectives. Where an LSO makes a report to the Board under new section 84B, the Board may hold a hearing.

## **7. CREATION OF NEW OFFENCES**

- 7.1 New sections are added creating offences of buying or attempting to buy alcohol on behalf of or for a child or young person or giving alcohol (or otherwise making it available) to a child or young person. In relation to young persons, the offence is qualified in that the person must have acted “knowingly” – which presumably means they acted in the knowledge that the young person was under 18. For both offences, exceptions are made for supply for consumption other than in a public place and for the purposes of religious worship. For young persons, a further exception is made if they are supplied beer, wine, cider or perry along with a table meal. The “agent sales” offence in the 2005 Act are to be repealed.

## **8. MISCELLANEOUS CHANGES**

- 8.1 There are also a number of procedural changes to the 2005 Act. A duty is now placed on the Licensing Board to acknowledge certain applications. If an application does not meet the required standards, the Board must give notice to the applicant stating that they are treating the application as incomplete and not having been made and stating their reason for treating it so. The process currently in place in the Falkirk Licensing Section for all applications is to send written acknowledgement to the licenceholder where an application is competent.

In those cases where the application is incomplete, a letter detailing the omissions and errors is sent to the applicant with the application form. This amendment will therefore not be an additional burden to the Licensing Section.

8.2 In light of the new legislation, Licensing Boards must now determine relevant applications meeting prescribed requirements within 9 months. Failure to do so means the application is deemed granted (with no conditions permitted to be added).

8.3 Other changes to the 2005 Act include:

- extending the protecting children from harm licensing objective include reference to young persons;
- consideration can be given to spent convictions for relevant offence or foreign offences. However, before spent convictions can lawfully be taken into account, additional legislation to exclude the application of the Rehabilitation of Offenders Act 1974 in relation to proceedings in respect of liquor licensing applications will be required);
- inclusion of angostura bitters as alcoholic products;
- repeal of reference to 'interested parties'; and
- simplifying the wording of the ground of refusal for premises licence applications and variation applications relating to overprovision by removing the requirement to have regard to the number and capacity of premises in the locality

## **9. FINANCIAL IMPLICATIONS**

9.1 No material financial implications in relation to the implementation of the new Act have been identified to date as there are no proposed changes to any of the application fees; most of which are prescribed. It is not anticipated that the amendments will have an impact on the number of applications received.

## **10. RECOMMENDATION**

**10.1 For information.**

pp.....  
**Clerk to the Licensing Board**

**Date:** 29 July 2015

**Contact Officer:** Alison Barr, Consumer Protection Manager ext. 1265

**LIST OF BACKGROUND PAPERS**

Nil

# **Falkirk Council Licensing Board**

## **Statement of Licensing Policy**

**Clerk to the Licensing Board**

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Alcohol Fact Sheet (Appendix referred to at 3.6)

## **1. INTRODUCTION**

- 1.1 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating (a) the sale of alcohol and (b) licensed and other premises on which alcohol is sold.
- 1.2 The administration of alcohol licensing is carried out by Licensing Boards and section 6 of the Act requires all Licensing Boards to publish a statement of their licensing policy every three years with respect to the exercise of their functions under the Act.
- 1.3 In preparing a policy statement, each Licensing Board must ensure that it seeks to promote the five licensing objectives set out in section 4 of the Act. The objectives are:
- preventing crime and disorder
  - securing public safety
  - preventing public nuisance
  - protecting and improving public health, and
  - protecting children from harm.

Note: The Board is aware that the Air Weapons & Licensing Act 2015 will extend the licensing objective “protecting children from harm” to include young people. This amendment will be reflected in this policy on the date it comes into force.

- 1.4 This policy statement sets out the approach Falkirk Council Licensing Board (“the Board”) will adopt to promote the licensing objectives in its area. The policy is additional to the statutory requirements of the Act and any Regulations made under it. It does not seek to repeat those requirements but addresses areas where the Board is entitled to exercise discretion.
- 1.5 In exercising its functions under the Act, the Board is required to have regard to its policy statement. It must also have regard to any guidance issued by the Scottish Ministers under section 142 of the Act (“the Guidance”). Subject to promotion of the licensing objectives, the Board recognises and supports the contribution licensed premises make to the economy, employment, tourism and vitality of the Falkirk area. Moreover, the Board acknowledges that the licensing system is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on licensed premises and beyond the direct control of the licence holder. While the Board recognises that many of the problems in society have an association with the abuse of alcohol, it also recognises that it is not for the Board to place unnecessary obstacles in the way of businesses engaged in lawful trade.
- 1.6 The aim of this policy statement is to promote consistency in decision making and to provide applicants with an indication of how the Board is likely to approach certain matters and deal with and determine applications. There is a presumption that the Board will follow the terms of this policy statement in its determination of individual applications. However, the Board will consider each application on its merits and will give due consideration to any application whether or not it conforms to the requirements herein. In such circumstances, the onus will be on the applicant to evidence/demonstrate to the Board good reasons why the Board’s policy statement should not be followed.

## **2. FALKIRK COUNCIL LICENSING BOARD**

- 2.1 Falkirk Council Licensing Board ("the Board") is the licensing authority for the local government area of Falkirk for the purposes of the Act. The Board is made up of 10 members, all of whom are elected members of Falkirk Council. The Board is responsible for the functions set out in paragraph 1.1 within the Falkirk Council area.
- 2.2 While the Board is made up of members elected to Falkirk Council, it is independent of the Council, being a separate legal entity with its own constitution and statutory procedures.
- 2.3 A list of members currently sitting on the Board is available on the Council's website at:

<http://www.falkirk.gov.uk/services/council-democracy/councillors-decision-making/committees/committee.aspx?committee=132>

## **3. CONTEXT**

- 3.1 Falkirk is situated right at the centre of Scotland. It has a growing population of over 154,000, with just under 60,000 people working in the area. The population is expected to grow yet further to over 168,000 by 2035 (an increase of 9.3%), making it one of the fastest growing areas in Scotland. The population of the area has increased by 6.3% over the last decade, with most of this growth taking place in the last four to five years.
- 3.2 The settlement pattern within the Board's area is a network of small to medium sized towns. The principal town of Falkirk, with a population of around 37,700, is centrally located and serves as the main shopping, service and employment centre for the area. Separated from Falkirk by a narrow green belt are the urban areas of Larbert/Stenhousemuir, Polmont and Grangemouth. The former two are largely residential in character, while Grangemouth is home to the largest petrochemical complex in Scotland, as well as a major port on the River Forth. In the western reaches of the area lie the settlements of Denny/Dunipace, Bonnybridge and Banknock, while to the east, overlooking the Forth, sits the town of Bo'ness. Some 18 smaller village communities are scattered across the rural part of the area.
- 3.3 The number of premises licenses in the Board area has remained relatively unchanged since 2009 with only minor fluctuations between years. However, according to the Scottish Government Statistical Bulletin, Crime and Justice, Scottish Liquor Licensing Statistics 2014/15, the number of on-sales premises licenses is statistically significantly lower than the national average with the number of off-sales premises licences not being significantly different from the national average.
- 3.4 Of the 14 indicators reported in the alcohol profile for the Falkirk area published in 2013 by ScotPHO, Falkirk has 7 that are significantly better than the national average, 3 that are the same or slightly better and 3 that are significantly worse, being for instances of common assault, breach of the peace and alcohol treatment waiting times.

- 3.5 The Chief Constable's report to the Board under section 12A of the Act for the year to 31 March 2014 which was issued in February 2015. The reports covering the last 2 years have not identified any emerging trends within the Falkirk Area Command relating to alcohol, and that through proactive measures adopted by Police Scotland, alcohol related crime has seen a reduction. While not being complacent about the impact of irresponsible alcohol consumption on individuals and on communities, the Board considers that the thrust of this policy statement should build on the previous policy approach rather than being a radical departure from it.
- 3.6 The Falkirk Alcohol Fact Sheet 2015 is attached as an appendix to this Policy and the Chief Constable's report is available on the Board's website at:

<http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/licensing-board/>

## **PART 2**

### **4. PROMOTION OF THE LICENSING OBJECTIVES**

- 4.1 This part of the policy statement sets out the Board's general approach to promotion of the licensing objectives. Each objective has equal weighting and, given their importance, the Board expects all applicants and licence holders to familiarise themselves with them and to be prepared to address the Board on what steps have been taken to address each of them with regard to any issue raised by their application or regarding their licence. While not a requirement of the Act, the Board strongly encourages all applicants to accompany their applications with a written statement tailored to their particular premises setting out how they intend to conform to the 5 licensing objectives, paying particular attention to the locality in which the premises are situated and the activities to be carried out. The Board considers that a written statement demonstrates an active and thoughtful engagement with the licensing objectives.
- 4.2 In relation to each objective the Board has set out the general policy it will pursue in seeking to promote that objective, however this does not override the right of any person to make representations on an individual application or to seek a review of a licence where such a provision has been made in the Act.
- 4.2 In respect of each licensing objective, the Board has defined its intended outcome and listed factors which, in its view, have an impact on achievement of that objective. Given the wide variety of premises and activities to which this policy statement applies, these lists are not exhaustive. Applicants and licence holders will know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking, or have obtained, authorisation.
- 4.3 The Board considers that effective and responsible management of licensed premises is key to securing consistency with the licensing objectives. In respect of each licensing objective, the Board has specified a list of measures ("control measures") which it commends to applicants and licence holders as worthy of consideration in seeking to secure consistency with that objective. These lists are intended to assist

applicants and licence holders but, again, are not exhaustive. Some control measures apply to more than one licensing objective.

- 4.4 While production of a risk assessment is not required as part of the licensing process, the Board strongly encourages applicants and premises licence holders to carry out a comprehensive risk assessment on their premises. The risk assessment should be specific to the premises and the activities intended to be carried on in the premises under the operating plan, taking account of the licensing objectives, the proposed licensed hours, the location of the premises, the individual style and characteristics of the premises and the anticipated number of persons who will be on the premises. The Board considers a risk assessment to be good practice and a means of identifying appropriate control measures to put in place.
- 4.5 Additional control measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature. An individual risk assessment may be appropriate in these circumstances.

## **5. PREVENTING CRIME AND DISORDER**

- 5.1 In carrying out its functions under the Act, the Board will have regard to the likely impact licensed premises may have on crime and disorder. The Board recognises that licensed premises can be a source of disturbance and consequently crime and disorder. National and local crime statistics indicate that, in many cases, the consumption of alcohol contributes adversely to levels of crime and disorder. The Board considers that good management practices in licensed premises can often make an important difference to the level of alcohol related crime in the vicinity of licensed premises.
- 5.2 The Board is of the view that closed circuit television (CCTV) has made a significant contribution to addressing levels of crime and disorder across the Falkirk area, particularly with regard to anti-social behaviour. In recent years, investment and upgrading of public space CCTV across the area has assisted in identification and prosecution of crime and provided reassurance to residents. It is noted that CCTV cameras are an important part of Falkirk Council's strategy to tackle anti-social behaviour as well as contributing to safer communities.
- 5.3 In relation to new applications for off-sales, the Board will now generally require all such premises to have a fully CCTV system. In general, only minimum levels of CCTV to cover entrances, exits and till areas, to a standard to enable facial recognition, will be required. However, in relation to any licensed premises, a fully operational CCTV system may be considered necessary and appropriate for the purposes of the licensing objective of preventing crime and disorder where the individual premises, or the type of premises, have become or are likely to be, associated with higher levels of crime or disorder. In these cases, for example as part of a premises licence review application or in relation to a new premises licence, the Board would expect Police Scotland to indicate why and to what extent CCTV was being requested if this is recommended as a condition of the licence.

