

Falkirk Council Licensing Board

Subject: Licensing Board Report
Meeting: Joint Meeting between Falkirk Council Licensing Board and the Licensing Forum
Date: 29 October 2020
Author: Consumer Protection Manager

1. Background

1.1 The purpose of this report is:

- to provide an update on legislative changes,
- to give an outline of the work carried out by the Licensing Board from 1 April 2019 to 31 March 2020 in relation to activity under the Licensing (Scotland) Act 2005, and
- to provide the budgetary information for the period 2019/20.

2. Legislation Update

Coronavirus (Scotland) Act 2020

2.1 A report was discussed at the Forum meeting on 25 August 2020 detailing the changes to alcohol licensing brought in by the Coronavirus (Scotland) Act 2020. The report is appendix 1

Immigration Act 2015

2.2 The right to work in the UK checks for personal licenceholders have not yet come into force.

Air Weapons & Licensing Act 2015

2.3 The new Act makes significant changes to the Licensing (Scotland) Act 2005, and whilst nine Commencement Orders have subsequently been granted in relation to some provisions of the Act. There are still some provisions relating to alcohol that have yet to come into force.

3. Review of Occasional Licence Fees

3.1 Members of the Board and Forum will be aware of the on-going work by the Scottish Government in relation to the review of the fee for an occasional licence which, at £10 per application, does not cover the costs of processing. The review is also considering a limit on the number and duration of occasional licences. In December 2019 the Scottish Government published the consultation responses to their review and this can be found on their website at:

<https://www.gov.scot/publications/licensing-scotland-act-2005-consultation-reviewing-fee-occasional-licences-considering-limit-number-duration-occasional-licences-summary-responses/>

- 3.2 Due to the current pandemic, this work stream has understandably not progressed.

4. Statement of Licensing Board Policy

- 4.1 As members of the Forum and Board are aware, the 2005 Act was amended by the Air Weapons & Licensing Act 2015 to change the period for statements of licensing policy to run from 18 months after the next Council election (which was in May 2017) to 18 months after the following Council election. The Board can also publish a supplementary licensing policy statement to any existing licensing policy.
- 4.2 The current Statement of Licensing Policy was approved by the Board on 19 December 2018. The policy is published on the Council's web site and a link to it was sent to the Members of the Licensing Board and the Local Licensing Forum.

[http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/docs/statement-policy/Statement%20of%20Licensing%20Policy%20\(December%202018\).pdf?v=201901101407](http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/docs/statement-policy/Statement%20of%20Licensing%20Policy%20(December%202018).pdf?v=201901101407)

Overprovision

- 4.3 A sub group of the Licensing Board has been carrying out preparatory work in relation to the assessment of overprovision in the area since the group was established. This work stream has not been concluded due to the covid-19 pandemic and the restriction that this put on the service, however, it is the intention of the sub group to finalise this work as soon as possible. The sub group will also take this opportunity to consider areas of the policy that may need to be augmented such as deliveries of alcohol, internet sales etc.

5. Financial / Budgetary Matters

- 5.1 The Board must prepare and publish an annual financial report within three months of the end of the financial year. Due to the current pandemic, however, this has been extended by the Coronavirus (Scotland) Act 2020 from 3 months after the end of the financial year to 9 months i.e. the end of December 2020. The 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 bringing the social responsibility levy into play.

- 5.2 A copy of the Statutory Annual Income and Expenditure Report 2019/20 was considered by the Board at its meeting in August 2020. It is published on the Council's web site in accordance with the statutory timescale detailed in paragraph 5.1. Members noted the content of the report and approved the annual fees. There was no reduction in the fee level from the maximum prescribed, which has been the case since the 2005 Act came into force. However, the Members agreed to adopt a pragmatic and flexible approach to the ingathering of annual fees by instructing officers to prepare a report listing the Premises Licence holders that have failed to pay the annual fee for consideration by the Board prior to the end of the current financial year rather than to the next available Board after the 1 October 2020. A copy of the Statutory Annual Income and Expenditure Report 2019/20 is attached as part of the fees report as appendix 2.

6. Functions Report

- 6.1 The Board must prepare and publish an annual functions report within three months of the end of the financial year. Due to the current pandemic, however, this has been extended by the Coronavirus (Scotland) Act 2020 from 3 months after the end of the financial year to 9 months i.e. the end of December 2020. The report, which was considered by the Board at its meeting on 28 October 2020, sets out the work of the Board during 2019/20 together with a breakdown of the decisions made by the Board. A copy of the report considered by the Board is attached as appendix 3.

7. Recommendation

- 7.1 For information.

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pp Clerk to the Licensing Board

Date: 21 October 2020

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

Appendices

Appendix 1 – Report to the Local Licensing Forum on 25 August 2020

Appendix 2 - Annual Fees and Statutory Income and Expenditure Statement
report dated 11 June 2020

Appendix 3 – Statutory Functions Report 2019/20

List of Background Papers

Nil

Falkirk Council Licensing Forum

Subject: Impact of Covid-19
Meeting: Local Licensing Forum
Date: 25 August 2020
Author: Consumer Protection Manager

1. Background

- 1.1 The purpose of this report is to update the forum on the impact of the covid-19 pandemic on the work of the Licensing Board.

2. Legislation Update

- 2.1 On 6th April 2020, the Coronavirus (Scotland) Act 2020 received Royal Assent. The new Act made changes to legislation in light of the covid-19 pandemic including the Licensing (Scotland) Act 2005. The changes to the Act are temporary in nature and aim to assist the Board carry out its functions
- 2.2 Guidance for various industry sectors, including the hospitality, has regularly been published and updated by the Scottish Government. Additional section 142 guidance was also published by the Scottish Government in relation to the use of occasional licence for outdoor drinking areas. All guidance can be found on their website :

<https://www.gov.scot/publications/>

- 2.3 The main changes to the 2005 Act can be summarized as follows:

- flexibility for the Board in respect of holding hearings and meetings. Meetings of both the Board and the Forum do not have to be held in public. Meetings can be held remotely and anyone who would have been invited to attend is now given the opportunity to be heard either by telephone, in written representations (including by electronic communication) or, where available, by video conference. Time scales for hearings are also extended;
- a reduction in the quorum of the Board to a third of the membership rather than half with the minimum number being 3 and the Board can delegate certain decisions to a committee of the Board which must consist of no fewer than 3 members;
- changes to the timescales for renewal of personal licences and submission of refresher training;
- an increase in the timescales for the Board to publish it's statutory reports from 3 months after the end of the financial

year to 9 months. This applies to both the Functions report and the Statement of Income and Expenditure;

- changes to the requirement and timescales for training for new members of the Board and Licensing Standards Officers; and
- modifications to the operation of premises licences, including an extension to the length of an existing provisional premise licence, change of Designated Premises Manager and section 34 transfers;

3. Disruption to Services

- 3.1 The Licensing Section staff have been working from home during the lockdown although there has latterly been a partial return to the office for some staff to carry out some functions that cannot be done from home, for example issuing of licences.
- 3.2 The service was not set up for remote working primarily due to the operation of our reception on a daily basis and the lack of a facility for applications to be made and paid for online. Initially, we were unable to accept any applications as we worked to change our processes and procedures. Guidance in relation to the changes in legislation and the disruption to our service has been on the Council web site since the end of March and has been regularly updated as we have progressed through the different stages of the Scottish Government's road map.
- <https://www.falkirk.gov.uk/covid19/licence-advice.aspx>
- 3.3 All council meetings were cancelled including the Licensing Board. The sub group of the Board set up to consider overprovision has also been unable to meet.
- 3.4 The service was very busy dealing with enquiries from the licensed trade. These enquiries escalated when the reopening of outdoor drinking areas was announced.

4. Outdoor Drinking Areas

- 4.1 As referred to in the previous paragraph, the opening of outdoor drinking areas commenced on 15th July 2020. Prior to this, officers liaised closely with other council regulatory services (the Roads Authority, Food Safety, Planning), Economic Development and Town Centre Management to ensure that the Council and Licensing Board had a streamlined, co-ordinated approach.
- 4.2 In order to have outdoor drinking of alcohol, a premises must have this granted as part of their premises licence - it is an activity in the Operating Plan and must also be shown on the Layout Plan. The additional section 142 guidance basically says that Boards should be pragmatic and look to assist the trade where possible but stresses the

importance of the five licensing objectives being at the heart of every decision.

- 4.3 Where a premises does not have outdoor drinking in their premises licence, they can apply for an occasional licence to permit the consumption of alcohol in an outdoor area. The maximum duration of an occasional licence is 14 days so to enable licensed premises to operate their outdoor drinking areas long term, multiple applications need to be submitted. When a premises submits a number of applications for consecutive 14 periods, the Board processes one application at a time. This allows separate advertising periods and therefore there will be a number of opportunities for objections or representations to be submitted.
- 4.4 Where the proposed area is on the road or pavement, a road occupation permit is required. At the time of writing this report, 11 licensed premises across the area have been granted occasional licences to permit the consumption of alcohol in outdoor areas. Some premises have extended their existing outdoor areas whilst others have created new ones on areas such as pavements and roads. All necessary permits have been put in place by the premises where necessary prior to an application being made for an occasional licence.
- 4.5 There is also the requirement for premises to follow guidance published by the Scottish Government in relation to social distancing, increased hygiene measures and track and trace protocols etc. Officers have been working with the council's Food Safety team who are authorised in term of the Health Protection (Restrictions) Regulations 2020 which covers these matters. Giving consideration to the licensing objectives, all occasional licences granted for outdoor drinking areas have had the following additional conditions:
1. The premises will only be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise, along with guidance from Falkirk Council's Environmental Health Section.
 2. No amplified entertainment or acoustic musical entertainment shall be played in or onto (from inside the premises) outdoor drinking areas. In addition management must monitor noise from customers in terms of rowdy behaviour in order to ensure the amenity of neighbouring properties is not adversely impacted. Signage should be displayed advising patrons to be mindful of neighbours. If justifiable complaints are received about noise then restrictions may be imposed on the occasional licence for the outside drinking areas.
- 4.6 Prior to the 15th July, the Licensing Standards Officers contacted licensed premises to give advice on the reopening or creation of outdoor

drinking area. A flow chart was created to assist licenceholders determine the most appropriate course of action and this was available on the web page.

- 4.8 To date, only two applications for an occasional licence for an outdoor drinking area had to be determined by the Board. All other applications were granted under delegated powers as no objections or representations had been made.

