

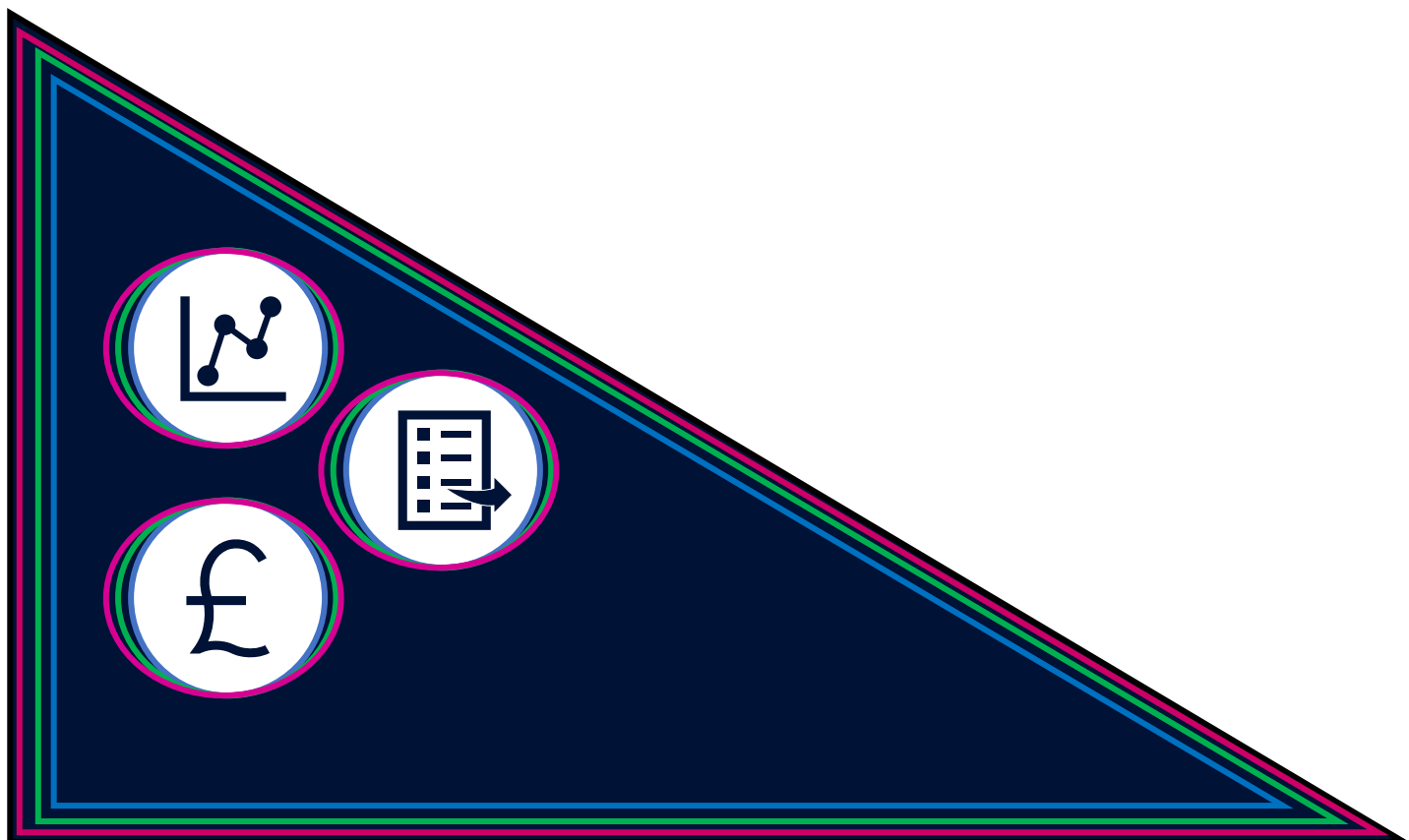
THE ABERDEENSHIRE LICENSING BOARD

Licensing (Scotland) Act 2005

Section 9A: Annual Functions Report

Section 9B: Annual Finance Report

(1st of April 2022 to 31st of March 2023)



If you need information from this document in an alternative language or in a large print, easy read, braille or BSL, please telephone 01467 534517.