- 5.4 Where the Board considers it necessary and reasonable to do so, conditions may be applied which require the installation, maintenance and operation of appropriately sited CCTV cameras and recording systems which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, Conditions may also require that images should be retained for a specific period of time and that staff should be trained and authorised to make these images readily available to Police Scotland and to any authorised Licensing Standards Officers.
- 5.5 Where CCTV is provided, licence holders should seek to ensure that it is operated in accordance with the Data Protection Act 1998 and guidelines produced by the Scottish Information Commissioner. Licence holders should also co-operate with Police Scotland regarding the handing over of any CCTV footage requested for the purposes of crime prevention and detection.
- 5.6 For new applications for off-sales premises licences, the Board will also now generally require such premises to have Electronic Point of Sale (EPOS) type tills capable of accurately recording the date and time of each sale of alcohol together with information about the type (beer, wine, spirits or the name of the product) and amount of alcohol sold. The Board considers such tills to be an important management tool in providing an itemised record of alcohol sales during licensed hours.
- 5.7 In addition to the foregoing, applicants and licence holders should be able to demonstrate that all factors which impact on crime and disorder have been considered. These include:-
- underage drinking, including agency purchases
  - drunkenness on or around the premises
  - illegal possession and/or use of drugs
  - violent behaviour/public disorder
  - harassment of customers on or leaving premises
  - antisocial behaviour
  - drink driving
  - litter
- 5.8 Suggested control measures include:-
- appropriate instruction, training and supervision of staff to include conflict management and preventing crime and disorder
  - acceptance of accredited proof of age card schemes;  
<http://www.challenge25.org/proving.html>
  - security and drugs policies and regular toilet checks, for example to prevent the consumption of drugs on the premises

- the display of notices which set out management policy in relation to drugs
- provision of local transport information to permit customers to make safe arrangements to travel home
- proper management of people entering and leaving the premises
- provision of litter bins and lighting outside the premises
- promoting awareness of schemes such as the designated driver scheme
- choice of size of glasses, particularly for wine
- the use of time locks on tills so that sales of alcohol cannot be made outside the hours of the operating plan.
- the use of till prompts so that all till users are prompted to ask for ID when an age restricted product is scanned.
- the use of electronic refusal registers so that all sales are automatically recorded within the till system.

## **6. SECURING PUBLIC SAFETY**

6.1 The Board is committed to ensuring that the safety of any person visiting, or working in, or in the vicinity of, licensed premises is not compromised. The steps applicants and licence holders should take in order to address matters of public safety will vary according to individual premises and the types of activity on offer. Subject to this, in general the Board expects applicants to have particular regard to:

- the capacity of their premises;
- the physical layout of their premises;
- their operational practices in terms of both avoidance of risk and response to it, including, for example, fire safety; and
- meeting of any applicable standards under separate legislation

6.2 When determining appropriate applications, the Board will seek advice from Falkirk Council's Building Standards Service with regard to the capacity of the premises. Any capacity figure recommended to the Board by Building Standards will be treated as the maximum capacity and the Board may consider a lower figure to be appropriate depending on the particular circumstances of the application.

6.3 With regard to providing safe access to licensed premises for people with disabilities, the Board reminds applicants and licence holders that the Equality Act 2010 may apply to their operation and to their premises.

Information may be obtained at [www.saif.org.uk](http://www.saif.org.uk).

6.4 In addition to the foregoing, applicants and licence holders should be able to demonstrate that all factors which impact on public safety have been considered. These may include:-

- the design and layout of the premises, including means of escape
- the nature of the activities on the premises
- the hours of operation
- customer profile (e.g. age, disability)

6.5 Suggested control measures include:-

- carrying out risk assessments
- provision of effective CCTV in and around the premises
- employment of adequate numbers of suitably trained staff
- proof of regular testing and, where appropriate, certification of appliances and safety systems
- employment, when necessary, of Security Industry Authority (SIA) licensed door staff

## **7. PREVENTING PUBLIC NUISANCE**

7.1 The Board wishes to protect and maintain the amenity of residents and occupiers of business premises in the Falkirk area and recognises that the operation of licensed premises can, on occasion, interfere with the peaceful enjoyment or amenity of the wider community, either in the vicinity of the premises or more generally.

7.2 Although interpretation is ultimately a matter for the courts, the Board intends to interpret “public nuisance” widely to include such issues as noise, light, odour, litter and antisocial behaviour where these impact on the local community.

7.3 The Board recognises that nuisance can be attributable to licensed premises in a variety of forms and is not exclusive to premises with outside areas, including smoking areas, and those in immediate proximity to residential accommodation, although these features may be indicative of premises presenting a higher level of risk of nuisance. The Board also recognises that licensing legislation is not the primary statutory mechanism for controlling nuisance and anti-social behaviour by individuals once they are no longer on licensed premises and are beyond the direct control of the licensee. However, where it is apparent that public nuisance is the direct result of specific practices in the licensed premises, evidence of this activity may be reported to the Board for their consideration.



7.4 Applicants and licence holders should be able to demonstrate that all factors which might contribute to public nuisance have been considered. These include:-

- the location of the premises and the type of neighbouring premises
- the hours of opening
- the nature of the activities to be provided on the premises
- the occupancy capacity of the premises

7.5 Suggested control measures include:-

- appropriate instruction, training and supervision of staff to prevent incidents of public nuisance
- proper management of people entering and leaving the premises
- installation of sound proofing and sound limiting devices
- sound tests for equipment used in providing live or amplified music
- liaison with public transport providers
- effective ventilation systems to prevent nuisance from odour
- provision of effective CCTV in and around the premises
- employment, when necessary, of Security Industry Authority licensed door staff
- management arrangements for the collection and disposal of waste, empty bottles and cigarette butts

7.6 The Board reminds applicants and premises licence holders that failure to take adequate steps to both proactively introduce and to maintain appropriate operational arrangements for their premises in order to prevent public nuisance may have adverse consequences for their application or licence.

## **8. PROTECTING AND IMPROVING PUBLIC HEALTH**

8.1 The Board recognises the link between consumption of alcohol and public health. The Board wishes to see licensed premises thriving in the area, but this cannot be at the expense of the health and wellbeing of patrons or the wider community.

- 8.2 The Board also recognises that the general position in the Falkirk area is one replicated to a greater or lesser degree throughout the country, namely that Scotland's relationship with alcohol is a complex one for which there are no easy or quick fix solutions. While the Board is committed to tackling such issues arising locally through the exercise of licensing powers and, in particular, through the licensing objective of protecting and improving public health, it nevertheless recognises that it can only work within the legal powers it has been given by the Act and that all actions of the Board are open to legal challenge.
- 8.3 While the Board is fully supportive of efforts to tackle the problems associated with harmful and dependant drinking, it recognises that existing licensing laws are such that there has to be a causal connection between a particular licensing application and a concern for the public health objective. The Board is not in a position to apply the Act more widely than through the powers it has been given.
- 8.4 While recognising its own important part in promoting this particular licensing objective, the Board strongly encourages applicants and licence holders to have greater regard to the public health objective when considering the management and operation of their premises. Applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular health concern raised by any aspect of their application or in terms of a premises licence review hearing.
- 8.5 Applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the impact they could have on public health. These include:-
- hazards of rapid intoxication from high strength alcohol, particularly when consumed without food
  - regular heavy consumption of alcohol is associated with poor health, accidents and violence
  - the Burden on the NHS, Police, other services and local communities due to excessive alcohol consumption
- 8.6 Applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises should have a clear understanding of the offences in connection with the sale of alcohol to a person who appears drunk, or who is known to have consumed large quantities of alcohol and allowing drunkenness on the premises.

#### 8.7 Suggested control measures include:-

- Displaying material discouraging drink driving.
- making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines. Information on the Scottish Government Safer Scotland's "Don't Risk It" campaign can be found by following the link below:  
  
<http://dontriskit.info/drink-driving/>
- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises
- ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small, medium and large glasses should be available
- ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer
- availability of low alcohol alternatives
- encouraging the consumption of food
- providing contact details where assistance for alcohol related problems may be sought
- having in place a policy/practice to deal with patrons who have consumed excessive alcohol
- increasing the proportion of seating available so as to reduce the level of "vertical drinking"

### 9. PROTECTING CHILDREN FROM HARM

- 9.1 The Board wishes to see family friendly premises thriving in Falkirk. It will welcome premises licence applications from those who wish to operate licensed premises which accommodate children and young persons and which provide an environment where families can socialise safely together. The Board recognises that additional responsibilities will be placed on such applicants while at the same time recognising that parents and other adults accompanying children also have responsibilities, particularly in relation to their supervision. In determining any such application the need to protect children from harm will be a major consideration and the Board therefore wishes to ensure that such premises are run in a way that is suitable for children.
- 9.2 All applicants for premises licences must be able to demonstrate in their operating plan, to the satisfaction of the Board, the steps they will take in order to protect children from harm. The Board recognises that, in terms of the Act, the operating plan requires this information in relation to young persons who are 16 and 17 while the licensing objective relates only to children who are under the age of 16. In general, the Board will take a lighter touch approach to access to licences premises by young persons so long as this does not have any negative impact on any of the other licensing objectives and applicants can demonstrate that they have considered the particular needs of young persons within their plans.

- 9.3 Where licensed premises intend to hold events where alcohol is not provided and those events are specifically targeted at children or young persons (for, example, underage discos or parent and toddler groups), consideration should be given to taking steps to avoid any obvious promotion of alcohol.
- 9.4 Where children are permitted entry to the premises, the Board may place a limit on the hours when children can be present. Each application will be considered on its merits and the Board will take into account the measures each applicant proposes to take in order to protect children from harm and whether activities in the premises are specifically targeted at families.
- 9.5 In terms of bar areas, the Board considers these to be premises, or parts of premises, used mainly or exclusively for the supply of alcohol for consumption on the premises. As such, they will not generally be considered to be suitable areas to which children should have access.
- 9.6 The Board also takes very seriously the issue of underage drinking and wishes to remind licence holders that they and their staff must comply with all legislation in relation to children and young persons, including not selling, or allowing the sale of, alcohol to children and young persons. The Licensing (Scotland) Act 2005 differentiates between children and young persons with “children” being defined as those under 16 years of age and young persons being defined as those aged 16 and 17 years of age.
- 9.7 Applicants, licence holders, and all staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the impact they could have on children. These include:-
- the toxic effects of alcohol on the social, physical and mental wellbeing of children and young people, particularly in regards to brain development
  - alcohol related brain damage in children and young people is irreversible
  - children and young people who frequently witness alcohol consumption as normal practice, have an increased risk of consuming greater quantities of alcohol and at a younger age
  - those affected are at a higher risk of developing hazardous drinking patterns and dependence in adult life
- 9.8 Suggested control measures include:-
- appropriate instruction, training and supervision of staff
  - appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act)
  - appropriate checks for staff who will be working in premises where children and young persons will be present
  - acceptance of accredited proof of age card schemes

- measures to ensure that children and young people are not exposed to strong language, violence or disorder
- measures to ensure that children and young people are not waiting or seated in the bar area.