5. The “New Normal” for the Licensing Board

- 5.1 The Licensing Office remains closed to the public and staff continue to work from home only going into the office to print off and sign licences and pick up any mail etc. We are asking that all correspondence is by email to our generic email address and where an application is submitted, payment is made by card over the phone by colleagues in Business Support on our behalf. This is working well.
- 5.2 When the opening of outdoor drinking areas was announced, the Board set dates for provisional meetings fortnightly to enable them to deal with any applications for occasional licences for outdoor drinking area to which objections had been submitted. It was agreed that future Board meetings would be held virtually using WebEx. Only one meeting was needed and that was held on 5th August to determine an application for such a licence from The Orchard Hotel in Falkirk. A number of local residents had objected. The application was granted with additional conditions relating to the time the area is allowed to be open and a ban on vertical drinking.
- 5.3 Scheduled meetings of the Board will resume with the August Board on the 19th. Again, this will be virtual and the Board will consider applications for new premises licences, a non-minor variation, an occasional licence as well as the statutory Statement of Income and Expenditure, the annual fees report and the Festive Extended hours 2020 report. A verbal update will be provided at the meeting on the statutory reports.
- 5.4 Site visits by the Board members will no longer be undertaken. Instead, the Licensing Standards Officers will visit the premises and take photographs which will be shown to members at the meeting.
- 5.5 When the office opens again, it is planned that staff will have a balance of working from home and the office. The reception will no longer be open to the general public; it will be on an appointment basis only. Pre covid-19, we were working towards migrating to new software that allows applications to be made and paid for online. Progress on this work has stopped due to the pandemic however, it will resume as soon as possible.

8. Recommendation

8.1 For information.

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pp Clerk to the Licensing Board

Date: 12 August 2020

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

List of Background Papers

Nil

Falkirk Council Licensing Board

Subject: Licensing (Scotland) Act 2005
The Licensing (Fees) (Scotland) Regulations 2007
Premises Licences – Annual Fees
Meeting: Licensing Board
Date: 19 August 2020
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 2019/20; and
- provide recommendations in relation to the annual fee levels to be paid by 1 October 2020; and
- seek approval of the Statutory Annual Income and Expenditure Report 2019/20.

2. Recommendations

Members are requested to:-

- (1) note the contents of the report;**
- (2) adopt a pragmatic and flexible approach to the ingathering of annual fees by instructing officers to prepare a report listing the Premises Licenceholders that have failed to pay the annual fee for consideration by the Board prior to the end of the current financial year; and**
- (3) agree to adopt the Premises Licences Annual Fee levels proposed in Appendix 1; and**
- (4) approve the Statutory Annual Income and Expenditure Report 2019/20 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. Payment of the annual fee is a mandatory condition of the licence.

- 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 in the administration of the Licensing (Scotland) Act 2005.
- 3.3 The annual fee for 2020/21 is due on 1 October 2020 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 covid-19 pandemic has seen an unprecedented year for the licensed trade with on-sales premises in particular being severely affected due to their forced closure on 23 March 2020. The Scottish Government passed the Coronavirus (Scotland) Act 2020 in April which made numerous changes to the 2005 Act, one of which was to delay the publishing of the Statement of Income and Expenditure as detailed in paragraph 6.1. No such amendments have been made to the timescales for the payment of annual fees.
- 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 annually thereafter. 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 and the amount of the subsidy has fluctuated during this time.

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 so half of the annual fee income is carried over into the following financial year at the end of March each year. Therefore 50% of the annual fee income gathered in 2019/20 was carried over into the 2020/21 budget and 50% of the annual fee income from October 2020 will be carried forward into the 2021/22 budget income.
- 4.2 The Licensing Section is working towards enabling applications to be made and paid for on-line, however, this piece of work has been delayed due to the coronavirus pandemic and won't be available for the 2020 fee.

- 4.3 Failure to pay by the due date is a breach of a mandatory condition. In previous years, a report detailing the fees which remain unpaid after 1 October was made to the Board at the first available meeting so that appropriate action can be taken. In respect of the 2019 annual fees, such a report was considered by the Board at its meeting on 13 November 2019. The report is attached as appendix 3.
- 4.4 To support the local licensed trade, the Board will have a pragmatic and flexible approach to the gathering of this year's annual fees by instructing officers to prepare a report listing the Premises Licenceholders that have failed to pay the annual fee for consideration by the Board prior to the end of the current financial year rather than at the next available Board after 1 October 2020.

5. 2019/20 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.
- 5.2 Licensing Board income from the annual fees and the application fees during the 2019/20 financial year amounted to £167,912, made up of £148,412 for liquor and £19,500 for gambling. This is a decrease of £8,083 on the previous year's income, although there was a very slight increase in gambling income. The fee income over the last eight financial years is detailed in Appendix 4. In terms of the alcohol fees, the average over the last eight years has remained relatively consistent with an average of £157,346 per annum. The income in 2019/20 was £8,934 below this average and £13,934 below the highest fee income taken in 2016/17.
- 5.3 The income generated by the Board contributed to the gross budget for administering it, but the Council subsidises the licensing function annually. The level of subsidy fluctuates, but the cost of administering the service still substantially exceeded the income generated from fees.
- 5.4 A change to the accounting procedures derived from amendments to the Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines has been applied since 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 since 2016/17.
- 5.5 The following table shows the gross expenditure, income and net expenditure

since the change in accounting procedures in 2016/17:

	2016/17	2017/18	2018/19	2019/20
Employee Expenses	175,512	145,954*	175,874	205,915
Supplies & Services	9,887	8,402	8,470	9,471
Gross Expenditure	185,400	154,356	184,344	215,387
Income* Includes gambling fees	(185,546)	(178,891)	(177,286)	(167,912)
Net Expenditure	(146)	(24,535)	7,058	47,475

- 5.6 With the adoption of the new CIPFA guidelines, the income (liquor and gambling) again fails to meet 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. Statutory Annual Income and Expenditure Report

- 6.1 Members are aware from previous fees reports 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 Licensing (Scotland) Act 2005 and also income received and costs incurred in relation to the social responsibility levy from premises licenceholders and occasional licenceholders. However, in relation to the latter, no regulations have as yet been made under section 14 of the Alcohol etc (Scotland) Act 2010 bringing the social responsibility levy into play. The statutory statement must be published by the end of June each year however, the Coronavirus (Scotland) Act 2020 has amended the 2005 Act to allow Boards up to 9 months from the end of the financial year to publish their report. Therefore, the Board is required to publish their report by the end of September 2020.
- 6.2 The statutory Annual Income and Expenditure Report 2019/20 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 the statutory report have been adjusted to remove, as far as is practicable, the costs of administering the Gambling Act 2005.

- 6.3 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 statutory financial report.

7. Scottish Government Consultation on Occasional Licences

- 7.1 A Scottish Government consultation was carried out last year and the summary of responses published in December. 52 of the 76 respondents (68%) favoured an increase in the fee. Further work on this has been delayed due to the pandemic.

8. Conclusions

- 8.1 It is concluded that the annual fees in relation to premises licences are retained at the existing level 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 the outcome of the consultation on 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, and an increasing number have taken it up although the total number is still very low. Officers can advise that it is still the case that on a couple of occasions, licenceholders who have set up a direct debit have subsequently cancelled them and officers have had to spend time chasing up payments. The annual fee is paid directly to the Licensing Section however, we do not have the ability to set up direct debits. This would have to be done by Sundry Accounts.

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Consumer Protection Manager
Date: 7 August 2020

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

Appendices

Appendix 1 – Proposed Premises Licences Annual Fee 2020

Appendix 2 - Statutory Annual Income and Expenditure Report 2020

Appendix 3 – Annual fee non-payers report dated 1 November 2019

Appendix 4 – History of fee income

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 Application Fees £	*Annual Renewal Fees 1 October 2020 £
1	Not entered on the valuation roll or a nil value is shown	200	£180
2	£1 and £11,500	800	£220
3	£11,501 and £35,000	1,100	£280
4	£35,001 and £140,000	1,300	£500
5	£70,001 and £140,000	1,700	£700
6	Over £140,000	2,000	£900

*Please Note: The figures in **Bold** are the proposed Premises Licences Annual Fees from 1 October 2020 referred to in the Members consideration

Licensing (Scotland) Act 2005

Falkirk Licensing Board

Statement of Income and Expenditure 2019/20

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 11 May 2020. 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 only.

The financial statement is as follows:

Income¹: (£148,412)

Direct Staff Costs²:	£229,396
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Other Direct Costs³: £9376

Indirect Costs⁴: £0

Net Income – Expenditure **-£90,360**

Notes:

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005. There was a reduction in income of £9k from 2018/19.
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. Increase in Direct staff costs can mainly be attributed to the salary costs of the previously vacant Licensing Standards Officer post, which was filled in July 2018, being charged for a full financial year and the pay award.

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. There was an increase in the costs of the bespoke licensing software.
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 2018/19 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 2019/20

Falkirk Council Licensing Board

Subject: **Licensing (Scotland) Act 2005**
 Annual Retention Fee
Meeting: **Licensing Board**
Date: **13 November 2019**
Author: **Consumer Protection Manager**

1. Purpose of Report

1.1 The purpose of this report is twofold:

- (i) to update members on the review of the payment process, and
- (ii) to provide to members details of those premises licenceholders that failed to pay their annual fee by 1 October 2019.

2. Recommendation

2.1 For noting.

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 At the meeting of the Licensing Board on 11 June 2019, members approved the annual fee and instructed officers to prepare a report for the first available meeting after 1 October 2019, listing the premises licence holders that have failed to pay the annual fee prior to the statutory deadline.
- 3.3 The annual fee for 2019/20 is due on 1 October 2019 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 Between 2011 and 2018, the process for collecting the annual fee was done by the issuing of invoices by Sundry Accounts, followed by a reminder. Updates on payments made were emailed weekly to the Licensing Section. The process did not allow payments to be paid directly to the Licensing Section and feedback from licenceholders was critical of this. In the report to the Board dated 14 November 2018, officers advised members that a review the payment process would be undertaken prior to the collection of annual fees in 2019.

- 3.5 In February 2019, a review of the system was carried out by all the services involved in the process. The outcome of the review was to bring the collection of the annual fee back to the licensing section and changes being made by finance to oncome codes to allow payment to be made to the licensing section.
- 3.6 On 19th August 2019, notifications were issued to 351 premises licenceholders by the licensing section. The notification advised of the change of the process for payments and explaining the legal requirement to pay the annual fee on or by 1 October 2019. The letter is attached as appendix 1.