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This report also takes into account the following:

LOCAL OUTCOME IMPROVEMENT PLAN PRIORITIES

Connected and Cohesive Communities	
Changing Aberdeenshire's Relationship with Alcohol	
Reducing Child Poverty	
Health & Wellbeing	

EQUALITIES - PROTECTED CHARACTERISTICS

Age	
Disability	
Gender Reassignment	
Pregnancy and Maternity	
Race (Includes: ethnic origin, national origin, colour and nationality)	
Religion or Belief (<i>Includes: a lack of any belief</i>)	
Sex (<i>Gender</i>)	
Sexual Orientation	
Marriage and Civil Partnerships (<i>But only in respect of the duty to consciously consider the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act</i>).	

Contents

INTRODUCTION	6
SECTION 1	7
PART A – Annual Functions Report.....	7
Statutory Duty	7
Reporting Obligations	8
Meeting the Obligations	8
PART B – Annual Finance Report	10
Statutory Duty	10
Reporting Obligations	11
Meeting the Obligations	11
SECTION 2.....	12
The Licensing Objectives	12
Licensing Policy Statement	12
SECTION 3.....	14
Statistical Information.....	14
General.....	14
Licensing Applications & Outcomes – 01/04/22 to 31/03/23.....	15
Reviews and Revocations – 01/04/22 to 31/03/23.....	24
Licences in force at the end of the financial year – 31/03/23	26
Further Information	28
SECTION 4.....	29
What the Licensing Board achieved in 2022-2023	29
Work in terms of the Licensing (Scotland) Act 2005	29
Other Licensing work completed by the Licensing Team during the year alongside work for the Licensing Board	30
Work of the Licensing Administration Team	31
Work of the Licensing Standards Officers	31
SECTION 5.....	32
Goals for 2023-2024.....	32
Statement by the Aberdeenshire Licensing Board	32
SECTION 6.....	33
Financial Information	33
Calculation Statement.....	33
Charts and Trends.....	34
APPENDIX 1	36
Flowchart - Key stakeholders and their functions	36
The Licensing Board	37
Licensing Standards Officers (“LSOs”).....	37

Statutory Consultees.....	37
Licensing Forum	38
The Public.....	39
Licence Fees and Funding	39

INTRODUCTION

The Licensed Trade continues to face challenges in the operation of their business as it recovers from the impact of the Covid-19 pandemic. This report reflects on the work of the Aberdeenshire Licensing Board, and our Licensing Standards Officers, in supporting the trade and our communities wherever practicable. The report continues to build on the good work completed and reported on in previous years.

Following the Local Government Elections in May 2022, a new Licensing Board was appointed for Aberdeenshire, first meeting on 22nd June 2022. The Board appointed Mrs Marion Ewenson as the new Board Convenor and added a new post, appointing Ms Dawn Black as the Board Vice-Convenor.

Over the past year, our Licensing Team has also seen changes, the main positive being the appointment of a new paralegal to the team to assist with the processing of licensing applications.

We have taken steps to ensure that the content of this report is both informative and easy to follow with the use of Plain English, diagrams and useful links throughout.

The format of the Report has changed slightly to provide a summary of the statistics ingathered in a more visual way and to highlight any emerging trends. The statistics themselves are now published in a separate spreadsheet, to be published alongside this Report online.

This document was approved by the Aberdeenshire Licensing Board on [16th August 2023](#).

We hope that you find this report informative and easy to follow.



Marion Ewenson
Convenor



Dawn Black
Vice Convenor

SECTION 1

PART A – Annual Functions Report

Statutory Duty

The Air Weapons and Licensing (Scotland) Act 2015¹ amended the Licensing (Scotland) Act 2005² to place a statutory duty on Licensing Boards to publish an “Annual Functions Report” within 3 months of the end of each financial year.