### **PART 3**

#### **10. LICENSING HOURS**

- 10.1 While each application will be dealt with on its merits, this part sets out the Board's general policy on licensing hours. Applicants seeking hours outwith the policy will require to demonstrate as part of their applications that the additional hours requested are appropriate in the circumstances and that they are consistent with the licensing objectives.

##### **Presumption against 24 hour licences**

- 10.2 In terms of section 64 of the Act, there is a presumption against the grant of applications for licensed hours for a period of 24 hours, whether made on a permanent basis or in relation to a one off event, unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period.
- 10.3 The Guidance sets out that the Scottish Ministers are of the view that Boards should consider exceptional circumstances to cover special events such as one- off local or national festivals. The Guidance states that it is unlikely that exceptional circumstances would be constituted in the case of premises where there were routine requests to sell alcohol for 24 hours.
- 10.4 As a matter of policy, the Board cannot conceive of any special events or festivals where such a request would be justified as it considers that the granting of such hours would generally be detrimental to the licensing objectives. The onus, therefore, would be on the applicant to demonstrate to the satisfaction of the Board that the granting of such hours was not inconsistent with any of the licensing objectives and that there were genuinely exceptional circumstances to justify the request.

##### **Off Sales**

- 10.5 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10am nor after 10pm. However it is open to the Board to further restrict licensed hours for off-sales where it considers that the hours proposed would be inconsistent with one or more of the licensing objectives. In particular, where as a result of the hours operated or proposed, premises are, or are likely to be, a source of, or focal point for, anti-social behaviour and thus compromise the licensing objectives of preventing crime and disorder and/or preventing public nuisance, the Board may restrict the hours of operation. Unless so restricted, the Board would generally permit off sales hours from 10am to 10pm.

### **On Sales - general**

- 10.6 In formulating the policy approach to on-sales hours, the Board has taken account of the licensing objectives, the Guidance and the provisions of the Act itself. The Board recognises that licensing hours are important to individual licensed premises but can have a wider impact on an area. Balanced against this, the Board does not wish to inhibit unnecessarily the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism. The Board considers that the on-sale policy hours are appropriate for the Board's area and represent a balance between the interests of the public, residents, licensed premises and their customers.

### **On Sales – early opening**

- 10.7 With the specific exception referred to in paragraph 10.3, the Board considers that the commencement of on-sales of alcohol before 10am is likely to be inconsistent with the licensing objective of protecting and improving public health. The Board considers that the historic basis for granting early morning hours, for example as a facility for shift workers or market workers, is unlikely now to apply. Based on the Board's own local knowledge, and views expressed to it by Police Scotland, early morning licensed hours can attract persons with alcohol dependency issues which can, in some situations, compromise the licensing objective of protecting and improving public health by allowing the consumption of alcohol over a sustained period of time commencing in the earlier part of the day. Nevertheless, the Board will consider every application on a case by case basis. Any applicant seeking licensed hours before 10am would require to persuade the Board that they were an exceptional case. The Board would expect evidence, and not just anecdotal evidence, that there was an actual need and demonstrable demand for the hours sought. Reference simply to "customer demand" will generally be insufficient in this regard and evidence of quantifiable demand will be required. Moreover, the Board cannot conceive of a successful application that would involve purely the addition of extra drinking hours. As a minimum, the operating plan would require to include the provision of certain facilities e.g. the provision of cooked meals throughout the early opening period (for the avoidance of doubt, snacks and crisps are not considered to constitute "meals").

### **On Sales - terminal hour**

- 10.8 With the exception of those premises dealt with at paragraphs 10.9 to 10.11, the terminal hour for on-sales premises will be no later than midnight from Sunday to Thursday and no later than 1am on Friday and Saturday nights. The Board considers that these hours draw an appropriate balance between the licensing objectives (particularly preventing crime and disorder, securing public safety and preventing public nuisance) and the development of a thriving night-time economy.

## **Nightclubs**

- 10.9 For premises classed as nightclubs, the terminal hour will be no later than 2am from Sunday to Thursday and 3am on Friday and Saturday. For the avoidance of doubt, it is recognised that the terminal hour is reached in the early hours of the morning following each day.
- 10.10 To be considered for the on sale policy applying to nightclubs, applicants will require to satisfy the Board on the following matters:
- the premises to which the application relates are purpose built or designed, fitted out and operated for the regular provision of either substantial live musical entertainment or a DJ operated discotheque facility;
  - the premises have a comparatively high occupant capacity and are fitted out to a high standard of equipment with appropriate ancillary facilities, such as toilet provision and stewarding to cope with large numbers of late night patrons; and
  - the operation of the premises is such that the sale of alcohol to patrons is genuinely ancillary to the entertainment provided and the primary reason for patrons visiting the premises is the entertainment itself rather than the provision of alcoholic refreshment.
- 10.11 Premises seeking to sell alcohol prior to 7pm will not generally be considered to be nightclubs and will therefore not normally be granted nightclub hours. Where consent is sought to sell alcohol prior to 7pm, applicants will be expected to demonstrate to the Board that the sale of alcohol is genuinely ancillary to some other substantial form of entertainment during that time or is for some other legitimate purpose e.g. the provision of conference facilities or specific social functions.
- 10.12 The Board recognises that where the circumstances relating to a particular premises dictate e.g. where different activities may be taking place in different parts of the premises at the same or at different times, it may be necessary to impose different opening and terminal hours to those parts of the premises and for different days of the week and to impose different conditions to ensure the activities remain separate and in order to achieve the licensing objectives.

## **Members' Clubs**

- 10.13 While the Board has previously considered 1am on each day of the week to be the terminal hour for Members' Clubs, the policy position will now expect such clubs when seeking a licence to conform to the general policy on terminal hours set out above. Where any exception to that policy is sought, it will be for the applicant club to provide the Board with evidence to demonstrate that there is a genuine community need for the hours sought rather than simply the extension of drinking time.

- 10.14 With regard to the commencement of licensed hours, the Board acknowledges that outdoor bowling clubs have traditionally been granted opening hours from 9.30am during the playing season between April to October inclusive. The Board recognises this historical position and the diminishing number of bowling clubs locally and is minded to continue this tradition. With the exception of such premises, however, all other clubs will be subject to the general policy position on hours set out above.

## **11. APPLICATIONS FOR EXTENDED HOURS**

- 11.1 In terms of the 2005 Act the Board is only empowered to extend the licensed hours of premises in respect of:

- a special event or occasion to be catered for on the premises, or
- a special event of local or national significance.

- 11.2 The Board must consider whether it is appropriate to grant the application and can extend the licensed hours by the period specified in the application or such other period as it considers appropriate. In either case the period must not exceed one month.

- 11.3 Where the hours sought fall outwith the on-sales hours specified in paragraphs 10.7 and 10.8 above, the applicant will have to persuade the Board that the hours requested are appropriate in the circumstances and that a departure from the general policy is justified. The applicant should provide to the Board sufficient detailed information to enable a decision to be made in this regard.

This information will include:-

- a) the hours sought;
  - b) a description of the special event or occasion;
  - c) the activities proposed to take place in the premises during the hours sought;
  - d) when each activity will take place;
  - e) why the event or occasion is considered to be special, and
  - f) why the event or occasion cannot take place within the on-sales hours specified in the operating plan.
- 11.4 In relation to applications for extended hours for a special event or occasion to be catered for on the premises, the Board will generally look for the applicant to demonstrate that the extension is required for a particular event such as a special birthday (e.g. 21<sup>st</sup>, 30<sup>th</sup>, 40<sup>th</sup> etc.) or special anniversary (e.g. silver, gold etc) or weddings and other such special events or occasions.



- 11.5 Where an application is made for extended hours in relation to a festival or event of local or national significance, the Board will expect the applicant to demonstrate that there will be a substantial form of entertainment taking place on the premises which is related to the particular event or festival. In such cases, the applicant will be required to submit a programme of events along with the application form. For the avoidance of doubt, mere sponsorship of the festival or event will not generally be considered sufficient to warrant granting the extended hours.

### **Public Holidays**

- 11.6 The Board recognises the community benefit and the longstanding tradition of marking significant local holidays and will look favourably on applications in respect of on-sales premises seeking to extend their standard licensed hours by one hour on the night before the following approved holidays:

Good Friday  
Easter Monday  
First Monday and Tuesday in May  
September Tryst Weekend - being the first  
Monday following the first Tuesday in September.  
Bo'ness Children's Fair (applicable to the Bo'ness area only)

- 11.7 The Board will expect licence holders who wish to trade early on the morning of the Bo'ness Children's Fair to apply for Extended Hours.

### **Festive Trading**

- 11.8 The Board recognises that during the period leading up to Christmas Day and New Year's day many residents wish to celebrate by attending festive events and that many such events have become regular fixtures in the social life of the community. The Board wishes to recognise this by continuing its long held practice of permitting an extra hour of trading for all premises during the festive period; that being from the evening of the first Thursday in December until the morning of 3 January each year inclusive. The additional hour will be for premises holding *bona fide* festive functions. Whilst recognising that festive events can take many forms and that these will vary depending on the nature of the premises within which they are to be held, the Board it is of the view that a festive event or function should be more than one which simply provides additional drinking hours and should comprise one or more of the following elements - meals, buffets, dancing, disco, live entertainment such as magicians, comedians, live music etc.

### **Monitoring and Enforcement**

- 11.9 In granting any hours outwith the standard licensed hours, the Board may consider attaching licence conditions in order to regulate the activities associated with those non-standard licensed hours. It may also request that the premises be monitored on a regular basis by Licensing Standards Officers for a period of time in order to satisfy itself that the terms of the exception from the standard licensed hours are being met.

- 11.10 If it is found that the premises are not being operated in accordance with the terms of the exception, or any condition, or if there is a particular concern in relation to one or more of the licensing objectives, then the premises licence may be reviewed. If a ground for review is found to have been established, the licensed hours may be varied if the Board considers it necessary or appropriate to do so.

## **PART 4**

### **12. OCCASIONAL LICENCES**

- 12.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. In terms of the 2005 Act such applications may only be made by :-

- (i) the holder of a premises licence
- (ii) the holder of a personal licence;
- (iii) a representative of any voluntary organisation

Applications for occasional licences are advertised on the Board's website for a period of 7 days and any person can object or make a representation regarding these applications.