4. Breach of a Mandatory Condition

- 4.1 Payment of the annual fee is a mandatory condition of the licence.
- 4.2 The Licensing Standards Officer can issue a Section 14 notice in relation to a breach of a mandatory condition. Such a notice must give the action that the licenceholder needs to take to remedy the breach – in this instance the remedy is to pay the outstanding annual fee within 48 hours of receipt of the Section 14 notice.
- 4.3 If the licenceholder fails to comply with a Section 14 Notice, the Licensing Standards Officer will make a request to the Board to review the premises licence.

5. Details of Late Payers / Non Payers

- 5.1 On 2nd October 2019, 72 premises licenceholders had not yet paid their fee. This represents 19% of current licenceholders. This is a significant decrease from last year when 33% of premises licenceholders had failed to pay by the statutory deadline.
- 5.2 A proactive approach to gathering the late fees was adopted. Contact was made by email where an email address was available and by phone. By the 8th October only 6% of fees were outstanding and all fees were paid by 24 October 2019.
- 5.3 The premises licence for Coffee on Wooer was deemed to have ceased to have effect as the limited company that held the licence was dissolved in November 2018.
- 5.4 Fiona Kennedy Licensed Grocers and Best One both in Stenhousemuir surrendered their premises licence as did Laurie's Bar in Laurieston. One transfer application was received for Mia's Italian Kitchen and the annual fee was paid by the incoming licenceholder.

6. Consideration

- 6.1 In light of the reduction in the number of licenceholders paying after the statutory deadline, officers are planning to continue with the revised process for the 2020 annual fee collection.

7. Implications

Financial and Resources

- 7.1 The collection of the annual fee is crucial as this income contributes to the costs of the administration of the Board.

Legal

- 7.2 Payment of the annual fee is a mandatory condition of the licence.

Risk

- 7.3 Failure to gather annual fee income will impact on the administration of the Board.

Equalities

- 7.4 The Board's continued commitment to equalities issues is demonstrated in the strategy and reports that have been published since 2013.

Sustainability / Environmental Impact

- 7.5 None

8. Conclusion

- 8.1 A fifth of licenceholders failed to pay before the statutory deadline, however, this is an improvement on previous years. Some issues arose with a number of payment that were made by BACS. Officers are planning to review the new payment process with colleagues in income management to sort out these for future fee collection.

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Clerk to the Licensing Board

Date: 31 October 2019

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

Appendix 1 – Letter sent to Licenceholders

LIST OF BACKGROUND PAPERS

Nil

Enquiries to: Licensing Section
Direct Dial: (01324) 501575
E-mail: licensing@falkirk.gov.uk
Our Ref: LB(P)
Date: 19 August 2019



Falkirk Council **Licensing Board**

Dear Sir/Madam

Licensing (Scotland) Act 2005
Licensing (Fees) (Scotland) Regulations 2007 - Annual Fee Payment
Premises:

The annual fee for the Premises Licence for the above named premises is now due. The fee covers the period from 1 October 2019 until 30 September 2020.

You must pay the fee before 1 October 2019

Failure to pay the fee by this date will result in the matter being reported to the Licensing Board with a view to a condition being imposed on your licence stopping the sale of alcohol until such time as the fee has been paid.

The fees are based on the rateable value of the premises and, in the case of your premises, this amounts to **£220**.

****Please note that there has been a change to the payment process.** All fees must be paid directly to the Licensing Section by any of the following methods:

1. Cash, cheque or debit or credit card by visiting us at the Licensing Office at Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS;
2. Debit or credit card by phoning 01324 501575; or
3. Cheque made payable to Falkirk Council and sent to the Licensing Office at Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS

Yours faithfully

Alison Barr
Consumer Protection Manager
for Clerk to the Licensing Board

Clerk to the Board: Colin Moodie

Corporate & Housing Services
Municipal Buildings
Falkirk FK1 5RS
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History of Licensing Board Income

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Alcohol Income	157,338	154,742	159,593	158,604	162,346	159,026	158,706	148,412
Gambling Income (prescribed fees)	23,430	23,670	21,915	21,310	23,200	19,865	18,580	19,500
Licensing Board Income Total	180,768	178,412	181,508	179,914	185,546	178,891	177,286	167,912

Falkirk Council Licensing Board

Functions Report

2019 / 20

Clerk to the Licensing Board
Municipal Buildings
West Bridge Street
Falkirk
FK1 5RS

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1. Introduction – Falkirk Council Licensing Board

- 1.1 Falkirk Council Licensing Board ("the Board") is the licensing authority for the local government area of Falkirk for the purposes of the Act.
- 1.2 The Board during this period was made up of 8 members, all of whom are elected members of Falkirk Council. At the meeting of the Board on 11th June 2019, a new Convener, Councillor Niall Coleman, and Depute Convener, Councillor Robert Bissett, were elected. 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.
- 1.3 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>
- 1.4 Falkirk is situated right at the centre of Scotland and has a growing population of over 160,890, with just under 60,000 people working in the area. This is an increase of 0.3% from 2018 and is the highest ever population. The population is expected to grow yet further to over 168,000 by 2035 making it one of the fastest growing areas in Scotland. The principal town of Falkirk is centrally located and provides the main shopping, service and employment. Separated 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. There are 18 smaller villages scattered across the rural parts of the area. The area has seen a growth in tourism in recent years with visitors' attractions such as the iconic Kelpies, Helix Park and the Falkirk Wheel.
- 1.5 The Licensing (Scotland) Act 2005 as amended ("the Act") makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.
- 1.6 Under the Act, Licensing Boards are responsible for considering applications for:-
- premises licences
 - occasional licences
 - provisional licences
 - temporary licences

- personal licences
- transfer of premises licences
- variation of premises licences
- extensions of licensing hours in respect of:
 - the sale of alcohol by retail; and
 - the supply of alcohol in members clubs

2. The Licensing Objectives

- 2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):
- preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health
 - protecting children and young persons from harm
- 2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the licensing objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.
- 2.3 In exercising its functions under the Act, the Board are required to have regard to the licensing objectives as well as the statutory Section 142 guidance and their Statement of Licensing Policy.

3. Annual Functions Report

- 3.1 Between 1 April 2019 and 31 March 2020, the Board met on 6 occasions to determine applications. The scheduled meeting for 25 March 2020 was cancelled due to the covid-19 lockdown. Appendix 1 is the annual liquor licensing statistics report to the Scottish Government for the period 2019/20 which gives the number of certain types of applications determined by both at Board meetings and under delegated powers. It also details the number and outcomes of reviews that were submitted. The dates and minutes of the meetings are available on the Council’s website:

<http://www.falkirk.gov.uk/coins/calendar.asp>

- 3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and its statement of licensing

policy.

- 3.3 Information and assistance is made available to persons wishing to apply for a licence, make representations or lodge objections or a review. Application forms are available to be downloaded from the Council's website as well as guidance notes, legislation and statutory reports. The office is open to the public Monday to Friday 9am to 12 noon. No appointment is necessary. Special provision can be made if these times are unsuitable.
- 3.4 During this period, the service launched a Facebook page to post updates on changes to legislation, policy changes, etc. This is an additional source of advice and guidance to that which is available on the licensing pages of the Falkirk Council website.
- 3.5 For those attending a meeting of the Licensing Board, a helpful guide and "who's who" is available on the web site:

<http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/licensing-board/docs/licensing-board/Guide%20to%20attending%20a%20licensing%20board%20meeting.pdf?v=201901071346>

- 3.6 At their meetings, the Board attempted to make the process as informal as possible and consistent with the carrying out of the Board's quasi-judicial function. The Board always attempts to follow best practice in enforcement including adoption of standards, which, in its actions, be proportionate, accountable, consistent, transparent and targeted.
- 3.7 Reports to the Board are written, as far as possible, in Plain English.
- 3.8 The policy position of carrying out site visits to premises for all new and provisional premises licence applications and those non-minor variations that are seeking changes to children and young person access or have objections has worked well and provides consistency to the application process.

[http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/docs/statement-policy/Statement%20of%20Licensing%20Policy%20\(December%202018\).pdf?v=201901101407](http://www.falkirk.gov.uk/services/law-licensing/licensing/alcohol/docs/statement-policy/Statement%20of%20Licensing%20Policy%20(December%202018).pdf?v=201901101407)

4. Decisions of the Board 2019/20

- 4.1 The Board is required to determine applications for new and provisional premises licences and those variations that do not fall within the definition of "minor" variation. In addition, the Board determines applications for occasional licences, transfers, extended hours and personal licences to which objections or representations have been made and reviews of premises and personal licences.
- 4.2 Each application is determined on its own merits and the Board looks to its statement of licensing policy and the five licensing objectives to underpin their decision-making. Most objections and representations are submitted by Police

Scotland and neighbouring properties/local residents. As reported in the previous reports, only on one occasion since the commencement of the Act in September 2009 has the local Health Board such a submission. This position remains unchanged.

- 4.3 During the period 1 April 2019 to 31 March 2020, the Board determined applications for **5 new premises licences, 1 provisional premises licence, 1 temporary premises licence, 25 non-minor variations, 4 occasional licences, 3 extended hours, 5 new personal licences, 1 personal licence renewal, 1 report of conduct inconsistent with the licensing objectives and 2 premises licence reviews.**

The table below shows the total number of licences in force on 31 March 2020:

Type Of Licence	Number
Premises Licence	338
Personal Licences	1278

- 4.4 In relation to the applications for **new premises licences (including provisional applications)** and **non-minor variations**, 2 representations were received from Police Scotland and 7 objections, 2 representations and 1 letter of support were received from local residents. These were received in relation to 5 of the applications and were mainly based on concerns in relation to perceived noise nuisance, anti-social behavior, under-age drinking and the location of the premises. The Board visited all of the premises whose applications has been objected to. All applications were granted. The Board imposed specific conditions on 6 applications (1 new premises licence and 5 non-minor variations) and details of the conditions are in the relevant paragraph to the application below.
- 4.5 A Licensing Standards Officer contacts all those who submit an objection or representation to discuss their concerns. It continues to be the case that in many cases, there is a lack of understanding in relation to what was being applied for and that objections were being made based on an assumption of what might happen.
- 4.6 During the period, the Board continued with its policy of visiting all premises that had applied for a new or provisional premises licence in addition to those premises that sought to vary their licence in relation to access for children and young persons or which had been objected to. During site visits, the Board is particularly mindful of the licensing objective of protecting children and young person from harm since their policy position has moved away from being very prescriptive. In addition, the Board actively seeks information from sources such as the Licensing Standards Officers and Police Scotland when assessing such matters.