Section 9A is in the following terms:

9A Annual Functions Report

- (1) Each Licensing Board must prepare and publish a report not later than 3 months after the end of each financial year.
- (2) A report under this section must include –
 - a. A statement explaining how the Board has had regard to –
 - i. The licensing objectives, and
 - ii. The licensing policy statement and any supplementary licensing policy statement (including the Board’s statement under Section 7(1) (duty to assess overprovision)) in the exercise of their function under this Act during the financial year,
 - b. A summary of the decisions made by (or on behalf of) the Board during the financial year, and
 - c. Information about the number of licences held under the Act in the Board’s area (including information about the number of occasional licences issued during the year).
- (3) A report under this section may include such other information about the exercise of the Licensing Board’s functions under this Act as the Board considers appropriate.
- (4) At the request of a Licensing Board the relevant council must provide the Board with such information as the Board may reasonably require for the purpose of preparing a report under this section.
- (5) In discharging their duties under subsection (1) and section 9B(1) (annual finance report) a Licensing Board may, if they consider appropriate, prepare and publish a combined report containing the information required under this section and under section 9B (which combined report must be published not later than 3 months after the end of the financial year in question).
- (6) The Scottish Ministers may by regulations make further provision about reports under this section including, in particular, provisions about –

¹ See: <http://www.legislation.gov.uk/asp/2015/10/contents/enacted>

² See: <https://www.legislation.gov.uk/asp/2005/16/contents>

- a. The form and required content of reports
- b. The publication of reports

(7) In this section “financial year” means a yearly period ending on 31st March.”

Reporting Obligations

The Board therefore has the following key obligations:

- To PUBLISH an Annual Functions Report within 3 months of the end of the relevant financial year.
- To include within the Annual Functions Report:
 - A **STATEMENT** explaining how the Boards have had regard to (a) the licensing objectives and (b) their policy statement in the exercise of their functions.
 - A **SUMMARY** of the decisions taken by each Board over the relevant financial year including decisions by officers under delegated powers.
 - The **NUMBER** of licences held under the Act in the Board’s area, including the number of occasional licences issued during the financial year.
 - **OTHER INFORMATION** as determined to be necessary by the Licensing Board.

Statement by the Board

It is recognised that documents such as the Licensing Policy Statement, are, by their nature, complex legal documents that do not promote transparency beyond key stakeholder groups. The Board welcomes this opportunity as a means to increase accountability and transparency with particular focus on improving engagement with communities in the licensing process.






The Annual Functions Report is compiled with a central focus of explaining the work of the Board to our local communities. The use of plain English shall be promoted, and information will be provided in clear and concise terms wherever possible. Web-links will also be used to direct interested parties to more detailed information.

It is anticipated that the development of the reports will involve a process which will refine the content and approach with each publication.

Meeting the Obligations

The term “function” is used consistently within the Licensing (Scotland) Act 2005 (“The 2005 Act”) to describe the statutory duties to be carried out by relevant bodies. For context, an analytical overview of the current functions carried out by key stakeholders within the licensing system is provided in **APPENDIX 1**.

Key Stakeholders include:

	The Licensing Board
	The Licensing Standards Officers ("LSO's)
	Statutory Consultees
	The Licensing Forum
	The Public

More detailed information relating to the Key Stakeholders can be found at **APPENDIX 1** to this document.

PART B – Annual Finance Report

Statutory Duty

The Air Weapons and Licensing (Scotland) Act 2015 amended the Licensing (Scotland) Act 2005 to place a statutory duty on Licensing Boards to publish an “Annual Finance Report” within 3 months of the end of each financial year.

Section 9B is in the following terms:

9B Annual financial report

- (1) Each Licensing Board must prepare and publish a report not later than 3 months after the end of each financial year.
- (2) A report under this section must include –
 - a. A statement of –
 - i. The amount of relevant income received by the Licensing Board during the financial year, and
 - ii. The amount of relevant expenditure incurred in respect of the Board’s area during the year, and
 - b. An explanation of how the amounts in the statement were calculated.
- (3) For the purposes of subsection (2) –

“Relevant income” in relation to a Licensing Board, means income received by the Board in connection with the exercise of the Board’s functions under or by virtue of –

 - a. This Act, or
 - b. Section 14(1) of the Alcohol etc. (Scotland) Act 2010 (social responsibility levy) in so far as relating to holders of premises licences or occasional licences, and

“Relevant expenditure” in relation to a Licensing Board, means any expenditure –

 - a. Which is attributable to the exercise of the Board’s functions under or by virtue of –
 - i. This Act, or
 - ii. Section 14(1) of the Alcohol etc. (Scotland) Act 2010 (social responsibility levy) in so far as relating to holders of premises licence or occasional licences, and
 - b. which is incurred by –
 - i. the Board
 - ii. the relevant council, or