- 12.2 In the absence within the Act of a definition of what constitutes a voluntary organisation, the Board is minded to apply the following definition:

Voluntary organisations are formally constituted, non-profit driven, autonomous and non-statutory organisations run by individuals who do not get paid. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members. A copy of the organisation's constitution may require to be submitted prior to an application for an occasional licence being granted in order that the Board may be satisfied that the application is made by a voluntary organisation.

- 12.3 The Board expects that an occasional licence will be operated in such a manner as to be consistent with the five licensing objectives and that any reasonable request made by the Police or by a Council official regarding the safety of the event would be complied with. In addition to the foregoing, the Board will consider whether it is necessary to impose local conditions to promote the licensing objectives.
- 12.4 While the Board is aware that the Act doesn't refer to the holding of events in the provisions dealing with occasional licences, given their short term nature and that they are not subject to any requirements for certification, neighbourhood notification or public site notices, it will generally look for the applicant to demonstrate that the occasional licence is required for a special event to be catered for on unlicensed premises.

The Board believes that this approach is necessary to avoid the occasional licence process being used as a mechanism to circumvent the full licensing process which would more readily identify any issues of concern in relation to one or more of the licensing objectives and, in particular, that relating to securing public safety. Each application will, however, be determined on its own merits.

- 12.5 Information about the event will require to be detailed on the application form and the applicant may be asked to provide supporting documentation. Where the event relates to a charitable activity, the Board may require a letter from the charity stating that they are aware of the event and that they are receiving some benefit from it. Where the application is from a voluntary organisation, the applicant will require to demonstrate that the event is connected to the organisation's activities.
- 12.6 The Board will not generally favour occasional licenses for 18<sup>th</sup> birthday parties.
- 12.7 The Board is aware that the Act does not require the office bearers of voluntary organisations who apply for occasional licences to obtain an appropriate training qualification. The Board is conscious, however, that such persons are in charge of events where alcohol is being dispensed and sold and may be running a number of such events during the course of a year.
- 12.8 Having regard to the licensing objectives, the Board believes that such training is desirable and would encourage voluntary organisations to ensure that at least one member present at the event to which the occasional licence relates is trained at least to a standard prescribed in the Licensing (Training of Staff) (Scotland) Regulations 2007.

### **Hours**

- 12.9 Applications for occasional licences and extended hours will generally be determined in accordance with the Board's general policy on licensed hours as set out in part 3 herein.

### **Processing Timescales**

- 12.10 In order to allow sufficient time for processing applications for occasional licenses and extended hours, and to ensure timescales are met for the requisite consultations, applications must be submitted at least 5 weeks prior to the date of the proposed event. While applications submitted later will be accepted, no assurance can be given that they will be processed in time so applicants lodge them at their own risk.
- 12.11 The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act will generally only be considered appropriate in relation to funeral functions. Any other application seeking a section 57(4) decision must be accompanied by a clear explanation of why the licence is required and why the standard notice could not be given.

## PART 5

### 13. OVERPROVISION

- 13.1 Section 7 of the Act requires the Board to include within its policy 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.
- 13.2 In considering the issue of overprovision, the Board has had regard to the Guidance, the Chief Constable's reports to the Board for the years ending 31 March 2013 and 2014, information available from ScotPHO and from the Falkirk Alcohol and Drug Partnership and the Board's own statistical information.
- 13.3 The Board also sought advice from the local Police Command Unit for the Falkirk area on whether there were any identifiable "hot spots" in the area where it could be demonstrated that crime, disorder or nuisance were caused by customers from licensed premises or from a concentrated number of licensed premises. The only area considered to come within that category was Falkirk Town Centre and specifically that part covered by Meadow Street, Manor Street, Princes Street and Bank Street, all of which see a notable increase in anti-social behaviour on Friday and Saturday evenings which the Police believe it is reasonable to infer is directly attributable to an **over consumption** of alcohol. However, the Police go on to say that this is a pattern familiar to the vast majority, if not all, towns and cities in the UK.
- 13.4 While there are other locations within the Board's area where an increased prevalence of anti-social behaviour has been noted, the Police do not specifically attribute these instances to any specific licensed premises or to a concentration of licensed premises.
- 13.5 While acknowledging the issue of **over consumption** of alcohol, the Board has not been able to make a sustainable causal link to an **over provision** of premises generally or specifically within the Falkirk area. Nevertheless, the Board will keep the issue of overprovision under close attention and may issue a supplementary policy statement within the life of this policy should more robust evidence emerge to support it. In the meantime, the Board will continue to consider overprovision on a case by case basis, either where the Board considers that it is an issue or where objections or representations have been received which refer to overprovision as a possible reason for refusal of an application.

## PART 6

### 14. MEMBERS CLUBS

- 14.1 The Licensing (Clubs) (Scotland) Regulations 2007, by virtue of section 125 of the Act, regulate the sale of alcohol in licensed members' clubs in Scotland and each club is required to operate under the grant of a premises licence.  
[http://www.legislation.gov.uk/ssi/2007/76/pdfs/ssi\\_20070076\\_en.pdf](http://www.legislation.gov.uk/ssi/2007/76/pdfs/ssi_20070076_en.pdf)

- 14.2 The Board notes that there are many different types of clubs in the Falkirk area and that these have been established to meet a variety of community needs ranging from community social clubs to those established in connection with sporting activities such as golf, bowling and rugby or in connection with organisations such as the Royal British Legion. It is also recognised that the role which alcohol plays in the activities of clubs can range from a relatively modest one related primarily to the need to provide hospitality at specific events to one where a wide range of facilities and occasions can be accommodated both for club members and non-members.
- 14.3 While acknowledging the role that members' clubs play in the life of the community, the Board emphasises that, in holding premises licences, they must also be able to demonstrate that they are capable of adhering to the terms of their licence.
- 14.4 Members' clubs will be subject to the same provisions regarding access by children as other licensed premises. They will require to specify in their applications whether or not it is proposed that children and young persons are to be allowed entry to the premises and, if so, to specify the terms, to include the times, the ages of such children and the parts of the premises to which they would be permitted access. The Board expects that, in doing so, clubs will carefully consider the access arrangements for children and young persons participating in sporting activities separate from attendance by such persons at social events. Appropriate conditions relating to access by children may be attached by the Licensing Board.
- 14.5 Each club should be non profit making, with a constitution and limited access by members of the public, and any club in submitting an application for a premises licence should submit a copy of its current constitution and supply the Board with a copy of any revised constitution within 1 month of any changes to the original.
- 14.6 As licensed premises, clubs enjoy certain privileges such as reduced fees and no requirements to have a premises manager. They are restricted in their operation and cannot operate freely like other premises. Clubs should give careful consideration to this when advertising events within the club to the general public. Any such events must be run for the benefit of the club and be covered by an occasional licence if they are open to the public and not restricted to members and their guests.
- 14.7 Two key requirements for a qualifying club mean that anyone who is supplied with alcohol on the premises must be (a) a member of the club or a genuine guest of a member of another qualifying club, and (b) properly signed in accordance with the provisions of the constitution.
- 14.8 The Board notes that there is no definite answer to the question of how many people a member can sign in if this is not provided for in the constitution. The Board expects that, in these circumstances, the natural limit would be the number of people the signing member can reasonably accompany. The entries in the signing-in book should be clearly legible and should include the full name of the member accompanying the visitor, the member's signature and the visitor's name and full address. If a member is inviting a guest, the Board expects that the member should know everyone he is signing in and accompany

them during their time within the club.

- 14.9 The club shall maintain a register of those people admitted to the premises as members of other registered clubs.
- 14.10 If a complaint is made about a club not operating in accordance with their constitution, the Board may undertake a review of the licence which could result in it being suspended or revoked.
- 14.11 The Board recognises that all applications should be considered on their own merits. Any condition attached to a licence will be imposed after consideration of the application and the need for such having been informed from the applicant's operating plan, or as a result of an objection or representation and will be tailored to each individual. The Board expects that, where relevant, applicants should ensure that they have applied for and been granted other permissions which may be required when applying for outdoor drinking, for example, a road occupation certificate and planning permission.

## **PART 7**

### **15. PAVEMENT CAFE FACILITIES**

- 15.1. The Board notes that Falkirk Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity.

## **PART 8**

### **14. MISCELLANEOUS**

#### **Board Business**

- 14.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, make representations or lodge objections. While Board staff will give advice, it should be understood that they will not complete applications or operating plans.
- 14.2 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance will therefore be available on request for those who require special arrangements to access any part of the process.
- 14.3 The Board will generally meet in the Municipal Chambers, Falkirk Council, West Bridge Street, Falkirk. In accordance with schedule 1 to the Act, Board meetings will be held in public.
- 14.4 Where a hearing is to take place, the Board will attempt to make the process as informal as possible consistent with the carrying out of the Board's quasi-judicial function.

- 14.5 The Board's aim is to provide a speedy, efficient and cost effective service to all parties involved in the licensing process. To this end, the Board has adopted a scheme of delegation to ensure that decisions are made in a manner consistent with this aim. The scheme sets out decisions which may be made by the Clerk of the Board and other specified Board officers.
- 14.6 The Board is committed to avoiding duplication with other statutory regimes and agencies as far as possible. The Board recognises that Falkirk Council and other bodies are responsible for enforcing and regulating statutory regimes which may directly or indirectly impact on the licensing process such as health, transport, planning and building control. As such, the Board will seek to avoid duplication with other regulatory regimes when exercising its licensing functions.

#### **Licensing Standards Officers**

- 14.7 Two licensing standards officers are employed by Falkirk Council to exercise the functions set out in the Act. Their role will involve guidance, mediation and compliance. They will work with the public and licensees in the promotion of the licensing objectives and in ensuring compliance with the Act. The Board recognises that licensing standards officers play a key role in the licensing regime.
- 14.8 While the Licensing standards officers are not in a position to give legal advice or make applications or objections on behalf of any party, they will be expected to advise both licence holders and the public on their rights and responsibilities.
- 14.9 Licensing Standards Officers' resources will be targeted at high risk premises and activities which require greater attention. A lighter touch will be employed in respect of low risk premises which are well operated.
- 14.10 At least one Licensing Standards Officer will be a member of Falkirk Council Licensing Forum.

#### **Outdoor Areas**

- 14.11 Where an applicant proposes to provide seating, tables or other facilities in any outdoor area (whether covered or not), consideration should be given to the need to ensure that the use of such areas will not cause disturbance or nuisance to occupiers of premises in the vicinity. The Board will assess the suitability of outdoor drinking areas having regard to the licensing objectives, particularly those relating to preventing crime and disorder and preventing public nuisance. The Board reiterates that it considers effective and responsible management to be key in ensuring that such areas operate in a manner consistent with the licensing objectives.
- 14.12 In each individual case where an outdoor area is proposed, the Board will consider whether there should be a physical demarcation of the area, unless such demarcation already exists.

- 14.13 The Board's general policy is that there shall be no consumption of alcohol in any outdoor area after 10.00 pm on any day. An earlier closing time may be imposed where the particular circumstances of the application or the premises merit it. As narrated elsewhere in this statement of policy, every application will be considered on its own merits.

