

District of Stirling Licensing Board Annual
Functions Report

In accordance with Section 9(A) of the
Licensing (Scotland) Act 2005

01/04/2020 - 31/03/2021



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1.0 Introduction

- 1.1 The District of Stirling Licensing Board (“the Board”) is the licensing authority for the local government area of Stirling Council. The current Board, formed following the local government elections in May 2017, comprises eight members, all of whom are elected members of Stirling Council. This is in accordance with Stirling Council’s Standing Orders (see <https://www.stirling.gov.uk/media/11338/lb-standing-orders-approved-dec2019.pdf>).
- 1.2 Chair of the Licensing Board – Councillor Danny Gibson
Vice Chair of Licensing Board – Councillor Douglas Dodds
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- 1.3 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating the sale of alcohol and for regulating licenced premises and other premises on which alcohol may be sold.
- 1.4 Under the Act, the Board is responsible for considering applications for:
- Premises Licences
 - Provisional Premise Licences
 - Personal Licences
 - Occasional Licences
 - Extended Hours Licences
 - Transfer of Premises Licences
 - Variation of Premises Licences
 - Temporary Licences
- 1.5 A link to the licensing section of Stirling Council’s website can be found here <https://www.stirling.gov.uk/licensing-legal/licenses-permits-permissions/alcohol-licences/>

2.0 Licensing Objectives

- 2.1 The Act specifies five licensing objectives:
- Preventing crime and disorder;
 - Securing public safety;
 - Preventing public nuisance;
 - Protecting and improving public health; and
 - Protecting children and young persons from harm.

- 2.2 The Board must have constant regard to the licensing objectives, alongside its Licensing Policy Statement, when exercising any of its functions, including determining any applications.
- 2.3 The licensing objectives provide a basis for the implementation of the licensing regime and they may be used as a grounds for refusal of an application. Moreover, breaching the licensing objectives may provide grounds for a review of an existing licence. Any conditions attached to a licence may be based on one or more of the licensing objectives.

3.0 Licensing Board Policy Statement

- 3.1 The Board's current Statement of Licensing Policy has been in effect since 1 November 2018.
- 3.2 The Board consistently has regard to its Policy Statement when exercising its functions, and relevant policy and statutory considerations are included in the report prepared for each item heard by the Board.

4.0 Licensing Board Training

- 4.1 As indicated above, the current Licensing Board comprises eight councillors who were elected in May 2017.
- 4.2 The Board recognises the value in the continuous development of the its understanding of licensing law and practices, and the impact this has on improving the Board's decision-making. The Board will endeavour to remain informed and up-to-date with relevant developments in licensing law.

5.0 Annual Functions Report

- 5.1 Under Section 9(A) of the Act, the Board is obliged to produce an annual functions reports no later than three months after the end of the financial year.
- 5.3 The Annual Functions Report must have regard to the licensing objectives and the relevant licensing policy statement. It must also include a summary of the decisions made by the Board over the relevant period, as well as information about the number of licences held under the Act in the Board's area.
- 5.2 During the financial year 1 April 2020 to 31 March 2021, the Board met on six occasions to determine applications — in April, August, September, October and December 2020 and February 2021.

5.3 All applications before the Board were handled in an open and transparent manner and in accordance with licensing legislation and the Board's Policy Statement (Nov 2018 – Nov 2023).

6.0 Licensing Forum

6.1 The Board has a productive relationship with the local Licensing Forum. The Board takes the input and opinions of the Forum into consideration, as evidenced for example in the consultation on the Policy Statement, to which the Forum contributed. In accordance with statute, the Forum meets with the Board once per year.

7.0 Decisions by the Licensing Board

7.1 All applications for premises licences, provisional premises licences and major variations to premises licences were heard by the Board. The Board's decision on each application was based on its individual merits. All such applications presented to the Board were granted. All were found to be compliant with the statutory licensing objectives and consistent with the Board's Policy Statement.

7.2 At its meeting in December 2020, the Board heard an application for a personal licence to which Police Scotland had lodged a representation, with a recommendation for refusal. This application was refused.

7.3 At the same meeting, the Board heard an application for a personal licence in respect of which Police Scotland had lodged a representation but made no recommendation. This application was granted.

7.4 There has been one premises licence review over the relevant period, which resulted in the premises licence being revoked.

7.5 As at the date of this report, there are 1,071 personal licences held under the District of Stirling Licensing Board. There are 393 licenced premises within the Board's area, of which 106 are 'on sales', 113 are 'off sales' and 174 are 'on and off sales'.

7.5 Over the relevant period, applications for a total of 6 provisional premises licences, 2 full premises licences and 13 major variations were determined by the Board.

7.6 Over the relevant period, the Board has received applications for occasional licences which have been determined by officers under delegated authority in accordance with Schedule 1, paragraph 10 of the Act. These applications were therefore not subject to a Licensing Board hearing. Applications for minor variations and transfers, and personal licences in respect of which no representations were received, were also handled in this manner.

7.7 In total, 280 applications were granted under delegated authority: 111 occasional licences, 70 personal licences, 67 minor variations, 31 transfers and 1 confirmation of a provisional premises licence. No applications for extended hours were processed during this period, as licensed premises were closed or opening hours were restricted under the prevailing coronavirus regulations.

8.0 Conclusion

8.1 While the number of applications going before the Board during this period was generally consistent with previous years, there was a significant decrease in the number of applications processed under delegated authority. This was directly attributable to the coronavirus pandemic, with premises closed for extended periods and special events unable to take place.

8.2 When premises were permitted to re-open, the Board and the licensing department have worked constructively with the licensed trade to enable business recovery while ensuring public health and safety through adherence to relevant guidelines. The Board is confident that an overwhelming majority of licenced premises and licence holders within its area uphold the licensing objectives consistently.

8.2 Although the licenced trade in the District of Stirling area is well run and regulated, the Board will strive to ensure in the next financial year that these standards are maintained and improved upon, where possible, and that the licensing objectives and best practice are continuously promoted.