- iii. The Licensing Standards Officer (or Officers) for the Board's area.
- (4) At the request of a Licensing Board the relevant Council must provide the Board with such information as the Board may reasonably require for the purpose of preparing a report under this section.
- (5) The Scottish Ministers may by regulations make further provision about reports under this section including provision:
 - a. About the form and contents of reports, including, in particular -
 - i. How a statement required under subsection (2) is to be set out, and
 - ii. What constitutes relevant income and relevant expenditure for the purposes of subsection 2, and
 - b. The publication of reports
- (6) Regulations under subsection (5)(a) may modify subsection (3).
- (7) In this section "financial year" means a yearly period ending on 31st March."

Reporting Obligations

The Board therefore had the following key obligations:

- To PUBLISH an annual financial report within 3 months of the end of the relevant financial year.
- To include within the Annual Financial Report:
 - A **STATEMENT** outlining (a) relevant income, (b) relevant expenditure and (c) an explanation of how the amounts in the statement were calculated.

Meeting the Obligations

As outlined under Section 9A (5) of the Licensing (Scotland) Act 2005 a Licensing Board may, if considered appropriate, prepare and publish a combined report containing information relating to the Board's annual Functions Report and their annual Financial report.

The Aberdeenshire Licensing Board has opted to provide a combined report so that all relevant information to comply with the duties of Section 9A and 9B can be found in one location.






The Financial Report is therefore included at **SECTION 6** of this report.

Copies will be provided to the Scottish Government each year after approval of the report by the Board.

SECTION 2

The Licensing Objectives

There are 5 core licensing objectives underpinning the 2005 Act. These are:

	Preventing crime and disorder.
	Securing public safety.
	Preventing public nuisance.
	Protecting and improving public health.
	Protecting children and young persons from harm.

The Licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for a premises, personal or occasional licence.

Breach of the objectives can provide grounds for a request for the review of a premises or personal licence.

Conditions attaching to premises, personal and occasional licences must be based on one or more of the licensing objectives.

Licensing Policy Statement

The Board has a duty under Section 6 of the 2005 Act to publish a Statement of Licensing Policy with respect to the exercise of their functions under the Act.

The Board also has a duty under Section 7 of the 2005 Act to publish to what extent they consider there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the area covered by the Board.

The above Policy Statement must seek to promote the licensing objectives and must comply with the Statutory Guidance for Licensing Authorities published by the Scottish Government in 2007.

The Board's current Licensing Policy Statement can be accessed [here](#)³.

The Aberdeenshire Licensing Board adopted the current Licensing Policy Statement at their meeting on 22nd June 2022.

The Minute of that decision can be accessed [here](#)⁴.

³ See: <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/policy-statements/>

⁴ See: <https://committees.aberdeenshire.gov.uk/committees.aspx?commid=516&meetid=19722>

The Licensing Policy Statement must be reviewed within 18 months of the local government election. This work is well underway, and a revised Statement of Licensing Policy will be in place and published by 1st November 2023.

SECTION 3

Statistical Information



General

The Aberdeenshire Licensing Board covers the whole of Aberdeenshire.

The Board is made up of 10 Members and their details can be found [here](#)⁵.

Meetings of the Licensing Board continue to be virtual via Microsoft Teams.

Public participation is means of accessing either live streams of the meetings or by viewing the recordings of the meetings which are made available on the [Council's YouTube](#)⁶ channel. Hearings have taken place with all participants being given an opportunity to be heard - applicants, consultees and objectors. Public transparency has been maintained throughout.

The Board is satisfied that by livestreaming virtual Board Meetings and publishing recordings of meeting online following Board Meetings, the public have the same access to meetings as they would have had prior to the start of the pandemic and that all Board Meetings are therefore held “in public” in terms of the provisions of paragraph 12(2) of Schedule 1 to the Licensing (Scotland) Act 2005.

