

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: CORPORATE SERVICES COMMITTEE		Subject: LICENSING (SCOTLAND) ACT 2005 - IMPLEMENTATION PROGRESS AND ESTABLISHMENT OF POSTS OF LICENSING STANDARDS OFFICERS
From: HEAD OF LEGAL SERVICES		
Date: 3 AUGUST 2007	Ref: JM/MK	

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to advise members of progress in relation to the implementation of the Licensing (Scotland) Act 2005 and to seek authority to establish Licensing Standards Officers.

2. BACKGROUND

- 2.1. The Licensing (Scotland) Act 2005 makes radical changes to the arrangements for the administration of liquor licensing in Scotland. Through the function of the Licensing Board there will be three categories of licence - (a) Premises, (b) Personal, and (c) Occasional.

3. REPORT

- 3.1. Applications for the new categories of licence will start to be received in February 2008. It is anticipated that the vast majority, if not all, of existing premises (currently 776 in total) - pubs, restaurants, off-sales, hotels, registered clubs etc. - will apply for a new premises licence. It should be particularly noted that Members' Clubs, which have until now fallen under the jurisdiction of the Sheriff Court by way of a Certificate of Registration, will be licensable by the Licensing Board. Under the previous Act (the Licensing (Scotland) Act 1976) licences endured for 3 years with an annual application for regular extension of permitted hours. Under the new Act a premises licence will endure permanently.
- 3.2. It is more of an unknown quantity as to how many individuals will apply for a personal licence which is required to supervise or authorise the sale of alcohol. It can however be reasonably anticipated that each premises will have at least one personal licence holder and in all likelihood a second at a minimum. Personal licences will endure 10 years.
- 3.3. Administration of applications for the different categories of licence will continue to be at the hands of the Licensing Board and members of the Board are presently being trained in the new legislation and procedures.
- 3.4. The 2005 Act makes provision for two quite radical changes to the administration of liquor licensing.

- 3.5. Firstly, there has to be established a Local Licensing Forum. The function of the Local Licensing Forum is to keep under review the operation of the Act in the Forum's area and to give advice and make recommendations to the Licensing Board as the Forum considers appropriate. Members of the Forum will comprise holders of licences, persons having functions relating to health, education and social work, young people and residents within the Forum's area, the Chief Constable and a Licensing Standards Officer. The appointment of members of the North Lanarkshire Forum was agreed at the meeting of the Council held on 28 June 2007. Members of the Forum have now undertaken induction training on the provisions of the 2005 Act and a schedule of meetings is presently being formulated with an inaugural meeting to be held at the end of August 2007.
- 3.6. Secondly, there is an obligation to appoint one or more Licensing Standards Officer. The role of the Licensing Standards Officer will be -
- ❑ to provide information and guidance on the Act to all interested parties including members of the trade;
 - ❑ to liaise with and develop working relationships with stakeholders;
 - ❑ to prepare and deliver appropriate promotional material to raise awareness of their role;
 - ❑ to inspect premises and check compliance with legislation and licence conditions;
 - ❑ to investigate complaints;
 - ❑ to mediate between parties to resolve or prevent complaints; and
 - ❑ to investigate and gather evidence in relation to breaches of operating plans and licence conditions.

This will be an entirely new function and at least one officer has to be in place by 1 September 2009 when the new Act becomes fully operational. Initial assessment indicates that a minimum of three officers will be required to exercise Licensing Standards Officer functions for the North Lanarkshire area.

- 3.7. Draft Regulations recently issued by the Scottish Executive indicate that the Executive anticipate that fees to be levied for applications under the 2005 Act will allow the local authority to meet its whole administration costs under the Act including provision for Licensing Standards Officers. The Regulations propose a range of initial application fees based on rateable value of premises, together with an annual administration fee. Application fees range from £100 (category 1 premises) to £1,000 (category 6 premises). Annual fees range from a maximum of £90 (category 1 premises) to a maximum of £450 (category 6 premises). The fee for a personal licence application is £42. The fee for an occasional licence is £10.
- 3.8. At this early juncture there is some uncertainty as to income streams likely to be generated from each of the three new categories of licence and whether income will be sufficient to meet the whole costs of administration of licensing on a recurring annual basis. Concerns have accordingly been expressed to the Scottish Executive and to COSLA.
- 3.9. There is nevertheless some imperative in making an early commitment to recruit two Licensing Standards Officers in advance of full assessment of income/expenditure considerations. The recruitment of two Licensing Standards Officers now will ensure

that a positive commitment on the part of the authority is established in the minds of both licensees and the public and will also inform and support the function of the Local Licensing Forum. It is accordingly proposed to proceed to recruit two Licensing Standards Officers on salary grade NLC07. The job specification has been discussed with the Head of Human Resources and the post has been fully evaluated. It is intended that proposals for one further Licensing Standards Officer post will be presented to a future meeting of this Committee.

4. CORPORATE/FINANCIAL CONSIDERATIONS

- 4.1. The matters detailed in this report are in line with current statutory responsibilities.

5. RECOMMENDATION

- 5.1. The Committee is asked to note progress in implementation of duties and responsibilities under the Licensing (Scotland) Act 2005.
- 5.2. The Committee is asked to agree to the establishment of three Licensing Standard Officers posts on a phased basis, with immediate recruitment of two posts.
- 5.3. The Committee is asked to remit the report to the Policy & Resources (Human Resources) Committee for its interest.
- 5.4. The Committee is asked to remit the report to the Licensing Board for its interest.



June Murray
Head of Legal Services

(Members seeking further information on the contents of this report are asked to contact Mitch Kerr, Chief Solicitor (District Courts and Licensing), at extension 2371).