### **Smoking**

- 14.14 The Board welcomes the legislation prohibiting smoking in enclosed public places. Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, at times other issues can arise in the area around licences premises such as noise, litter, disorder and smoke drift into neighbouring residences or back into the licensed premises.
- 14.15 The Board expects licence holders to have regard to good practice to ensure that patrons do not create a nuisance or disturbance for neighbouring residents. his includes noise arising as a result of patrons smoking outside the premises and obstructions that may be caused through patrons standing in public areas.



**Falkirk Council Licensing Board**

**Subject:** Licensing (Scotland) Act 2005  
The Licensing (Fees) (Scotland) Regulations 2007  
Premises Licences – Annual Fees  
Statutory Annual Income and Expenditure Report 2016/17  
**Meeting:** Licensing Board  
**Date:** 21 June 2017  
**Author:** Consumer Protection Manager

**1. Purpose of Report**

1.1 This purpose of this report is to:

- provide Members with details of the income and expenditure of the Board for 2016/17;
- provide recommendations in relation to the annual fee levels to be paid by 1 October 2017; and
- seek approval of the Statutory Annual Income and Expenditure Report 2016/17.

**2. Recommendation**

**Members are requested to:-**

- (1) note the contents of the report;**
- (2) agree to adopt the Premises Licences Annual Fee levels proposed in Appendix 1; and**
- (3) approve the Statutory Annual Income and Expenditure Report 2016/17 proposed in Appendix 2.**

**3. Background**

- 3.1 In accordance with the Licensing (Fees)(Scotland) Regulations 2007, the Board is required to set an annual fee for payment by holders of premises licences. Payment then requires to be made by licence holders not later than 1 October in that year.
- 3.2 While the level of the fee is within the discretion of the Board up to a prescribed amount (as set out in further detail below), the regulations require the Board to have regard to the desirability of ensuring that the total fees payable are likely to be broadly equivalent to the expenses incurred by the Board. This requirement replicated in the Gambling Act 2005.

- 3.3 The annual fee for 2017/18 is due on 1 October 2017 for all Premises Licences in effect or suspended on that date or, in any other case, 30 days after the date on which the licence takes effect.
- 3.4 There are six categories of premises referred to in the regulations and these are determined according to the premises rateable value. For each category there is a maximum fee that may be set, varying from £180 to £900. The prescribed maximum fee levels have remained unchanged since their introduction in 2009.
- 3.5 Should the Board decide to set a fee level lower than the maximum, it must:
- determine different fees for the six different categories; and
  - set those fees by reducing each of the fees by an identical percentage.
- 3.6 At the commencement of the Act, the Board decided to set the fees at the maximum prescribed level and to date. The Board has chosen not to reduce the annual fees as the costs of administering the Licensing Board have consistently exceeded the fee income. The Council has subsidised the cost of the administration of the Board since 2009.

#### **4. Budgetary Information**

- 4.1 The financial year runs from 1 April to 31 March the following year. In terms of the Licensing (Scotland) Act 2005, however, the annual fee is payable midway through the financial year on 1 October. The income generated from the annual fee is therefore split equally between consecutive financial years; the income received from the annual fees in October 2016 being added to 50% of the annual fee income from October 2015. The remaining 50% of the October 2016 annual fee income is carried forward at the end of March 2017 into the 2017/18 budget.
- 4.2 The first annual fees were paid in October 2010. The Licensing Section notified all premises licenceholders and collected the fees. This was also the case in 2011. The process of collecting the fees was extremely time-consuming and therefore a pilot scheme was undertaken in 2012 with the task being undertaken by Falkirk Council's Sundry Accounts Team. The annual fees have been collected by Sundry Accounts ever since.
- 4.3 The Licensing Team provide details of all current premises licenceholders to the Sundry Accounts Team. In accordance with regulation 9 of the Licensing (Fees) (Scotland) Regulations 2007, the premise licenceholders are given written notice no later than 30 days before the date on which the fee is due, namely 1 October. The written notice is in the form of an invoice which gives the payment due date as 1 October. A reminder and a final reminder are subsequently issued; details of those fees which remain unpaid are sent to the Licensing Team for appropriate action to be taken.

- 4.4 In respect of the 2016 annual fees, three premises licences were surrendered before a Section 14 Notice was served for non payment of fees. These were in respect of Carronshore Workers Welfare and Social Club, The Phoenix in Bo'ness and The Crosskeys Inn also in Bo'ness. A Section 14 Notice was served on Bonnybridge Social, Recreation and Sports Bar and the fee was subsequently paid.
- 4.5 Licenceholders have the option of paying the annual fee by cash, cheque or credit/debit card. Payment can be made in person at the Falkirk Council One Stop Shops or by phone. During the latter part of 2017, the Licensing Section will be working towards enabling applications to be made on-line. It is anticipated that this will include the capacity for the annual fee to be paid on-line.

## 5. 2016/17 Budget Details

- 5.1 The Licensing Board income is made up of the annual fee for premises licences issued under the Licensing (Scotland) Act 2005 (including any partial annual fees for Premises Licences granted throughout the financial year) and the Gambling Act 2005 plus additional fee income from applications received during the financial year. The following table shows the income generated by applications made during 2016/17:

| <b>Licensing (Scotland) Act 2005</b>    |                   |
|---|-------------------|
| <b>Application Type</b>                 | <b>Income (£)</b> |
| Personal                                | 6950              |
| New Premises Licence                    | 5400              |
| Provisional Premises Licence            | 1200              |
| Confirmation of a Premises Licence      | 4700              |
| Non minor Variation                     | 5440              |
| Minor Variation                         | 3797              |
| Transfer                                | 910               |
| Extended Hours                          | 690               |
| Occasional Licence                      | 3560              |
|   |                   |
| <i>Sub Total</i>                        | <i>32647</i>      |
|   |                   |
|   |                   |
| <b>Gambling Act 2005</b>                |                   |
| <b>Application Type</b>                 | <b>Income (£)</b> |
| Betting (Other)                         | 3360              |
| Adult Gaming Centre                     | 840               |
| Small Lottery                           | 480               |
| Notification of Gaming Machine          | 450               |
| Licensed Premises Gaming Machine Permit | 150               |

|                  |              |
|------------------|--------------|
|                  |              |
| <i>Sub Total</i> | <i>5280</i>  |
|                  |              |
| <b>TOTAL</b>     | <b>37927</b> |

- 5.2 Licensing Board income from the annual fees and the application fees during the 2016/17 financial year amounted to £185,546, made up of £162,346 for liquor and £23,200 for gambling. This is a slight increase on the previous year's income of £179,914. The fee income over the last five financial years has remained consistent with an average of £181,229 per annum. The income in 2016/17 was £4,317 above this average:

|                      | <b>2012/13</b> | <b>2013/14</b> | <b>2014/15</b> | <b>2015/16</b> | <b>2016/17</b> |
|----------------------|----------------|----------------|----------------|----------------|----------------|
| <b>Alcohol Fees</b>  | 157,338        | 154,742        | 159,593        | 158,604        | 162,346        |
| <b>Gambling Fees</b> | 23,430         | 23,670         | 21,915         | 21,310         | 23,200         |
|                      |                |                |                |                |                |
| <b>Total Income</b>  | <b>180,768</b> | <b>178,412</b> | <b>181,508</b> | <b>179,914</b> | <b>185,546</b> |

- 5.3 The income generated by the Board contributed to the gross budget for administering it, but the Council subsidised the licensing function annually. The level of subsidy has reduced following management actions taken over recent years, but the cost of administering the service still substantially exceeded the income generated from fees in previous years.
- 5.4 However, a change to the accounting procedures derived from amendments to the Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines has been applied to the 2016/17 budget. Essentially this means that the Central Support Recharge, which has previously been paid by the Board to the Council to cover the costs of the support services it receives, is now no longer charged to the Board – these costs are now being met centrally by the Council. The budget for these costs has been removed from the Licensing Board budget for 2016/17.
- 5.5 The following table shows the gross expenditure, income and net expenditure since 2012/13. The figures in italics show the figures with the new guidelines applied:

|                          | <b>2012/13</b>   | <b>2013/14</b>   | <b>2014/15</b>   | <b>2015/16</b>   | <b>2016/17</b>   |
|--------------------------|------------------|------------------|------------------|------------------|------------------|
| Employee Expenses        | 214,194          | 269,703          | 176,757          | 166,627          | 175,512          |
| Supplies & Services      | 42,758           | 12,624           | 12,430           | 9,545            | 9887             |
| Central Support Recharge | 143,382          | 149,620          | 150,309          | 149,241          | 0                |
| <b>Gross Expenditure</b> | 400,335          | 431,948          | 339,496          | 325,415          | n/a              |
| <b>Gross Expenditure</b> | <b>256,952</b>   | <b>282,327</b>   | <b>189,187</b>   | <b>176,173</b>   | <b>185,400</b>   |
| <b>Income</b>            | <b>(180,768)</b> | <b>(178,412)</b> | <b>(181,508)</b> | <b>(179,914)</b> | <b>(185,546)</b> |
|                          |                  |                  |                  |                  |                  |
| <b>Net Expenditure</b>   | <b>219,566</b>   | <b>253,535</b>   | <b>157,988</b>   | <b>145,500</b>   | <b>n/a</b>       |
| <b>Net Expenditure</b>   | <b>76,183</b>    | <b>103,915</b>   | <b>7,679</b>     | <b>(3,740)</b>   | <b>(146)</b>     |

5.5 With the adoption of the new CIPFA guidelines, for the first time, the income (liquor and gambling) is covering the cost of administering the Board. That being the case, it is recommended that the Board maintains the same level of annual fees that has been charged previously.

## **6. Review of Alcohol Fees**

6.1 Since the fees regime came into effect, in 2009, a number of concerns have been raised by stakeholders who feel that the regime should be made fairer and that smaller businesses currently pay disproportionately large fees.

6.2 Previous reports to the Board concerning fees made reference to The Scottish Government's Justice Analytical Services who, on behalf of the Criminal Law and Licensing Division, conducted a review of alcohol licensing fees. The review, which was published in early 2014, did not come to a firm conclusion. The researchers were not able to obtain

sufficient material from Licensing Boards to strongly evidence changes to the fees regime.