The Board has ensured that, where any application requires a hearing at a virtual Board Meeting, applicants, objectors and those making representations can fully participate in the hearing by way of written submissions, Teams' invitation (where possible) or by telephone, and has published protocols and guidance for participation in such meetings so that the Board has, wherever possible, provided a fair hearing for all parties.

In some respects, the virtual Board meetings have ensured that there is greater transparency and those wishing to view can now watch at a time that is convenient for them, with no travel time which is an advantage both economically and sustainably.

The Board meets on a bi-monthly basis unless there is a requirement to hold a special meeting, such as to review a licence or to assist with the development of policy.

Work is underway to enable the Board to hold hybrid meetings moving forward. All face-to-face/hybrid meetings will be held at Woodhill House, Westburn Road, Aberdeen, AB16 5GB.

Details of the Board's meetings can be found [here](#)⁷.

⁵ See: <https://committees.aberdeenshire.gov.uk/committees.aspx?commid=516>

⁶ See: <https://www.youtube.com/watch?v=hmRmnz0Nnqw>

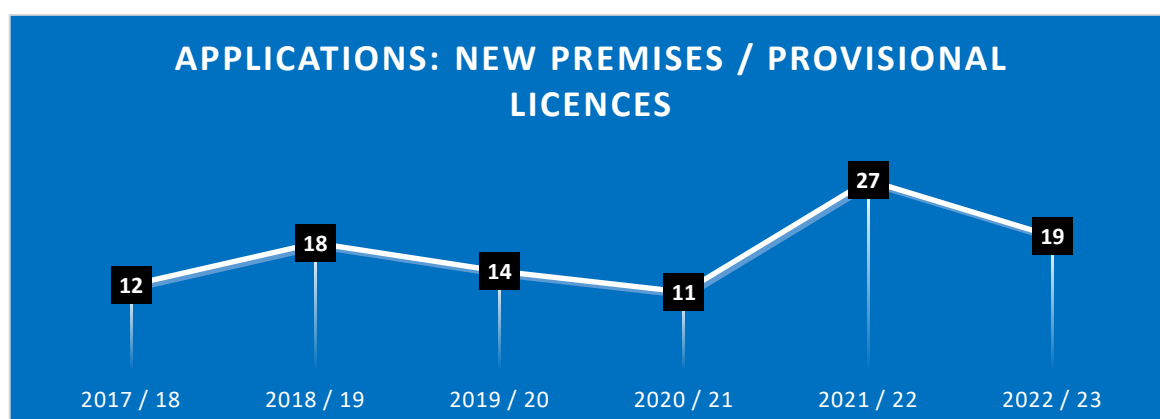
⁷ See: <https://aberdeenshire.moderngov.co.uk/ieListMeetings.aspx?CId=169&Year=0>