- 4.7 Details of the applications are below. All other applications were dealt with under delegated powers.

New Premises Licences

Earlsgate Distribution Depot (Off Sales) - this application was to enable employees of the whiskey company to purchase alcohol. Sales are not made to the general public. No objections or representations were made to the application which was granted by the Board. No specific conditions were put on the licence.

B&M Stores (Off Sales) - this application was for a large store which is part of a national chain. Two objections were made to the applications from neighboring properties which was granted by the Board. No specific conditions were put on the licence.

Cafe at Canada Wood (On and Off Sales) - . this application was for a semi-rural log cabin which primarily operates as a café providing lunches, drinks and light snacks for walkers and cyclists as well as locals. No objections or representations were made to the application which was granted by the Board. No specific conditions were put on the licence.

Carronbridge Inn (On and Off Sales) - these premises had previously been licensed under the 2005 Act by the tenant of the property. When the tenancy ended, the tenant surrendered the licence. This application was made by the owner of the premises. Three representations were made to the application (two raising concerns and one in support) by local residents. The application was granted by the Board. No specific conditions were put on the licence.

Elphinstone Inn (On and Off Sales) - these premises had previously been licensed under the 2005 Act but the licence had been surrendered by the previous licenceholder. Two objections were made to the application from neighbours who had encountered noise and anti-social behavior issues when the premises had been licensed previously. The application was granted by the Board and the following specific conditions was put on the licence:

“Live music to end at least 30 minutes before the terminal hour”.

Provisional Premises Licences

Taste (On Sales) - these premises had not previously been licensed under the 2005 Act. There were no objections or representations and the application was granted at the October 2019 meeting and confirmed in February 2020. There are no specific conditions on the licence.

Temporary Premises Licences

The Board also granted an application for a temporary premises licence. This was the first occasion under the 2005 Act and was in relation to the demolition of and rebuild of a Scotmid store in Bo'ness. The temporary licence was granted for a portacabin that was used to trade from whilst the works were being carried out. The licence for the old store that was demolished was surrendered.

The Board did not refuse any of the applications for premises licences.

Non-Minor Variations to Premises Licences

This type of application requires to be determined by the Licensing Board. 25 applications for non-minor variations received during 2019/20 were determined by the Board; 19 of which had no objections or representations submitted and were granted with no specific conditions These premises are:

Sandher Off Licence	Polmont Convenience Store	Park Hotel
Iceland (Falkirk)	Iceland (Grangemouth)	Iceland (Denny)
Lodge Polmont	Canalside Pub & Grill	Asim Stores
SLM News	Royal Hotel	Scotia Bar
Pro Bowl	Blackness Inn	Maddiston Mini
Market		
Leapark Hotel	Laings	Wellington Bar
Brightons Inn		

Larbert Bowling Club (On Sales) - This application attracted three objections from local residents who were concerned about noise and the lack of parking at the premises. The application was granted by the Board and no specific conditions were put on the licence

Temple (On Sales) – these nightclub premises applied for a number of variations to their licence including to allow access for children and young persons. The licenceholder wanted to increase the use of the premises during the daytime and planned to use it as a multifunctional space for use by community groups, exercise classes and events aimed specifically at children and young persons. Police Scotland lodged a representation to the application. A site visit was undertaken. At the subsequent meeting of the Board, Members expressed some concerns in relation to the suitability of the premises for children and young persons and continued consideration of the application to a future meeting to allow works to be undertaken in the premises. Members also agreed to undertake a further inspection of the premises once the modifications had been completed. This they did and the application was granted by the Board and the following specific conditions applied:

“that no alcohol will be sold at events which are aimed at children eg Big Fish, Little Fish, or children’s entertainment, and

That all reasonable steps will be taken to avoid any obvious promotion of alcohol during these events”.

Behind the Wall (On and Off Sales) – these large town centre premises applied for a number of variations to their licence including to vary the allow access for children and young persons. No objections or representations were received. A site visit was undertaken to assess what was proposed in terms of the licensing objective of protecting children and young persons. At the subsequent meeting of the Board, the application was granted by the Board and the following specific conditions applied:

“Persons aged 18 years and over attending age appropriate ticket evens will be provided with wrist bands to identify them as such and to ensure that no alcohol is purchased by or supplied to young persons

Toddlers/ small children when accessing the soft play area, must be accompanied by a supervising adult who must remain in the dining area adjacent to the soft play area at all times when the toddler(s) or small child(ren) are accessing it.

Food and drink orders from unaccompanied children and young persons will be exclusively table service”.

Star Inn (On and off Sales) – these premises were the subject of a premises licence review earlier in 2019 details of which are in paragraph 7 of this report. No objections or representations were made to the application. The application was granted by the Board and the specific condition applied to the licence at the review hearing was amended to:

“There must be no live amplified music except on Fridays and Saturdays until 10.30 pm and on Sundays until 7.30 pm between 19 December 2019 and 23 June 2020”.

189 Bar (On and Off Sales) - these premises sought a number of variations to their licence including to vary the allow access for children and young persons and to commence the sale of alcohol on a Sunday morning from 9am. The sale of alcohol commenced at 9am on a Saturday morning these hours being granted during the transition from the Licensing (Scotland) Act 1976. The premises frequently host football supports buses travelling from the north of Scotland to matches in Glasgow. Police Scotland lodged a representation to the application. A site visit was undertaken by the Board. After discussion at the Board meeting, the applicant agreed to amend their application for the hours on a Sunday morning to commence at 10am. The application was granted and the following specific condition was put on the licence:

“meals will be available to patrons at weekends from the start of the on sales core hours”.

Keystore, Shieldhill (Off Sales) - these premises sought the addition of home deliveries of alcohol to their licence. No objections or representations were received. The application was granted by the Board and the following specific condition was applied:

“All drivers undertaking delivery of alcohol must undergo the 2 hour mandatory training”.

Transfers of Premises Licences

29 applications to transfer premises licences were received during the period 2019/20. All were granted under delegated powers.

Occasional Licences

As detailed in paragraph 4.3, the Board considered 4 applications for an **occasional licence** during this period. Objections had been to 3 of them from local residents and the fourth was outwith policy. All the applications were granted as follows:

Brian Clark Memorial Hall, Camelton – this application was for a darts competition. The Board granted the licence and the applicant’s agent gave an undertaking that

there would be no live or recorded music played during the event to address the objectors concerns about noise nuisance.

The Parsonage – two applications were submitted for wedding receptions. The Board granted both licences with an additional condition aimed to address the objectors concerns in relation to noise nuisance, this being:

“The doors of the marquee would remain closed for the duration of the occasional licence”

Furthermore, the Board asked the applicant to give the following undertakings to address the objectors concerns about noise and the safety of guests leaving the premises:

“that additional external lighting would be installed at the entrance to the driveway of the premises,

To check the noise limiter currently in use to ensure that it's in good working order, and
to review the current policies in relation to noise control measures and to liaise with Falkirk Council's Noise team in relation to addressing recent noise complaints”.

North Broomage Social Club - this application was for the annual Hogmanay dance. The premises are a members club and therefore requires to apply for an occasional licence when it's functions are open to non-members as in this case. The hours sought were outwith policy and therefore the application had to be determined by the Board. The application was granted with no additional conditions or undertakings.

The table below shows the analysis of the types of applicant for occasional licences that were granted (by the Board or under delegated powers) during the period 2019/20.

Applicant Type	Number
Club	74
Premises Licenceholder	75
Personal Licenceholder	261
Voluntary Organisation	54

Appendix 2 gives details of these applications by type of applicant, venue and event.

The following table details the venues for which the most occasional licences were applied for:

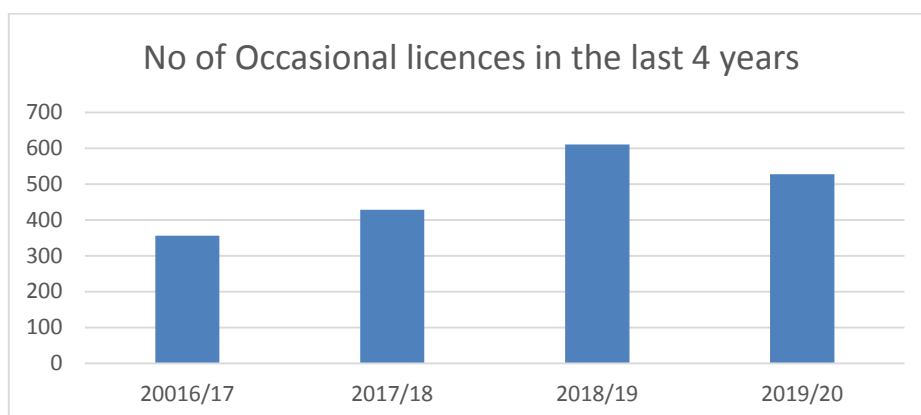
Venue	No Of Occasional Licences Applied for
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Brian Clark Memorial Hall	57
The Parsonage	41
Dobbie Hall	38
Camelon Juniors Pavilion	27
Champany Inn & Cellars*	26
Grangemouth Town Hall	22
Bo'ness United FC Cabin	20

(*denotes Premises Licence being applied for)

All other premises used for an event covered by an occasional licence had fewer than 20 granted during this period. There were 70 different venues across the area and the types of events included birthday parties, wedding receptions, match day hospitality, Burns Suppers, harness racing and the Scottish performance show.

The number of occasional licence applications continues to be high, unfortunately the revenue for this workstream is inversely proportional to the number of applications. It is hoped that the conclusion of the review of licensing fees by the Scottish Government will be concluded during the next financial year to address this anomaly.



Extended Hours Applications

The Board determined 3 applications for extended hours; 2 of which related to the Festive Period:

Grangemouth Rugby Club - the premises sought additional hours from 9am to 11am to allow alcohol to be sold whilst members watched the semifinals and final of the Rugby World Cup. The premises core hours commence at 11am. The application was granted with an undertaking that breakfast would be provided during the extended hours.