- 6.3 That said, the report contained a number of relevant recommendations, one of which was that Boards should be placed under a duty to report on their income and expenditure. This recommendation was included in the Air Weapons and Licensing (Scotland) Act 2015 which received royal assent in June 2015. The 2015 Act inserts a new section 9B to the Licensing (Scotland) Act 2005 to provide that the Board must prepare and publish an annual financial report not later than 3 months after the end of the financial year. This report must include a statement of relevant income received by the Board during the financial year and the amount of relevant expenditure incurred in the year. An explanation of how the amounts were calculated must be included. Relevant income and relevant expenditure include fees brought in and costs incurred under the 2005 Act and also income received and costs incurred in relation to the social responsibility levy from premises licenceholders and occasional licenceholders. However, no regulations have as yet been made under section 14 of the Alcohol etc (Scotland) Act 2010 bringing the social responsibility levy into play.
- 6.4 Scottish Ministers may make regulations detailing the form and content of the report and its publication. The reports considered by members in relation to the setting of the fees have, since 2013, provided details of the annual fee income and expenditure. The first such report is to be prepared and published in relation to the 2016/17 financial year although no regulations have as yet been made as to the form and content. A Scottish Government representative has advised that these reports will ultimately inform a further review of the overall fees regime for alcohol licensing.
- 6.5 The review also recommended that there be an increase to the fee for an occasional licence; this is set within secondary legislation so it would be possible for this to be increased at any time. The Scottish Government representative has advised that there is an intention to look at the occasional licence fee, recognising that the current fee level is inappropriate

## **7. Statutory Annual Income and Expenditure Report 2016/17.**

- 7.1 The statutory Annual Income and Expenditure Report 2016/17 is attached as appendix 2 to the report. As this is a requirement of the Licensing (Scotland) Act 2005, the expenditure figures included elsewhere in this report have been adjusted to remove, as far as is practicable, the costs of administering the Gambling Act 2005.
- 7.2 An approximation of the costs of the Clerk to the Board and supporting staff outwith the Licensing Team have been included in the Direct Staff costs of the financial report. However, as their costs are accounted for within the Central Support Recharge, these costs are not included in this report.

## **8. Conclusions**

- 8.1 It is concluded that the annual fees in relation to premises licences are retained at the existing level for 2016/17 as detailed in Appendix 1 to this report. The basis for this recommendation is threefold. Firstly, to maintain and support the necessary resources and staffing levels to ensure that all the issues and requirements which have been highlighted by the Board as being required to be addressed continue for the coming year, secondly, to await the review of fee levels by the Scottish Government following on from the publication of the statutory financial reports in the next couple of years, and thirdly, to await a review of the occasional licence fee
- 8.2 The regulations allow scope for the annual fee to be paid in instalments. This would be at the discretion of the Board. The instalments may be paid in 4 or 12 equal payments over the course of the year following the date on which the fee would otherwise be due. Since 2014, the Board has made this available to licenceholders, however only a very few have taken it up. Officers can advise that on a couple of occasions where this has been the case, licenceholders have subsequently cancelled their Direct Debits and officers have had to spend time chasing up payments.

.....  
Consumer Protection Manager

Date: 9 June 2017

Contact Officer: Alison Barr, Consumer Protection Manager (telephone 501265)

### Appendices

Appendix 1 – Proposed Premises Licences Annual Fee 2017

Appendix 2 - Statutory Annual Income and Expenditure Report 2016/17.

### LIST OF BACKGROUND PAPERS

Nil

## Appendix 1

|  |
|--|
| LICENSING (SCOTLAND) ACT 2005                  |
| The Licensing (Fees) Scotland Regulations 2007 |
| PREMISES LICENCES- FEE TABLE                   |

| Category | Rateable Value  | New<br>Application<br>Fees<br>£ | *Annual Fees<br>1 October 2017<br>£ |
|----------|---|---------------------------------|-------------------------------------|
| 1        | Not entered on the valuation roll or a nil value is shown | 200                             | <b>£180</b>                         |
| 2        | £1 and £11,500  | 800                             | <b>£220</b>                         |
| 3        | £11,501 and £35,000                                       | 1,100                           | <b>£280</b>                         |
| 4        | £35,001 and £140,000                                      | 1,300                           | <b>£500</b>                         |
| 5        | £70,001 and £140,000                                      | 1,700                           | <b>£700</b>                         |
| 6        | Over £140,000   | 2,000                           | <b>£900</b>                         |

\*Please Note: The figures in **Bold** print are the proposed Premises Licences Annual Fees from 1 October 2017, referred to in the Members consideration



**Licensing (Scotland) Act 2005**  
**Falkirk Licensing Board Financial Report**  
**Financial Year: 2016/17**

The Falkirk Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on 9 May 2017. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

|  |                  |
|--|------------------|
| <b>Income<sup>1</sup>:</b>             | <b>£162,346</b>  |
| <b>Direct Staff Costs<sup>2</sup>:</b> | <b>£200,083</b>  |
| <b>Other Direct Costs<sup>3</sup>:</b> | <b>£9,393</b>    |
| <b>Indirect Costs<sup>4</sup>:</b>     | <b>£0</b>        |
| <b>Net Income – Expenditure</b>        | <b>(£47,130)</b> |

**Notes:**

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005.
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function in relation to supplies and services such as such as in house printing costs, stationery, postage, maintenance of computer systems etc.
4. Denotes the portion of central administrative costs such as accommodation, ICT, facility management etc. that are allocated to the Licensing Board budget. A change to the accounting procedures derived from amendments to the Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines has been applied to the 2016/17 budget. This means that the Central Support Recharge, which has

previously been paid by the Board to the Council to cover the costs of the support services it receives, is now no longer charged to the Board – these costs are now being met centrally by the Council. The budget for these costs has been removed from the Licensing Board budget for 2016/17

## Appendix 4

### Occasional Licence Applications received 1 January to 31 December 2017

| Applicant                | Category   | Venue                  | Reason               |
|--------------------------|------------|------------------------|----------------------|
|                          |            |                        |                      |
|                          | <b>KEY</b> |                        |                      |
|                          | VO         | Voluntary Organisation |                      |
|                          | PER        | Personal Licenceholder |                      |
|                          | CLUB       | Members Club           |                      |
|                          | PLH        | Premises Licenceholder |                      |
|                          |            |                        |                      |
| Adrian Bowling Club      | CLUB       | Adrian Bowling Club    | Hogmanay party       |
| Bainsford Bowling Club   | CLUB       | Bainsford Bowling Club | Masonic Dinner       |
|                          |            |                        | Hospitality          |
| Blackness Boat Club      | CLUB       | Blackness Boat Club    | (Linlithgow Marches) |
| Bo'ness Chemical         | CLUB       | Bo'ness chem workers   | 80th birthday party  |
| Bo'ness Chemical         | CLUB       | Bo'ness chem workers   | fundraiser           |
| Workers                  | CLUB       | Bo'ness chem workers   | Fundraiser           |
| Bo'ness Chemical         | CLUB       | Bo'ness chem workers   | silver wedding       |
| Bo'ness Chemical         | CLUB       | Bo'ness chem workers   | Fundraiser           |
| Bo'ness Chemical         | CLUB       | Bo'ness Chemical       | Wedding reception    |
| Bonnybridge Bowling Club | CLUB       | Bonnybridge Bowling    | 50th Birthday Party  |
| Bonnybridge Bowling Club | CLUB       | Bonnybridge Bowling    | 60th birthday party  |
| Bonnybridge Bowling Club | CLUB       | Bonnybridge Bowling    | 60th Birthday Party  |
| Bonnybridge Bowling Club | CLUB       | Bonnybridge Bowling    | 50th Birthday Party  |
| Bonnybridge Bowling Club | CLUB       | Bonnybridge Bowling    | 50th birthday party  |
| Burnhead Bowling Club    | CLUB       | Burnhead Bowling Club  | 30th Birthday Party  |
| Burnhead Bowling Club    | CLUB       | burnhead bowling club  | 30th birthday party  |
| Burnhead Bowling Club    | CLUB       | burnhead bowling club  | 60TH Birthday Party  |
| Burnhead Bowling Club    | CLUB       | Burnhead Bowling Club  | 30th birthday party  |
| Burnhead Bowling Club    | CLUB       | Burnhead Bowling Club  | 40th Birthday Party  |
| Camelon Juniors Social   | CLUB       | Camelon Juniors Social | 30th Birthday Party  |
| Camelon Juniors Social   | CLUB       | Camelon Juniors Social | Silver Wedding Party |
| Camelon Juniors Social   | CLUB       | Camelon Juniors Social | Psychic Fundraiser   |
| Camelon Juniors Social   | CLUB       | Camelon Juniors Social | Hypnotist Show       |
| Douglas Lodge            | CLUB       | Douglas lodge          | Quiz Night for       |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | Hogmanay party       |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | 30th Birthday Party  |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | 40th Birthday Party  |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | 40th Birthday Party  |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | 50th Birthday Party  |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | Bo'ness Fair         |
| Douglas Lodge No. 409    | CLUB       | Douglas Lodge No. 409  | Fund raiser for      |
| Falkirk Bowling Club     | CLUB       | Falkirk Bowling Club   | Christmas Meeting    |
| Falkirk Bowling Club     | CLUB       | Falkirk Bowling Club   | Work reunion         |
| Falkirk Bowling Club     | CLUB       | Falkirk Bowling Club   | Race Night           |
| Falkirk Bowling Club     | CLUB       | Falkirk Bowling Club   | Race Night           |
| Falkirk Bowling Club     | CLUB       | Falkirk Bowling Club   | Race Night           |

|                                  |      |                                  |                                |
|----------------------------------|------|----------------------------------|--------------------------------|
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | 40th Birthday Party            |
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | 70th birthday party            |
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | Retirement Function            |
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | Family party                   |
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | Sportsman Dinner               |
| Grangemouth Bowling              | CLUB | Grangemouth Bowling              | 30th Birthday Party            |
| Grangemouth Railway              | CLUB | Grangemouth Railway              | 65th Birthday Party            |
| Grangemouth Railway              | CLUB | Grangemouth Railway              | 30th birthday party            |
| Grangemouth Railway              | CLUB | Grangemouth Railway              | 21st Birthday party            |
| Grangemouth Railway              | CLUB | Grangemouth Railway              | Christmas Party                |
| Grangemouth Railway              | CLUB | Grangemouth Railway              | Presentation Sports            |
| Grangemouth Railway Staff Assoc  | CLUB | Grangemouth Railway Staff Assos  | 50th Birthday Party            |
| Grangemouth Railway Staff Assoc  | CLUB | Grangemouth Railway Staff Assos  | Race night                     |
| Grangemouth Railway Staff Assoc  | CLUB | Grangemouth Railway Club         | Charity night for Headway      |
| Grangemouth Railway Staff Assoc  | CLUB | Grangemouth Railway Club         | 30th birthday party            |
| Grangemouth Railway Staff Assoc  | CLUB | Grangemouth Railway Club         | 60th Birthday Party            |
| Lodge Carron 139 PL              | CLUB | Lodge Carron 139                 | Burns Supper                   |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 21st Birthday Party            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 21st Birthday Party            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 40th Birthday Party            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | Charity Race Night             |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | Fundraising cabaret            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 50th Birthday Party            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 50th Birthday Party            |
| Lodge Dolphin Masonic            | CLUB | Lodge Dolphin Masonic            | 30th birthday party            |
| Lodge St John                    | CLUB | Lodge St John                    | Burns Supper                   |
| North Broomage Social            | CLUB | North Broomage Social            | 50th Birthday Party            |
| North Broomage Social            | CLUB | North Broomage Social            | Engagement party               |
| North Broomage Social Club       | CLUB | North Broomage Social Club       | 30th Wedding Anniversary Party |
| Polmont Bowling Club             | CLUB | Polmont Bowling Club             | 54th Birthday Party            |
| Polmont Bowling Club             | CLUB | Polmont Bowling Club             | Dance                          |
| Polmont Bowling Club             | CLUB | Polmont Bowling Club             | Wedding                        |
| Polmont Bowling Club             | CLUB | Polmont Bowling Club             | Dance                          |
| Redding & Westquarter Unity Club | CLUB | Redding & Westquarter Unity Club | 60th Birthday Party            |
| Redding & Westquarter Unity Club | CLUB | Redding & W/Q Unity Club         | Free Colliers Annual Parade    |
| Redding & Westquarter Unity Club | CLUB | Redding & W/Q Unity Club         | 21st Birthday Party            |
| Redding & Westquarter Unity Club | CLUB | Redding & W/Q Unity Club         | 21st Birthday Party            |
| Stenhousemuir Cricket            | CLUB | Stenhousemuir Cricket            | 70th Birthday Party            |
| Stenhousemuir Cricket            | CLUB | Stenhousemuir Cricket            | 50th Birthday Party            |
| Stenhousemuir Cricket            | CLUB | Stenhousemuir Cricket            | First Birthday Party           |