Licensing Applications & Outcomes – 01/04/22 to 31/03/23

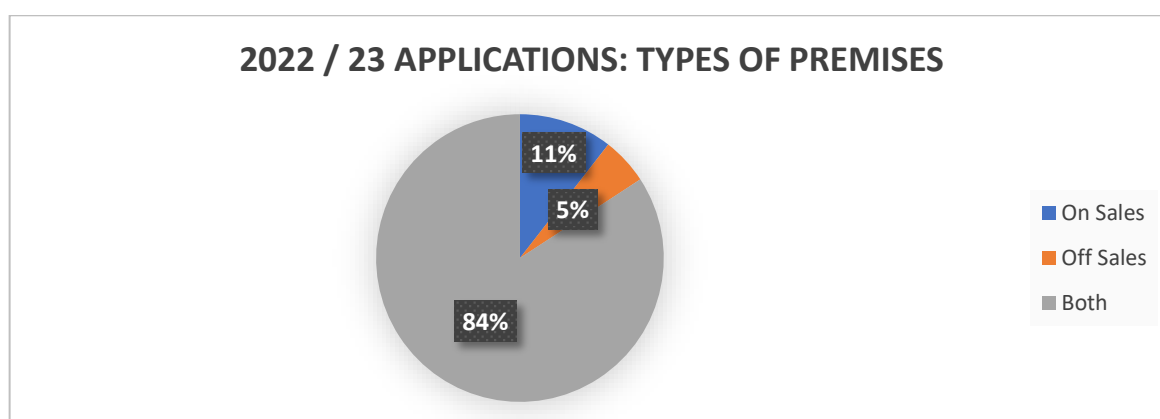
Premises Licences

(a) New Premises / Provisional Licence Applications

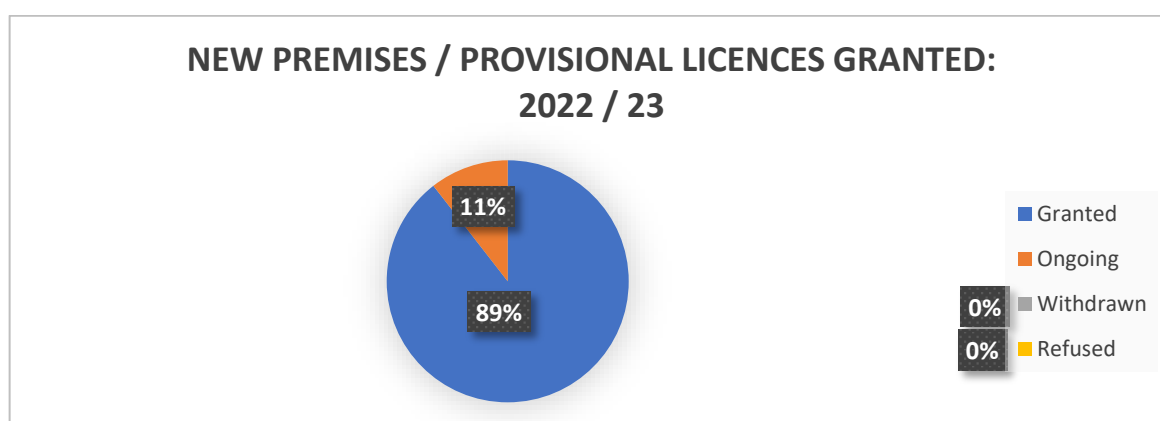
Number of applications:



2022 / 2023 applications broken down as follows:



2022 / 2023 applications granted:




Considerations in terms of the Licensing Objectives:

LO	No applications were refused. 17 were granted with the relevant local conditions attached from the Board's Policy and some with
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	additional Specific conditions in support of the Preventing Public Nuisance and Protecting Children and Young Persons from Harm Licensing Objectives.
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Trends / Comments – 2022 / 23:

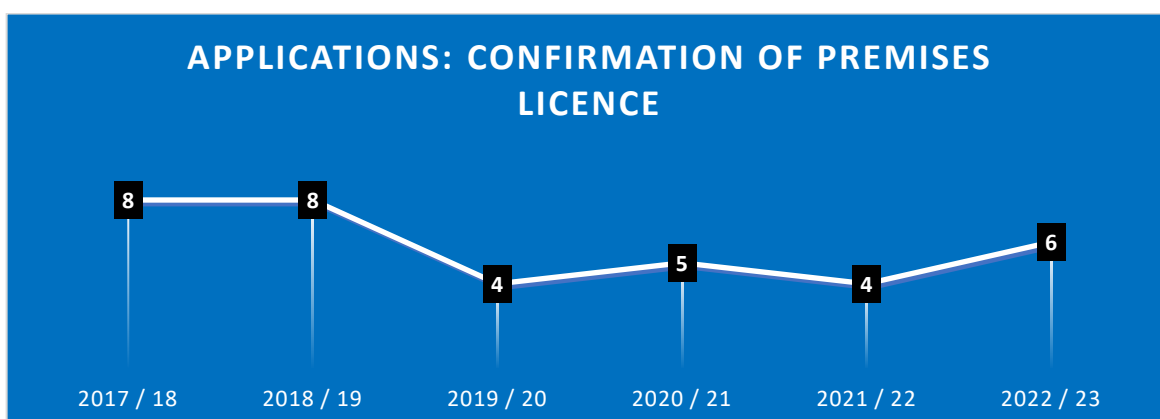
	<p>We have seen a slight reduction in the number of applications for new licences this year. However, applications are proving to be much more complicated to process. More work is required to ensure that applications are competent and meet the requirements of the Board's Statement of Licensing Policy and are taking longer to be determined as a result. 89% of applications granted is an improvement on 78% in 2021/22.</p> <p>Employment of a Paralegal dedicated to processing licence applications has improved our processes and the remaining backlog of premises licence applications was almost cleared during this reporting period. Processing times are improving as a result. It is hoped this will continue into 2023/24.</p>
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(b) Temporary Premises Licence