Behind the Wall – the premises sought additional hours from 12 midnight to 1am on a Sunday and a Monday during the Festive Period. The Board had not granted a general extension of hours on either of these dates so the hours applied for were outwith policy. The events taking place on these evenings were a festive live music night (Sunday) and festive dine, dance and DJ (Monday). The application was granted on a division for both events.

City Nightclub - the premises sought additional hours from 2am to 3am on three evenings during the Festive Period. The Board had not granted a general extension of hours on either of these dates so the hours applied for were outwith policy. The events taking place on these evenings were a festive party night (private event) and festive trading on two Sundays. The application was granted on a division for all three events with one being on a division.

There has been a huge decrease in the number of this type of application determined by the Board since the change of policy in relation to festive trading first introduced in the Supplementary Statement of Licensing Policy approved by the Board in June 2018 which was incorporated into the new Statement of Licensing Policy approved by the Board in December 2018.

New Personal Licences

On the 31 March 2020, 1278 personal licence were in force. A total of 362 applications for new personal licences were received, 357 of which were granted under delegated powers.

In the course of Board business, applications for **Personal Licences** are also heard where a notice of conviction(s) and a recommendation for refusal has been submitted by the Chief Constable. During this period, there were 5 such applications. The Chief Constable submitted objections on the grounds that the applicants had been convicted of relevant offence(s). The Board granted 4 of the applications following a hearing in which the circumstances of the convictions were explored within the context of the licensing objectives. The other application was refused by the Board on the grounds that the applicant was not a fit and proper person to be the holder of such a licence having regard to the licensing objectives with particular reference to those of preventing crime and disorder and preventing public nuisance.

Renewal of Personal Licences

The Board also determined an application for the renewal of a personal licence where the Chief Constable had submitted a notice of conviction(s). There was no recommendation for refusal. The applicant had failed to notify the Board of his conviction during the tenure of his licence as required by the Act and also failed to declare it on his application to renew his licence. The Board, after hearing from the representative of the Chief Constable and the Licensing Standard Officer, granted the licence.

Personal Licence Revocations

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.

81 personal licences were revoked during 2019/20, the revocations all being as a result of licenceholders failing to comply with the requirements of mandatory refresher training.

5. Licensing Board Training

- 5.1 As stated at the beginning of this report, during this period the Licensing Board comprises 8 members who were elected in the local elections in May 2017. 5 members have served previously on the Licensing Board, although 1 subsequently resigned and was replaced by a new member. As required by the Act, all members received training, provided by from Alcohol Focus Scotland, and passed the exam.
- 5.2 The Board recognises the need for continuous development of understanding and awareness of licensing law and practices, as well as wider issues. This is essential to making informed licensing decisions. With this in mind, Board members are asked to undertake on-line training in relation to equality legislation and data protection and information security and are regularly updated by officers and partners in relation to changes in legislation and other relevant matters.

6. Licensing Forum

- 6.1 The role of Licensing Forum is to keep under review the operation of the Licensing Act in the Falkirk area and to give advice and make recommendations to the Board in relation to those matters as the Forum considers appropriate. The Forum is the community's voice on alcohol licensing issues and the Board welcomes the views that all the members bring.
- 6.2 The composition of the Forum is statutory and whilst it has always attracted nominations from members of the trade and the public, there has been little interest shown by young persons and there has previously been no young person on the Forum. As reported previously, the Board was pleased to see that a member of the Scottish Youth Parliament is a member of the current Forum. Unfortunately, during 2019/20, the representative has not attended any of the meetings.
- 6.3 There are currently 18 members of the Forum which is an increase of 3 from the previous Forum.
- 6.4 Information on the role of the Forum is available to the public on the Falkirk website:

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

Information on the dates, times and venue of their meetings can be accessed via the above link. The Falkirk Licensing Forum meets quarterly and up to now has always been held at the council headquarters in Falkirk alternating meeting times between the afternoon and evening. As reported previously, discussions had taken place in

relation to holding the meetings in venues across the area to raise the profile of the Forum, however, this still has not yet to be actioned.

- 6.5 The attendance at Forum meetings has improved slightly with just 2 of the 5 meetings held during 2019/20 have been inquorate. Since the last recruitment of Forum members in 2017, 5 members have resigned. Following these resignations it has become increasingly difficult for meeting of the Forum to be quorate. The quorum is one half of the membership. The Forum requested that consideration be given to reducing its membership from 18 to 14 members; and to recruit a person who has an interest and experience in education . This will be actioned during 2020/21.
- 6.6 Although not a member of the Forum, the manager of the Licensing Team attends the meetings to advise the Forum of any emerging issues in the area, changes in legislation, consultations etc. Board members are also invited to attend.
- 6.7 The Act states that the Licensing Board and Licensing Forum must meet annually, although there is nothing stopping them from meeting more often. A joint meeting was held on 2 May 2019 and the minute is attached as Appendix 3. A further joint meeting was due to be held on 25 March 2020, however this was cancelled due to the coronavirus pandemic. This has been rescheduled for 29 October 2020 and the minute of that meeting will be an appendix to the Statutory Functions Report 2020/21.

7. Reviews

Premises Licence Reviews

- 7.1 Any person may apply to the Licensing Board for a review of a premises licence. Grounds for review are that one or more of the conditions on the licence have been breached or for any other ground relevant to the licensing objectives. Where an application for a review is submitted, a hearing must be held. The majority of such applications have previously been submitted by Police Scotland with other applications received from the Licensing Standards Officer, the Border Agency and local residents.
- 7.2 During the period 1st April 2019 to 31st March 2020 there were 2 premises licence reviews brought before the Board. The first was submitted by the Chief Constable for the Costcutter Store in Grangemouth and related to the sale of alcohol outwith licensed hours. The Board was satisfied, having heard submissions from all parties, that grounds for review were established relevant to the licensing objectives of preventing crime and disorder, preventing public nuisance and protecting and improving public health. The Board agreed to suspend the premises licence for a period of 12 weeks. In addition, the Board made a finding in terms of section 84 of the Act in relation to the personal licence of the premises licenceholder and Designated Premises Manager, being the same person and his personal licence was endorsed. The Board considered his conduct was inconsistent with the licensing objectives.
- 7.3 The second request for review was submitted by the neighbour of a licensed premises that operated as a public house in relation to frequent noise nuisance

from the premises. After hearing from the parties, the Board found that grounds for review had been established relative to the licensing objective of preventing public nuisance. The Board agreed to make a variation to the premises licence which it considered necessary or appropriate for the purposes of the aforementioned licensing objective. The variation was to add a condition to the licence as follows:

“No live amplified music will be permitted except between 5pm and 8pm on Fridays and Saturdays between 21 August 2019 and 18 December 2019”.

In addition, the Board did not make a finding under Section 84 of the Licensing (Scotland) Act 2005 in relation to the personal licence held by the Designated Premises Manager of the premises.

Personal Licence Reviews - Notification of Conviction

- 7.4 During 2019/20, the Board considered 2 personal licences where it had been made aware of relevant convictions. In both cases, it was the Chief Constable that made the Board aware. Hearings were held and the decisions of the Board were as follows:

Nature of Conviction	Disposal
Sexual Offences (Scotland) Act 2009 (Rape)	Revoked
Licensing (Scotland) Act 2005 Section 63(1)	No further action*

* it should be noted that the personal licence had previously been endorsed by the Board in relation to the same matter.

8. Conclusion

- 8.1 As can be seen from the information in this report, this has been another busy and challenging year for the Board. The Board members have continued to work well together making all decisions in a transparent and collegiate manner under the guidance of the Clerk to the Board and the new Convener and new Depute Convener. The end of this period saw the emergence of the covid-19 pandemic which will impact on the work of the Board and the licensed trade in the months to come.

Liquor Licensing Statistics for Year 2019-20 (Period 01/04/2019 to 31/03/2020)

Local Authority - Falkirk	
Premises Licence Statistics	
Licences in Force on 31 March 2020 (this should equal total of a+b+c)	338.00
(a) on license only	117.00
(b) off license only	132.00
(c) both	89.00
Applications received during 2019-20	
(a) on sale	2.00
(b) off sale	5.00
(c) both	3.00
Applications refused during 2019-20 under section 23	0.00
Applications granted during 2019-20 under section 23	7.00
Applications for review of premises licence during 2019-20 under S36 & S37 resulting in:-	
(a) written warning	0.00
(b) variation	1.00
(c) suspension	1.00
(d) revocation	0.00
(e) no action	0.00
Occasional Licence Statistics	
Number of Occasional Licences granted during 2019-20	528.00
Personal Licence Statistics	
Personal Licences in Force on 31 March 2020	1278.00
Applications during 2019-20 under section 72:-	
(a) refused	1.00
(b) granted	361.00
Proceedings taken during 2019-20 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0.00
(b) suspension	0.00
(c) revocation	1.00
(d) no action	0.00
Proceedings taken during 2019-20 under section 84 (conduct inconsistent with licensing objectives) resulting in:-	
(a) endorsement	1.00
(b) suspension	0.00
(c) revocation	0.00
(d) no action	0.00
Proceedings during 2019-20 under section 86 (multiple endorsements) resulting in:-	
(a) endorsement	0.00
(b) suspension	0.00
(c) revocation	0.00
(d) no action	0.00
Revocations of personal licences during 2019-20 under section 87(3) (failure to provide evidence of having undertaken refresher training)	81.00
Staff employed at 31 March 2020	
Number (full-time equivalent) of licensing standards officers employed	2.00

Occasional Licences Granted by type of Applicant:

Applicant Details	Venue	Reason
MEMBERS CLUBS		
Adrian Bowling Club	Adrian Bowling Club	csa quiz night
Adrian Bowling Club	adrian bowling Club	Race night for Gairdoch boys fc
Allandale Bowling Club	Allandale Bowling Club	Sportsman's Brunch
Allandale Bowling Club	Allandale Bowling Club	Try Bowls Open Day
Bainsford Bowling Club	Bainsford Bowling Club	Silver Wedding
Bainsford Bowling Club	Bainsford Bowling Club	25th birthday
Bainsford Bowling Club	Bainsford Bowling Club	wedding reception
Bainsford Bowling Club	Bainsford Bowling Club	40th birthday party
Bainsford Bowling Club	Bainsford Bowling Club	30th birthday party
Bainsford Bowling Club	Bainsford Bowling Club	60th birthday
Bainsford Bowling Club	Bainsford Bowling Club	30th Birthday Party
Bainsford Bowling Club	Bainsford Bowling Club	21st Birthday Party
Bainsford Bowling Club	Bainsford Bowling Club	
Bainsford Bowling Club	Bainsford Bowling Club	40th Birthday Party
Bainsford Bowling Club	Bainsford Bowling Club	Fundraiser
Bainsford Bowling Club	Bainsford Bowling Club	30th birthday party
Blackness Boat Club	Blackness Boat Club	Hospitality for Linlithgow Marches
Bo'ness Chemical Workers	Bo'ness Chemical worker	40th Birthday Party
Bonnybridge Bowling Club	Bonnybridge Bowling Club	Retirement Party
Bonnybridge Bowling Club	Bonnybridge Bowling Club	60th Birthday Party
Bonnybridge Bowling Club	Bonnybridge Bowling Club	Wedding Celebration
Bonnybridge Bowling Club	Bonnybridge Bowling Club	50th birthday party
Bonnybridge Bowling Club	Bonnybridge Bowling Club	St andrews Night
Burnhead Bowling Club	Burnhead Bowling Club	Family Reunion
Burnhead Bowling Club	Burnhead Bowling Club	Retirement/ 65th Birthday Party
Douglas Lodge	Douglas Lodge	80th Birthday party

Douglas Lodge	Douglas Lodge	Wedding Party
Douglas Lodge	Douglas Lodge	30th birthday party
Douglas Lodge	Douglas Lodge	Bo'ness Fair Day
Falkirk Indoor Bowling Club	Falkirk Indoor Bowling Club	tri nations bowls
Falkirk Rugby Club	Grangemouth Town hall	sportsmans dinner
Falkirk Rugby Club	Falkirk Rugby Club	Annual Beer Festival
Falkirk Rugby Club	Falkirk Rugby Club	Annual Lycan Motor Bikers Rally
Grangemouth Bowling Club	Grangemouth Bowling	Funeral Tea
Grangemouth Bowling Club	Grangemouth Bowling Club	50th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	Gala Day Party
Grangemouth Railway Club	Grangemouth railway Club	30th birthday party
Grangemouth Railway Club	Grangemouth railway Club	Retirement doo
Grangemouth Railway Club	Grangemouth railway Club	St andrews Night
Grangemouth Railway Club	Grangemouth railway Club	xmas super
Grangemouth Railway Club	Grangemouth Railway Club	Valentines Dance
Grangemouth Rugby Club	Grangemouth Rugby Club	Wedding Party
Grangemouth Rugby Club	Grangemouth Rugby Club	Hen Party
Kinneil Bowling Club	Kinneil Bowling Club	Fundraising Event
Kinneil Bowling Club	Kinneil Bowling Club	Fundraising Event
Lodge Dolphin Masonic Club	Lodge Dolphin	Charity fundraiser for Strathcarron
Lodge Dolphin Masonic Club	Lodge Dolphin	Charity Dance
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic Club	Physic Night
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic Club	Engagement Party
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic Club	Charity dance
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic Club	21st birthday party
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic	Graduation Party
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic	21st Family Party
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic	Charity Night
Lodge Dolphin Masonic Club	Lodge Dolphin Masonic	Charity Night

Lodge Dolphin Masonic Club	Lodge Dolphin Masonic	50th Family Party
Lodge St John	Lodge st john	burns supper
Lodge Zetland	Grangemouth Town hall	275th Anniversary
North Broomage Social Club	North broomage	Hogmanay Party night
North Broomage Social Club	North broomage Social Club	30th Birthday Party
Polmont Bowling Club	polmont Bowling Club	60th Birthday Party
Polmont Bowling Club	Polmont Bowling Club	50th birthday party
Polmont Bowling Club	Polmont Bowling Club	Charity Cabaret
Polmont Bowling Club	Polmont Bowling Club	Dance
Polmont Bowling Club	Polmont Bowling Club	Dance
Polmont Bowling Club	Polmont Bowling Club	Dinner Dance
Polmont Bowling Club	Polmont Bowling Club	Dinner Dance
Redding & Westquater Unity Club	Redding & Westquater Unity Club	Speakers Night
Slamannan Bowling Club	Slamannan Bowling Club	80th Birthday
Stenhousemuir Cricket Club	Stenhousemuir Cricket Club	Prize Giving Evening
Stenhousemuir Cricket Club	Stenhousemuir Cricket Club	Teacher Summer Break up
Stenhousemuir Cricket Club	Stenhousemuir Cricket Club	Fundraising Event
Stenhousemuir Cricket Club	Stenhousemuir Cricket Club	50th birthday party
Stenhousemuir Cricket Club	Stenhousemuir Cricket Club	christening part

PERSONAL LICENCEHOLDER:

Alan Miller	st francis xavier	wedding anniversary party
Alan Miller	dobbie hall	Dance Show
Alastair Gourlay	Easter greenhill farm	21st birthday
Allan Morrison	Camelon Juniors Pavilion	Hospitality for sponsors
Allan Morrison	Camelon Juniors Pavilion	Hospitality for sponsors
Allan Morrison	Camelon Juniors Pavilion	Hospitality for sponsors
Allan Morrison	Camelon Juniors Pavilion	hospitality for sponsors

Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	match day hospitality
Allan Morrison	Camelon Juniors Pavilion	match day hospitality
Allan Morrison	Camelon Juniors Pavilion	match day hospitality
Allan Morrison	Camelon Juniors Pavilion	match day hospitality
Allan Morrison	Camelon Juniors Pavilion	hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allan Morrison	Camelon Juniors Pavilion	Hospitality
Allison Ross	Falkirk Community Stand	Disco Night
Andrew McKay	Crypt Hall	50th Birthday Party
Andrew McKay	Crypt Hall	60th Birthday Party
Andrew McKay	Crypt Hall	Engagement Party
Andrew McKay	Crypt Hall	25 year dance school party
Andrew McKay	Crypt Hall	60th birthday
Andrew McKay	Crypt Hall	60 birthday party

Andrew McKay	Crypt Hall	70th birthday party
Andrew McKay	Crypt Hall	60th Birthday Party
Andrew McKay	Crypt Hall	Fundraising Event
Andrew McKay	Crypt Hall	P.T.A. Fundraising Family Nite
Arlene Hunter	Shieldhill Welfare Hall	Fundraising Event
Cam Mccann	Maggies Forth Valley Hospital	Christmas-themed table - Gin tasting and off sales
Camelon Labour Party	Marquee	hospitality for Funeral Tea
Christopher Mullin	Falkirk High street	Falkirk Farmers market
Christopher Mullin	Falkirk High street	Falkirk Farmers market
Christopher Mullin	Falkirk High street	Falkirk Farmers market
Christopher Mullin	Falkirk High street	Falkirk Farmers market
Christopher Veitch	Bo'ness United Football Club cabin	hospitality
Christopher Veitch	Bo'ness united	hospitality
Christopher Veitch	Bo'ness United Football Club cabin	Hospitality
Christopher Veitch	Bo'ness United Football Club cabin	hospitality for supporters
Christopher Veitch	Bo'ness United Football Club cabin	hospitality for supporters
Christopher Veitch	Bo'ness United Football Club cabin	hospitality for supporters
Christopher Veitch	Bo'ness United Football Club cabin	hospitality for supporters
Claire Louise Gosling	Bowhouse Community Hall	Football Club awards
Colin Lockhart-Fleming	Kinneil Grounds	Scottish Performance show
Daughters of the Reformation	Thornhill Community Hall	Fundraising Event
Dawn Hogg	Laurieston Community Centre	Fundraising Disco
Dawn Hogg	Lauriston Community centre	Fundraising Event
Dawn Hogg	Laurieston Communtiy Centre	Fundraising Disco
Dawn Hogg	Bo'ness Town Hall	Wedding and reception
Dawn Hogg	Thornhill Community Hall	Fundraising Event
Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol
Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol
Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol

Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol
Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol
Elizabeth Anne Davidson	Champany Inn & Cellars	Sale of alcohol
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of Alcohol for on & Off
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of Alcohol for on & Off
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of Alcohol for on & Off
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	on sale and off sale
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of alcohol for consumption for on & off the premises
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of alcohol for consumption for on & off the premises
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of alcohol for consumption for on & off the premises
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of alcohol for consumption for on & off the premises
Elizabeth Anne Davidson	Champany Inn & Cellars	The sale of alcohol for consumption for on & off the premises
Elizabeth Anne Davidson	Champany Inn & Cellars	on & off sales
Elizabeth Anne Davidson	Champany Inn & Cellars	on & off sales
Elizabeth Anne Davidson	Champany Inn & Cellars	on & off sales
Elizabeth Anne Davidson	Champany Inn & Cellars	on & off sales
Elizabeth Anne Davidson	Champany Inn & Cellars	on & off sales
Evelyn Mary Williams	Grangemouth Town hall	Muay thai + kickboxing event
Evelyn Mary Williams	Grangemouth Town hall	Muay Thia
Evelyn Mary Williams	Grangemouth Town hall	Muay Thia
Fiona Gordon	Dobbie Hall	Anniversary Dance
Gabriele Panozzo	The Wooer	The sale of alcohol for consumption for on & off the premises
Gabriele Panozzo	The Wooer	The sale of alcohol for consumption for on & off the premises

Gabriele Panozzo	The Wooer	The sale of alcohol for consumption for on & off the premises
Gabriele Panozzo	The Wooer	on and off sales
Gabriele Panozzo	The Wooer	on and off sales
Gabriele Panozzo	The Wooer	on and off sales
Gabriele Panozzo	The Wooer	vegan restaurant
Gabriele Panozzo	The Wooer	vegan restaurant
Gayle Gannon	Falkirk Community Stadium	Corporate Event
Gaynor Hicking	John Pye & Sons	Collection and purchase of alcohol
Gaynor Hicking	John Pye & Sons	alcohol sales
Gaynor Hicking	John Pye & Sons	alcohol sales
Gaynor Hicking	John Pye & Sons	Collection of on-line sale
Gordon Emslie	Bo'ness United Junior FC Cabin	Hospitality
Gordon Emslie	Bo'ness United Junior FC Cabin	Hospitality
Gordon Emslie	Bo'ness United Junior FC Cabin	Hospitality
Gordon Emslie	Bo'ness United Junior FC Cabin	Hospitality
Graeme Munro	Grangemouth Town hall	National Assoc of Accordion and Fiddle Club
Gregory Martin McMullan	Bowhouse Community Centre	Meal & Dance for Lodge
Greig Sparkes	Havana	cocktail masterclass for open day
Helen Mar Macdonald	The Horse Box	Hospitality for Walkers
Henry McIntosh	The United Club	Matchday Hospitality
Henry McIntosh	The United Club	Matchday Hospitality
Henry McIntosh	The United Club	Matchday Hospitality
Henry McIntosh	The United Club	Matchday Hospitality
Henry McIntosh	The United Club	Matchday Hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality

Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
Henry McIntosh	The United Club	hospitality
James Miller Stewart	The Café at Canada Wood	The sale of alcohol for on and off sale
James Miller Stewart	The Café at Canada Wood	The sale of Alcohol for on & Off sales
James Miller Stewart	The Café at Canada Wood	The sale of Alcohol for on & Off sales
James Miller Stewart	The Café at Canada Wood	The sale of Alcohol for on & Off sales
Jennifer-Jo France	Acoustic Café	music events
Jill tomlinson	The Wilderness	Airth Highland Games
John Hamilton	maggies cancer centre	gin tasting
Joseph Donachie	Dobbie Hall	Awards Night
Joseph Donachie	Dobbie Hall	40th birthday party
Kenneth Maybury	dobbie hall	moTown tribute show
Kenneth Maybury	dobbie hall	mcfleetwood tribute show
Kenneth Maybury	dobbie hall	rod stewart
Kenneth Maybury	dobbie hall	rod stewart
Kenneth Maybury	Grangemouth Town Hall	I love the 90's show
Kenneth Maybury	dobbie hall	Buddy Holly
Kenneth Maybury	dobbie hall	Simple minded
Kenneth Maybury	Grangemouth Town hall	Cliff Richards
Kenneth Maybury	Dobbie Hall	Michael Buble Tribute
Kenneth Maybury	Grangemouth Town Hall	Rod Stewart Tribute
Kenneth Maybury	Dobbie Hall	Gary Barlow Tribute
Kenneth Maybury	Dobbie Hall	80's Disco
Kenneth Maybury	Dobbie Hall	ABBA Tribute
Kenneth Maybury	Dobbie Hall	ABBA Tribute
Kenneth Maybury	Dobbie Hall	Queen Tribute
Kenneth Maybury	Grangemouth Town hall	Elvis Tribute show

Kenneth Maybury	Dobbie Hall	Jersey Boys Tribute Show
Kenneth Maybury	Dobbie Hall	Johnny lee Memphis - Elvis Ceildh band
Kenneth Maybury	Grangemouth Town Hall	Cabaret
Kenneth Maybury	dobbie hall	Angelettes (Ladys of MoTown Show)
Kenneth McHugh	Bo'ness Town Hall	Wedding
Kenneth Mchugh	Grangemouth Town Hall	Dinner
Kenneth Mchugh	Grangemouth Town Hall	Summer ball
Kenneth McHugh	Bo'ness Town Hall	Wedding
Kenneth McHugh	Grangemouth Town Hall	Xmas Party
kenneth McHugh	Bo'ness Town hall	Charity Fundraiser for Forth Valley Disability sports
Kenneth McHugh	Grangemouth Town Hall	Wedding
Kenneth McHugh	Grangemouth Town Hall	Charity night
Kenneth McHugh	Grangemouth Town hall	Jumbo Bingo
Kenneth McHugh	Bo'ness Town Hall	Burlesque Dance Show
Kenneth McHugh	Grangemouth Town hall	Tesco 10 year Anniversary Dance
Kenneth Mchugh	Grangemouth Town Hall	Wedding Reception
Kenneth Mchugh	Grangemouth Town Hall	Fundraising for school trip
Kirsty Ure	Dobbie Hall	Spice Girls Tribute Act
Kirsty Ure	Bo'ness Town Hall	Wedding ceremony/reception
Kirsty Ure	Dobbie Hall	pretty in pink
Kirsty Ure	Dobbie Hall	whisky festival
Kirsty Ure	Dobbie Hall	Live music Concert
Lara Williams	Maggies Forth	Christmas-themed table - Gin tasting and off sales
Laura Tickner	St Francis Xavier Church Hall	Quiz
Laura Tickner	St Francis Xaviers	Post Christening Celebration
Lisa Cadman	Grangemouth Town hall	Camelon juniors FC
Lynne Hunter	Dobbie Hall	Live Music
Martin Revie	Drum of Kinnaird	21st birthday party
Robert Booth	Brian Clark Mem Hall	Darts Comp

Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Darts Comp
Robert Booth	Brian Clark Mem Hall	Orange Order Meeting
Robert Booth	Brian Clark Mem Hall	Orange Lodge Fundraising Event
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	Darts league match
Robert Booth	Brian Clark Mem Hall	House Darts Competition
Robert Booth	Brian Clark Mem Hall	in house darts
Robert Booth	Brian Clark Mem Hall	in house darts
Robert Booth	Brian Clark Mem Hall	dart league match
Robert Booth	Brian Clark Mem Hall	in house darts
Robert Booth	Brian Clark Mem Hall	in house darts
Robert Booth	Brian Clark Mem Hall	Armistice Day Remembrance
Robert Booth	Brian Clark Mem Hall	Darts league match
Robert Booth	Brian Clark Mem Hall	Darts league match
Robert Booth	Brian Clark Mem Hall	Darts league match
Robert Booth	Brian Clark Mem Hall	Fund raising event
Robert Booth	Brian Clark Mem Hall	Ladies section fund raising
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	Darts

Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	Member 50th Birthday/ Burn supper
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	Darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Robert Booth	Brian Clark Mem Hall	darts
Ronald McCambridge	Dobbie Hall	25 Anniversary
Ronald McCambridge	Dobbie Hall	25 Anniversary

Russell Rippin	Bo'ness Town Hall	wedding
Ryan Longmuir	Bo'ness Town Hall	Wedding ceremony/reception
Sharon Snedden	Blossoms @ Torwood Garden Centre	Afternoon Tea & Lunches
Stephen Gauld	St Josephs Church	80th birthday
Stephen Polley	Dobbie Hall	Charity
Susan Frew	Lauriston Community centre	fundraiser
Susan Frew	Lauriston Community centre	fundraising event
Susan Frew	The Thrums	Fundraiser for G/M Orange Lodge
Susan Frew	The Thrums	Fundraiser
Susan Frew	Laurieston Communtiy Centre	Fundraising event for Polmont rangers Supporters Club
Susan Frew	Laurieston Community Centre	Fundraising Event
Susan Frew	Laurieston Community Centre	Fundraising Event
Susan Frew	Laurieston Community Centre	Fundraising for Orange Lodge LOL 187
Susan Penman	Laurieston community	fundraising event
Susan Penman	Laurieston Community	Fundraising Event
Susan Penman	Laurieston Community	Fundraising Event
Thomas Don	Dobbie hall	A Dance By Stirling Campsie ABOD
Vincent Coyle	Westfield farm	harness racing
William Bond	Falkirk High street	Market stall at Falkirk Continental market
William Drummond	The Elphinstone Inn	the sale of alcohol for consumption on the premises
William Drummond	The Elphinstone Inn	the sale of alcohol for consumption on the premises
William Drummond	The Elphinstone Inn	the sale of alcohol for consumption on the premises
PREMISES LICENCEHOLDER:		
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception

[illegible]

Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Airth Castle Hotel	The Parsonage	Wedding ceremony/reception
Bridge inn	St. Josephs	Wedding function
Co-op Group (0005)	Co-op Ronades Road, Carron	The sales of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sales of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sales of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sales of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sales of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sale of alcohol for consumption for off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sale of alcohol for consumption for off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sale of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sale of alcohol for consumption off the premises
Co-op Group (0005)	Co-op Ronades Road, Carron	The sale of alcohol for consumption off the premises
Falkirk community stadium	level 1	Disco Party Night
Falkirk Rugby Club	Falkirk rugby Club	Annual rally LGPAFO
Falkirk Rugby Club	Falkirk rugby Club	Annual rally tartan vandals
Grangemouth Bowling Club	Grangemouth Bowling Club	50th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	30th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	50th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	30th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	30th Birthday Party
Grangemouth Bowling Club	Grangemouth Bowling Club	60th Birthday Party
Grangemouth Golf Club	Grangemouth Golf Club	Invitation Texas Scamble
Grangemouth Golf Club	Grangemouth Golf Club	Invitation 4 Ball Event

Grangemouth Golf Club	Grangemouth Golf Club	Pro's Day Texas Scramble
Grangemouth rugby Club	Grangemouth rugby Club	70th birthday
Grangemouth rugby Club	Grangemouth rugby Club	50th birthday
North Broomage Social Club	North Broomage soc Club	40th birthday party
Polmont Bowling Club	Polmont Bowling Club	Sportsmans dinner
Royal British Legion	Bo'ness Town Hall	Bo'ness Rock & Roll
Stenhousemuir f c	Dobbie hall	Speakers Night
Stenhousemuir FC	Dobbie Hall	Speakers night
Stenhousemuir football Club	Stenhousemuir football ground	Fundday
The Visitor Centre	The Horse Box	Hospitality for Walkers
The Visitor Centre	The Horse Box	Hospitality for Walkers
The Visitor Centre	The Horse Box	Hospitality for Helix Park
VOLUNTARY ORGANISATION:		
Falkirk West SNP	St Francis Xaviers	Celebration of 20 years
Camelon Juniors Football Club	Camelon Juniors Football Club	Hospitality
Bo'ness and Carriden Brass Band	Harrison Hall	Race Night Charity Event
Syngenta Juveniles FC	Grangemouth Town Hall	Fundraising Cabaret Night
Bo'ness childrens fair Festival	Douglas Park	Hospitality for Football Tournament
Gillespies True Blues LOL 231	Shieldhill Welfare Hall	Fundraising Night
Black Brae	Old folk home	Fundraiser
The barony theatre	the barony theatre	Plays
Bo'ness Real Ale Appreciation	Bo'ness Town Hall	real ale festival
Gillespies True Blues LOL 231	Shieldhill Welfare Hall	Fundraising disco
Blackbraes True Blues	Maddiston old Folk home	Fundraising (140 Anniversary
The Barony Theatre	The Barony Theatre	Plays
trinity Church	Trinity church	Falkirk Storytelling festival
syngenta juveniles	Bo'ness Town hall	Sportsmans dinner
Stenhousemuir Community AFC	Dobbie Hall	Sportsmans dinner

