

ABERDEEN CITY COUNCIL

LICENSING BOARD DATE: 5 July 2022

CLERK TO THE LICENSING BOARD: Jenni Lawson

TITLE OF REPORT: Aberdeen Licensing Board Annual Functions Report 2021/22

REPORT AUTHOR: Sandy Munro, Solicitor

1. PURPOSE OF REPORT

To invite the Licensing Board (“The Board”) to approve this Annual Functions Report.

2. RECOMMENDATIONS

That the Board:

- (1) approve this Annual Functions Report and;
- (2) authorise the Clerk to the Board to proceed with the publication of this Annual Functions Report.

3. BACKGROUND

3.1 Licensing Boards must produce and publish annual functions reports and annual financial reports. The Boards annual functions report must normally be prepared and published not later than 3 months after the end of each financial year. Amendments made by the Coronavirus (Scotland) Act 2020 extended the 3-month time limit to 9 months.

3.2 This report should contain a statement explaining how the Board has had regard to the licensing objectives, their licensing policy statement, and any supplementary licensing policy statement in the exercise of their functions during the financial year.

4. HOW THE BOARD EXERCISES ITS FUNCTIONS

4.1 The Licensing (Scotland) Act 2005 as amended (“the Act”) sets out regulations for the sale of alcohol and regulations for licensed premises and other premises on which alcohol is sold.

4.2 The Act has five licensing objectives which the Board must have regard to when exercising its functions. These objectives are: -

- (i) Preventing crime and disorder

- (ii) Securing public safety
- (iii) Preventing public nuisance
- (iv) Protecting and improving public health
- (v) Protecting children and young persons from harm

- 4.3 The Board deals with all applications in accordance with the legislation, and in particular the five above objectives, together with its Statement of Licensing Policy which is based on the objectives.
- 4.4 The Board has determined all applications in line with the Statement of Licensing Policy. The Board has routinely applied additional conditions on the operation of outdoor drinking areas to ensure minimum disruption to the surrounding area and a condition that restaurants offering a delivery service can only supply alcohol alongside a food delivery. It has also determined all applications for licensed hours in line with the Statement of Licensing Policy.
- 4.5 In accordance with Scottish Government guidance in light of the unique trading climate in which hospitality premises have found themselves the Board have temporarily disapplied the part of the Statement of Licensing Policy which prohibits a series of Occasional Licence applications in respect of the same premises for a time. This was to facilitate temporary premises or temporary additional areas to existing premises to be operated in order to help mitigate the challenges faced by the on-sales sector of the trade. Such temporary areas or premises were still required to operate in accordance with the remainder of the Statement of Licensing Policy. Now that there are no restrictions on indoor trading operations the full Policy has again been reinstated.
- 4.6 The Board has also worked closely with partner agencies including Police Scotland, NHS Grampian, the local licensing forum and Licensing Standards Officers to ensure the satisfactory operation of licensed premises. As a result, problems can be identified and addressed at an early stage and this reduces the need for Premises Licence Reviews after the fact.
- 4.7 The amount of applications has increased following a return to more normal trading conditions than the previous period. A summary of the Board's position in terms of the statistics which the Board has to provide the Scottish Government is enclosed as Appendix 4.
- 4.8 The increase in the terminal hour for on-sales premises has allowed operators a flexibility that has rendered the need for General Extensions less important. Accordingly, in line with recent years, the Board restricted the issue of General Extensions to the festive period.

5. SUMMARY OF DECISIONS OVER THE LAST FINANCIAL YEAR

- 5.1 A Summary of all decision made by the Licensing Board can be found on the Licensing Board's Website at <https://committees.aberdeencity.gov.uk/ieListMeetings.aspx?CommitteeId=151>

6. THE NUMBER OF LICENCES IN THE BOARDS AREA

6.1 See Appendix 1 – Premises Licences

6.2 See Appendix 2 - Personal Licences

6.3 See Appendix 3 – Occasional Licences