|                            |      |                            |                                      |
|----------------------------|------|----------------------------|--------------------------------------|
| Stenhousemuir Cricket      | CLUB | Stenhousemuir Cricket      | Funeral                              |
| Stenhousemuir Cricket      | CLUB | Stenhousemuir Cricket      | Teachers Break Up                    |
| Stenhousemuir Cricket Club | CLUB | Stenhousemuir Cricket Club | Pre Wedding ladies "Hen night"       |
| Stenhousemuir Cricket      | CLUB | Stenhousemuir Cricket      | Fundraising Quiz                     |
|                            |      |                            |                                      |
|                            | 80   |                            |                                      |
|                            |      |                            |                                      |
| Allan Ferguson             | PER  | Shieldhill Welfare Hall    | Fundraising Disco                    |
| Andrew Hamilton            | PER  | Bowhouse Community Centre  | Eastern Star Annual Dinner Dance     |
| Andrew Hamilton            | PER  | Bowhouse Community Centre  | Eastern Star Annual Dinner Dance     |
| Andrew McKay               | PER  | Crypt Hall, Denny          | Fundraising (Ladies football team)   |
| Andrew McKay               | PER  | Crypt Hall                 | Communion                            |
| Andrew McKay               | PER  | Crypt Hall                 | 50th Birthday Party                  |
| Andrew McKay               | PER  | Crypt Hall                 | 50th Birthday Party                  |
| Andrew McKay               | PER  | Crypt Hall                 | Retirement Party                     |
| Andrew McKay               | PER  | Crypt Hall                 | Fund raising dance                   |
| Andrew McKay               | PER  | Crypt Hall                 | 30th Birthday Party                  |
| Andrew McKay               | PER  | Crypt Hall                 | Diamond wedding                      |
| Andrew McKay               | PER  | Crypt Hall                 | Engagement party                     |
| Andrew McKay               | PER  | The Crypt                  | 80th Birthday Party                  |
| Andrew McKay               | PER  | The Crypt                  | Burns Supper                         |
| Andrew McKay               | PER  | Crypt Hall, Denny          | Fundraiser                           |
| Andrew McKay               | PER  | Crypt Hall, Denny          | Engagement Party                     |
| Andrew Phillips            | PER  | Grangemouth Sports         | Martial Arts                         |
| Andrew Phillips            | PER  | Grangemouth Sports         | Martial Arts                         |
| Andrew Phillips            | PER  | Grangemouth Sports         | Martial Arts                         |
| Andrew Phillips            | PER  | Grangemouth Sports         | Martial arts                         |
| Andrew Phillips            | PER  | Grangemouth Sport          | Martial Arts                         |
| Angela Panton              | PER  | Café WOW                   | Afternoon Tea for a                  |
| Angela Panton              | PER  | Nota Bene                  | Fundraising event                    |
| Cameron McCann             | PER  | North Green Park           | Gin bar                              |
| Colin Green                | PER  | Grangemouth Sports         | Martial Arts                         |
| Colin Green                | PER  | Grangemouth Sports         | Budo Fighting                        |
| Colin Green                | PER  | Grangemouth Town           | Kickboxing event                     |
| Colin Green                | PER  | Grangemouth Sports         | Mixed Martial Arts                   |
| Daniel Ferguson            | PER  | Denny Orange Hall          | Fundraising                          |
| Daniel James Stirling      | PER  | North Green Park           | Hospitality for Airth Highland games |
| David McAteer              | PER  | Dobbie Hall                | Soul Spin Night                      |
| Dawn Hogg                  | PER  | Shieldhill Welfare Hall    | Fundraiser                           |
| Dawn Hogg                  | PER  | Shieldhill Welfare Hall    | Fundraiser                           |
| Dawn Hogg                  | PER  | Shieldhill Welfare Hall    | Fund raising disco                   |
| Dawn Hogg                  | PER  | Shieldhill Welfare Hall    | Fundraising Disco                    |
| Dawn Hogg                  | PER  | Shieldhill Welfare Hall    | Fundraising Disco                    |
| Donna Jenkins              | PER  | Dobbie Hall                | 50th Birthday Party                  |
| Donna Jenkins              | PER  | Dobbie Hall                | Wedding reception                    |

|                     |     |                         |                                     |
|---------------------|-----|-------------------------|-------------------------------------|
| Donna Jenkins       | PER | Dobbie Hall             | Fund Raiser                         |
| Erika Rosa          | PER | Howgate Shopping        | Promotional event                   |
| Erika Rosa          | PER | Howgate Shopping        | Promotional event                   |
| Gaynor Hjicking     | PER | John Pye & Sons         | Auction House Sale                  |
| Gilbert Thomson     | PER | Greenhill Farm          | Barn Dance                          |
| Gordon Smith        | PER | Dobbie Hall             | Lodge Carron's<br>250th anniversary |
| Hayley Sylvia Dolan | PER | Bo'ness Town Hall       | Engagement Party                    |
| Imelda O'Donnell    | PER | Crypt Hall              | 21st Birthday Party                 |
| Imelda O'Donnell    | PER | Crypt Hall              | Engagement Party                    |
| Imelda O'Donnell    | PER | Crypt Hall              | Fundraising night                   |
| Isa McMinn          | PER | Bo'ness Town Hall       | Darts exhibition                    |
| Isa McMinn          | PER | Grangemouth Town        | Dart Exhibition                     |
| James Kerr          | PER | Laurieston Welfare Hall | Fundraiser                          |
| Jemma Russell       | PER | Grangemouth Town        | Boxing Club Dinner                  |
| Joseph Donachie     | PER | Dobbie Hall             | Wedding                             |
| Joseph Donachie     | PER | Dobbie Hall, Larbert    | Presentation Night                  |
| Joseph Harkins      | PER | Dobbie Hall             | Shuffle Down                        |
| Joseph Harkins      | PER | Dobbie Hall             | Funk soul music                     |
| Julie McCann        | PER | Dobbie Hall             | Live bands                          |
| Julie McCann        | PER | Dobbie Hall             | Live Bands                          |
| Julie McCann        | PER | Dobbie Hall             | Live Music Event                    |
| Kenneth Maybury     | PER | Dobbie Hall             | Elvis                               |
| Kenneth Maybury     | PER | Dobbie Hall             | Jersey Boys                         |
| Kenneth Maybury     | PER | Dobbie Hall             | motown concert                      |
| Kenneth Maybury     | PER | Grangemouth Town        | Buddy Holly tribute                 |
| Kenneth Maybury     | PER | Dobbie Hall             | Motown Show                         |
| Kenneth Maybury     | PER | Grangemouth Town        | Jersey Boys Cabaret                 |
| Kenneth Maybury     | PER | Grangemouth Town        | Abba Tribute Show                   |
| Kenneth Maybury     | PER | Grangemouth Town        | River City Cabaret                  |
| Kenneth Maybury     | PER | Grangemouth Town        | Motown Cabaret                      |
| Kenneth Maybury     | PER | Grangemouth Town        | Elvis Cabaret Show                  |
| Kenneth Maybury     | PER | Grangemouth Town        | Rod Stewart Cabaret                 |
| Kenneth Maybury     | PER | Grangemouth Town        | Rod Stewart Tribute                 |
| Kenneth Maybury     | PER | Grangemouth Town        | Cabaret Show                        |
| Kenneth Maybury     | PER | Grangemouth Town        | Tribute Show                        |
| Kenneth Maybury     | PER | Grangemouth Town        | Tribute Show                        |
| Kenneth Maybury     | PER | archibald Russel Centre | Hypnotist Show                      |
| Kenneth Maybury     | PER | Grangemouth Town        | Motown Show                         |
| Kenneth McHugh      | PER | Grangemouth Town        | Engagement Party                    |
| Kenneth McHugh      | PER | Grangemouth Town        | 40th Birthday Party                 |
| Kenneth McHugh      | PER | bo'ness town hall       | engagement party                    |
| Kenneth McHugh      | PER | banknock commuinty      | Christening                         |
| Kenneth McHugh      | PER | Bo'ness Town Hall       | Wedding                             |
| Kenneth McHugh      | PER | Glenhead Bungalow       | Wedding                             |
| Kenneth McHugh      | PER | Grangemouth Town        | Ceilidh                             |
| Kenneth McHugh      | PER | Grangemouth Town        | 40th Birthday Party                 |
| Kenneth McHugh      | PER | Bo'ness Town Hall       | Wedding                             |
| Kenneth McHugh      | PER | Bo'ness Town Hall       | 60th Birthday Party                 |
| Kenneth McHugh      | PER | Grangemouth Town        | Christmas Dance                     |