pride o the grange volun FB	Dobbie hall	Annual Band Dance
Larbert Amateur Operatic	Dobbie Hall	Jack in the Beanstalk
gillespies true blue lol 231	Shieldhill welfare hall	fundraising disco
the barony theatre	the barony theatre	Step toe and son
the barony theatre	the barony theatre	Christmas Concert
the barony theatre	the barony theatre	Pantomime
the barony theatre	the barony theatre	Everyone
Bo'ness United Junior FC	The United Club	hospitality for spectators
Bo'ness United Junior FC	The United Club	hospitality for spectators
Jonesys Boxing Club	Falkirk High School	Boxing Show
Falkirk SNP	Archibald Russell Centre	Formal adoption John McNally
Gillespie True Blues	Shieldhill Welfare Hall	Race Night
Bo'ness Children Fair	Bo'ness Town Hall	Christmas Party Night
Bo'ness United Junior FC	Bo'ness united jun hosp cabin	Provision of Hospitality
Buzzness	Bo'ness Town centre (Marquee)	Christmas light switch on
Bo'ness United Juniors	Bo'ness united junior fc cabin	hospitality
Bo'ness United Juniors	Bo'ness united junior fc cabin	hospitality
Bo'ness United Juniors	Bo'ness united junior fc cabin	hospitality
Sisters of Gillespies LLoI231	Shieldhill Welfare Hall	Hogmanay Fundraising
snp braes	greenpark community centre	burns supper
Sir William Wallace	shieldhill community hall	burns supper
Bo'ness United Junior FC	Bo'ness United jun Football Club cabin	Hospitality
Bo'ness United Junior FC	Bo'ness United jun Football Club cabin	Hospitality
Bo'ness United Junior FC	Bo'ness United jun Football Club cabin	Hospitality
snp grahamdyke granch	thornhill roads community	burns supper
Gillespies True Blues	Shieldhill Welfare Hall	Fundraiser
Bo'ness united j f c	Bo'ness united j f Cabin	hospitality
Bo'ness united j f c	Bo'ness united j f Cabin	hospitality
Bo'ness& Carriden Brass Band	Bo'ness & Carriden Brass	Quiz Night

Bo'ness Children's Fair	Bo'ness Town Hall	Annual Dance
The Barony Theatre	the Barony Theatre	Silent Film Festival
Larbert amateur operatic society	Dobbie hall	Annual Musical
Campaign for real ale	Dobbie Hall	Larbert Real Ale and Cider Festival
Falkirk Orange & Purple	Bainsford community hall	Fundraising Event
Laurieston School PTA	Old Folks Welfare Hall	Fundraising Afternoon Tea with Gin Tasting
SNP Braes Branch	Laurieston Old Peoples Welfare Association hall	Pie, Pint and Politician Night
Gillespie true blues	Shieldhill Welfare Hall	Fundraiser
Gillespie true blues	Shieldhill Welfare Hall	Fundraiser
Grangemouth Rugby Club (0348)	Grangemouth Rugby Club	21st Birthday party

FALKIRK COUNCIL

Minute of Joint Meeting of Falkirk Licensing Board and the Falkirk Local Licensing Forum held in the Municipal Buildings, Falkirk on Thursday 2 May 2019 at 15.30 p.m.

Present: Councillor Lorna Binnie and Allyson Black (Members of Falkirk Licensing Board); Gordon Emslie (Personal Licence Holder-Trade); David Gibson (Social Work) John Hamilton (Personal Licence Holder- Trade); Madelene Hunt (Member of the public); Andrew Kane (Member of the public) Andrew Kane (Member of the public) Michael Kleist (Member of the public) Ian Lovie (Scottish Grocers Federation/ Premises Licence Holder – Trade); Ruth McDonald (Falkirk Alcohol and Drug Partnership-Health), and Sergeant Sanda Treachard (Police Scotland).

Chair: Allyson Black.

Council Officers

Present: Alison Barr, Consumer Protection Manager; Colin Moodie, Chief Governance Officer; Brian Pirie, Democratic Services Manager.

1. Apologies

Apologies were intimated on behalf of Councillor Balfour, Bissett, Coleman and Patrick: Aileen Holliday (NHS Forth Valley – Health), Thomas Ross (LSO) and Mark Stevenson (Personal Licence Holder – Trade).

2. Minute

Minute of Joint meeting between Falkirk Licensing Board and the Falkirk Local Licensing Forum held on 19 February 2018 was approved.

3. Licensing Board Annual Report for 2018

There was submitted Report (circulated) dated 24 April 2019 by the Clerk to the Licensing Board providing (a) an update on legislative changes since the 2017 annual report, (b) outlining the work carried out by the Licensing Board from 1 January to 31 December 2018 in relation to activity under the Licensing (Scotland) Act 2005,

Alison Barr, Consumer Protection Manager summarised the contents of the report and highlighted the following:-

Legislative Update

- Air Weapons & Licensing Act 2015

One amendment had come into force since on 29 June 2018, which related to interested parties (s.59 of the 2015 Act), but there were some provisions relating to alcohol still to come into force.

- Criminal Justice and Licensing (Scotland) Act 2010

There had been changes to the 2005 relating to connected persons and interested parties, and to the increased powers of entry, inspection and seizure by Licensing Standards Officers. These had come into force on 29 June 2018.

- Alcohol (Minimum Pricing) (Scotland) Act 2012

The introduction of the minimum unit price, set at 50p per unit of alcohol was part of part of a package had was aimed at helping to reduce alcohol consumption and related harm. Since 1 May 2018, Licensing Standards Officers had carried out visits to licensed premises to check on compliance. However, to date, no complaints specifically relating to this legislation had been received by the licensing section.

Statement of Licensing Policy

A supplementary Statement of Licensing Policy had been approved by the Licensing Board on 26 June 2018 and related specifically to the festive trading. The supplementary policy shortened the length of the festive trading period and introduced the use of general extension of hours on specific days within the festive period.

She referred to the work undertaken by the Sub-Group on the review of the Statement of Licensing Policy, the consultation undertaken, and responses received. The Licensing Board had approved the new Statement of Licensing Board Policy at its meeting on 19 December 2018.

Overprovision

Preparatory work in relation to the assessment of overprovision had commenced and work on this work stream would continue.

Financial Statement

Alison provided background information on the statutory requirement of the Board to prepare and publish its Statutory Annual Income and Expenditure Report; and to agree the annual fee levels.

The Licensing Board had approved the Annual Fees and Statutory Annual Income and Expenditure Report 2017/18 at its meeting on 26 June 2018 and a copy was attached as Appendix 2 to the report.

Functions Report

Alison referred to the Air Weapons and Licensing Act 2015 which amended the 2005 Act and placed a duty on Boards to prepare an annual functions report. A copy of the Board's first report for 2017/18, which was approved and published at the end of June 2018, was attached as Appendix 3 to the report.

Budgetary Information

Information was provided on how the collection of the 2018 annual retention fee was carried out and to the slight decrease in the annual fee income gathered in 2017. The Licensing Board had agreed that there would be no reduction in the fee level from the maximum prescribed, which had been the case since the introduction of the 2005 Act. These had been approved at the Licensing Board meeting on 26 June 2018. Details of these were set out in Appendix 2 to the report.

Licences - 2018

Alison advised that there were currently 359 premises licences, and 1,423 personal licences. Two new premises licences had been granted, 3 provisional licences had been received, and no premises licences had been refused. Of the 23 non-minor variation applications received in 2018, 22 had been granted in that year, with one being granted early in 2019. Additionally, there had been 36 applications for minor variations, all of which had been granted under delegated powers.

Premises Licence Reviews

Three premises licence review applications had been received, two of which were for the same premise. Details of the outcome and recommendations made by the Licensing Board were set out in the report.

Occasional Licences

There had been an increase of 174 occasional licence applications from the previous year. Details of the application type, venue and event were set out in the report. The cost of these licences was still £10.

Extended Hours

There had been a decrease of 59 extended hours applications, which was due to the implementation of the Supplementary Statement of Licensing Policy – Festive Trading.

Personal Licences

During 2018, 157 personal licence applications had been received, with 2 being referred to the Licensing Board for determination. The Licensing Board had received 3 personal licence reviews with the Licensing Board's disposal for each was detailed in the report.

Behaviour Inconsistent with the Licensing Objectives

In 2018, the Licensing Board dealt with its first case in relation to a personal licence holder behaving in a manner that was inconsistent with the licensing objectives.

Personal Licence Revocations

An amendment by the Air Weapons & Licensing Act 2015, now allows an application to be lodged for a new personal licence by a person whose licence has been revoked, but only applies in specific circumstances.

Renewal of Personal Licences

In line with the 2005 Act, personal licence holders must apply 3 months prior to the date of the expiry of their licences. Personal licences are granted for 10 years and for those granted prior for the commencement of the 2005, the expiry date is 31 August 219.

Alison advised that in September 2018, 399 personal licence holders were contacted advising that the deadline for submitting a renewal application is 31 May 2019.

Decision

The report was noted.

4. Any Other Competent Business

During open discussion, the following issues were raised:-

- the £10 fee for occasional licences does not equate to the work involved in processing the application
- the Scottish Government were due to publish a consultation on the fee level for occasional licences
- occasional licences are being used to operate businesses that have a greater turnover than many licensed premises but do not incur the same stringent checks/regulations
- work was ongoing to ensure that the necessary training for those applying for occasional licences had been carried out
- the need to ensure that appropriate staff training is in place for those employed at events operating under occasional licences
- applicants are advised that the same mandatory conditions apply to both occasional licences and premises licences. If deemed appropriate, additional conditions can also be applied depending on the event/venue/numbers/ages etc
- the importance of intelligence to assist Police Scotland/Licensing Section in ensuring that licence conditions and licensing objectives are being adhered to
- Police Scotland check the list of occasional licences and if they have any concerns, they will visit the event/premise
- the work which took place on producing the new Statement of Licensing Policy
- feedback from the consultation exercise had been included in the finalised Statement of Licensing Policy
- raising awareness of the renewal process for personal licence holders and the timescale for lodging applications
- the premises licence review process and the options and sanctions available to the Licensing Board
- collecting and ensuring that appropriate data to be relied upon considering overprovision can be difficult to obtain
- the difficulties in proving a direct causal link between alcohol related problems and specific licensed premises
- the overprovision statement requires to be robust and able to withstand challenge
- other Licensing Board areas have based their overprovision statement on NHS data linked to health related illness

5. Date of Next Joint Meeting

To be advised.