|                                    |     |  |                                   |
|------------------------------------|-----|--|-----------------------------------|
| Kenneth McHugh                     | PER | Bo'ness Town Hall                      | Wedding Reception                 |
| Kenneth McHugh                     | PER | Grangemouth Town                       | Charity Brides Ball               |
| Kenneth McHugh                     | PER | Grangemouth Town                       | 30TH Birthday Party               |
| Kirsty Ure                         | PER | Dobbie Hall                            | Gin Festival                      |
| Kirsty Ure                         | PER | Dobbie Hall                            | Whisky Festival                   |
| Kirsty Ure                         | PER | Falkirk Stadium                        | Craft Beer Festival               |
| Kirsty Ure                         | PER | Graeme High School<br>Assembly Hall    | Vegan Festival                    |
| Laura Dewar                        | PER | Grangemouth Town                       | Boxing academy                    |
| Laura Dewar                        | PER | Grangemouth Town                       | Engagement party                  |
| Linda Clyne                        | PER | Bo'ness Town Hall                      | 40th Birthday Party               |
| Linda Clyne                        | PER | Bo'ness Town Hall                      | Fund raising Dinner               |
| Linda Clyne                        | PER | Bo'ness Town Hall                      | Fundraising dinner                |
| Linda Clyne                        | PER | Bo'ness Town Hall                      | Fundraising dinner                |
| Lynne Hunter                       | PER | Dobbie Hall, Larbert                   | Charity fundraiser                |
| Lynne Hunter                       | PER | Dobbie Hall, Larbert                   | Charity fundraiser                |
| Marjorie Young Forrest<br>Anderson | PER | Bo'ness Town Hall                      | Fundraising Cabaret<br>evening    |
| Mark Lyon                          | PER | Bo'ness Recreation                     | Christmas Party                   |
| Melanie J M West                   | PER | Marquee at North                       | Christmas Light                   |
| Morag Jenkinson                    | PER | Falkirk Trinity Church                 | Fundraiser concert                |
| Morag Jenkinson                    | PER | Falkirk Trinity Church                 | Fundraiser concert                |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Awaiting Premisis<br>Licence      |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Awaiting Premises<br>Licence      |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Awaiting Premises<br>Licence      |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Off Sales of alcohol              |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Off Sales of alcohol              |
| Musaddaq Arshad Raja               | PER | Premier Bo'ness<br>Convenience Store   | Sale of alcohol for off<br>sales  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Fundraising Blue                  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | 60th Birthday Party               |
| Neil Fullerton                     | PER | Brian Clark Memorial<br>Hall           | Darts & Dominoes<br>Charity Match |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Fundraising                       |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Datrs                             |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Darts Tournament                  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Darts tournament                  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Darts Tournament                  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Darts Tournament                  |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | Darts Competition                 |
| Neil Fullerton                     | PER | Brian Clark Memorial                   | 60th Birthday Party               |
| Neil Fulleton                      | PER | Brian Clark Memorial                   | Darts Tournement                  |
| Neil Patterson                     | PER | Grangemouth Town                       | Live Music Event                  |
| Robert Hulett                      | PER | Sponsors Lounge,<br>Camelon Juniors FC | Match day hospitality             |

|                  |     |                         |  |
|------------------|-----|-------------------------|--|
| Robert Hulett    | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hulett    | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert Hurlett   | PER | Camelon Juniors         | Hospitality for                          |
| Robert John Reid | PER | Falkirk Stadium         | Live music concerts                      |
| Ryan Longmuir    | PER | Bo'ness Town Hall       | Wedding                                  |
| Ryan Longmuir    | PER | St Francis Xavier       | Baptism celebration                      |
| Sean Hannon      | PER | Shieldhill Welfare Hall | Fund Raising Dance                       |
| Stephen Barr     | PER | Dobbie Hall             | Galaxy Sports<br>Annual Sportsmans       |
| Stephen Gauld    | PER | St. Joseph's Church     | Christening                              |
| Stephen Wilsdon  | PER | Grangemouth Town        | Ladies Night                             |
| Stephen Wilson   | PER | Grangemouth Town        | Boxing Match                             |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for Home<br>Supporters       |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for Falkirk<br>FC Supporters |
| Stuart Maxwell   | PER | Community Area          | hospitality                              |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for Falkirk<br>FC Supporters |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for Falkirk<br>FC Supporters |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for                          |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for                          |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for                          |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for                          |
| Stuart Maxwell   | PER | The Community Area      | Hospitality for                          |
| Tracey Glegg     | PER | Laurieston Community    | Fundraiser                               |
| Tracey Glegg     | PER | Laurieston Community    | Dance after parade                       |
| Tracey Glegg     | PER | Laurieston Community    | Fundraiser                               |
| Tracey Glegg     | PER | Laurieston Community    | Fund Raiser                              |
| Tracey Glegg     | PER | Laurieston Community    | Fund Raiser                              |
| Tracey Glegg     | PER | Laurieston Community    | Fundraising event                        |
| Vincent Coyle    | PER | Westfield Farm          | Harness Racing                           |
| William Gibson   | PER | Boness Town Hall        | Lodge Annual Ball                        |
| Alexandria Foy   | PLH | Dobbie Hall             | Sportsman Dinner &<br>Fundraiser         |



[illegible]

|                                       |           |                        |                                |
|---------------------------------------|-----------|------------------------|--------------------------------|
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | wedding                        |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Festive Party Night            |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Festive Party Night            |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Festive Party Night            |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Corporate Event                |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Airth Castle Hotel                    | PLH       | The Parsonage          | Wedding Reception              |
| Falkirk Rugby Club                    | PLH       | Falkirk Rugby Club     | Annual Beer Festival           |
| Falkirk Rugby Club                    | PLH       | Falkirk Rugby Club     | Annual Bikers' Rally           |
| Falkirk Rugby Club                    | PLH       | Falkirk Rugby Club     | Annual Bikers' Rally           |
| Grange Manor Hotel                    | PLH       | Grange Manor Hotel     | Apres-ski bar in               |
| Grange Manor Hotel                    | PLH       | Grange Manor Hotel     | Apres-ski bar in               |
| Grange Manor Hotel                    | PLH       | Grange Manor Hotel     | Apres-ski bar in               |
| Grangemouth Golf Club                 | PLH       | Marquee and BBQ        | golf and BBQ                   |
| Grangemouth Golf Club                 | PLH       | Marquee and BBQ        | golf and BBQ                   |
| Grangemouth Golf Club                 | PLH       | Marquee and BBQ        | golf and BBQ                   |
| Grangemouth Golf Club                 | PLH       | Marquee and BBQ        | golf and BBQ                   |
| Inchyra Grange Hotel                  | PLH       | Marquee Car Park       | trade show                     |
| Lodge Zetland                         | PLH       | Lodge Zetland          | Jewelley Party                 |
| Stenhousemuir Football Club CIC       | PLH       | Marquee Ochilview Park | Annual Community family funday |
| The Galley Restaurant -               | PLH       | Forth Valley College   | Fair trade quiz night          |
|                                       |           |                        |                                |
|                                       | <b>72</b> |                        |                                |
|                                       |           |                        |                                |
| 1st Falkirk Scout Rosehall            | VO        | 1st Falkirk Scout Hall | Quiz and curry night           |
| Barony Theatre                        | VO        | Barony Theatre         | Dramatic                       |
| Barony Theatre                        | VO        | Barony Theatre         | Dramatic                       |
| Barony Theatre                        | VO        | Barony Theatre         | Dramatic                       |
| Blackbraes True Blues                 | VO        | Thornhill Community    | Fundraising Blue               |
| Bo'ness Amateur Operatic Society      | VO        | Bo'ness Town Hall      | Annual Musical Production      |
| Bo'ness Childrens Fair Festival       | VO        | Douglas Park           | Over 30s' Football Tournament  |
| Bo'ness Childrens Fair                | VO        | Bo'ness Town Hall      | Ladies Day fund                |
| Bo'ness Real Ale Appreciation Society | VO        | Bo'ness Town Hall      | Real ale festival with music   |
| Bonnybridge Sons of                   | VO        | Archibald Russell      | 10th Anniversay                |
| Bonnybridge Sons of                   | VO        | Archibald Russell      | Remembrance                    |
| Bonnybridge Sons of                   | VO        | Archibald Russell      | Fund raiser                    |

|   |    |                                |                                |
|---|----|--------------------------------|--------------------------------|
| Braes Branch SNP                            | VO | Greenpark Community            | Burns Supper                   |
| Camelon Loyalists                           | VO | Dobbie Hall, Larbert           | Fundraising Night              |
| Camelon Loyalists                           | VO | Dobbie Hall, Larbert           | Fundraising Night              |
| Camelon Loyalists Flute                     | VO | Dobbie Hall                    | Fund raiser                    |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraiser                     |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraiser                     |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraiser Cultural            |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Annual                         |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraising Cabaret            |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraising Cultural           |
| Camelon Purple Guards                       | VO | Brian Clark Memorial           | Fundraising Event              |
| CAMRA Forth Valley                          | VO | Dobbie Hall                    | Two day real ale               |
| Carronshore Young                           | VO | Carronshore                    | Fundraising dance              |
| Carronshore Young                           | VO | Dobbie Hall                    | Fundraising dance              |
| Daughters of the                            | VO | Thornhill Community            | Fundraising dance              |
| David Alexander                             | VO | thornhill community            | Burns Supper                   |
| Denny True Blue                             | VO | Denny Orange Hall              | Fund raising disco             |
| Denny True Blues                            | VO | Denny Orange Hall              | Fund raising disco             |
| Denny True Blues                            | VO | Denny Orange Hall              | Fundraising disco              |
| Denny True Blues                            | VO | Denny Orange Hall              | Fundraising Event              |
| Dennyloanhead<br>Community Hall Ltd         | VO | Archibald Russell<br>Centre    | Fund raising disco             |
| Dobbie Hall, Larbert                        | VO | Dobbie Hall                    | Panto - The Snow               |
| Falkirk No Surrender                        | VO | The Thrums                     | Fundraising event              |
| Falkirk South SNP                           | VO | Tamfourhill Community          | Fundraising function           |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Falkirk Folk Club              |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Falkirk Folk Club              |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Concert - Duke                 |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Meal with wine                 |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Falkirk Story Telling          |
| Falkirk Trinity Church                      | VO | Falkirk Trinity Church         | Concert                        |
| Friends of Airth Games                      | VO | North Green Park               | Sponsorship                    |
| Gillespie True Blues LOL                    | VO | Shieldhill Welfare Hall        | Fund raising cabaret           |
| Gillespie True Blues LOL                    | VO | Shieldhill Community           | Halloween Party fund           |
| Gillespies True Blue LOL                    | VO | Shieldhill Welfare Hall        | Fundraising night              |
| Gillespies True Blues LOL                   | VO | Shieldhill Welfare Hall        | Fund raising race              |
| Gillespies True Blues LOL                   | VO | Shieldhill Welfare Hall        | Fund raising race              |
| Gillespies True Blues LOL                   | VO | Shieldhill Welfare Hall        | Fund raising                   |
| Jonesys Boxing Club                         | VO | Dobbie Hall, Larbert           | Boxing Club Annual<br>Homeshow |
| Kathryn Markey                              | VO | Barony Theatre                 | One Man Play                   |
| Larbert Amateur Operatic<br>Society         | VO | Dobbie Hall                    | Annual Musical                 |
| Pride o the Grange<br>Volunteers Flute Band | VO | Dobbie Hall                    | Annual dance                   |
| Redding & Westquarter<br>Flute Band         | VO | Laurieston Community<br>Centre | Fund raising disco             |
| Redding & Westquarter<br>Walker Club ABOD   | VO | Shieldhill Welfare Hall        | Fund raising disco             |
| Scottish National Party                     | VO | Banknock Community             | St Andrew's Event              |

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| Sir William Wallace Grand Lodge of Scotland | VO | Shieldhill Community Hall   | Burns Supper                      |
| Slamannan Bible & Crown Defenders           | VO | Welfare Hall                | Charity Night                     |
| Tryst Branch SNP                            | VO | Dobbie Hall                 | Fundraising ceilidh               |
| Camelon Purple Guards LOL 317               | VO | Brian Clark Memorial Hall   | Fundraising darts competition     |
| Laurieston Orange Order                     | VO | Laurieston Community Centre | Fund raiser with singer & backing |