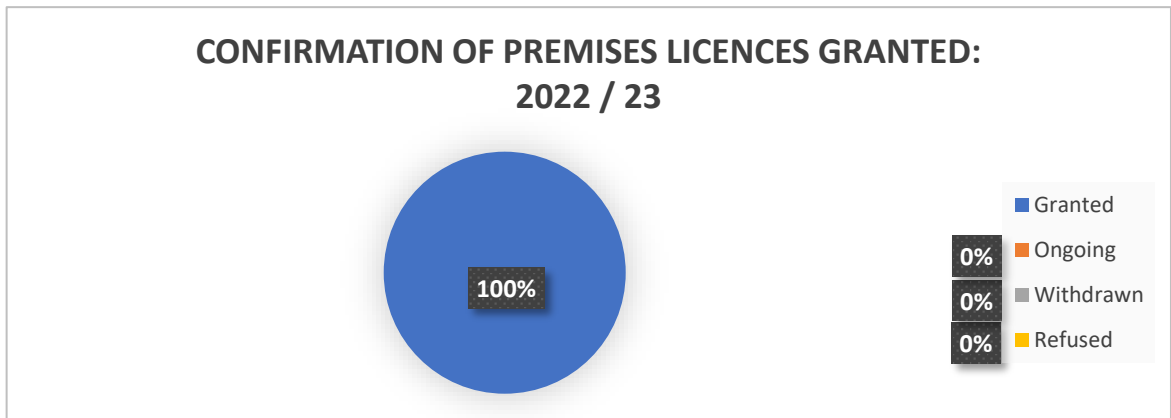
The Aberdeenshire Licensing Board has not received any applications of this type over the last 6 financial years. Advice was sought in relation to a potential application in 2021/22 but no application was made during this reporting period.

(c) Confirmation of Premises Licence

Number of applications:



2022 / 2023 applications granted:



Considerations in terms of the Licensing Objectives:

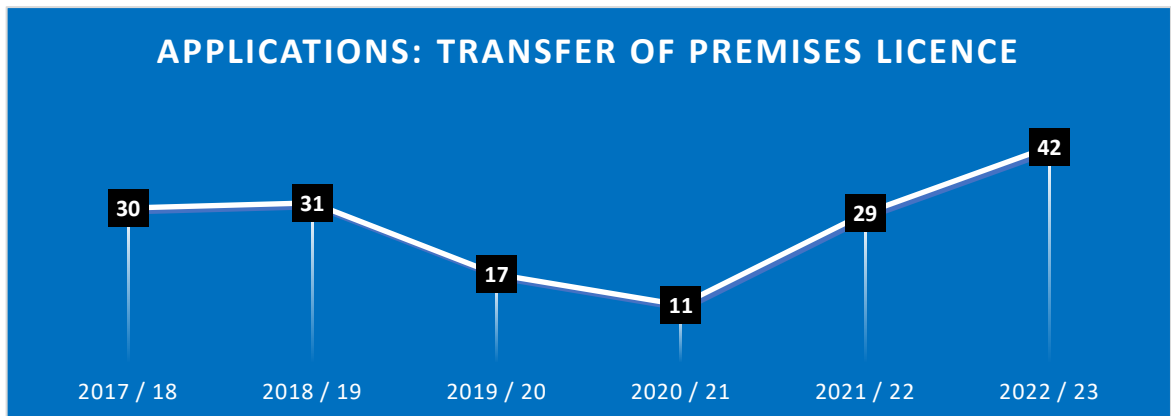
LO	None to report.
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Trends / Comments – 2022 / 23:

	<p>All applications continue to be dealt with at officer level, none being referred to the Board.</p> <p>Processing periods have improved directly related to the employment of new Paralegal.</p>
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(d) Transfer of Premises Licence

Number of applications:



2022 / 2023 applications granted:

TRANSFER OF PREMISES LICENCES GRANTED: 2022 / 23



Considerations in terms of the Licensing Objectives:

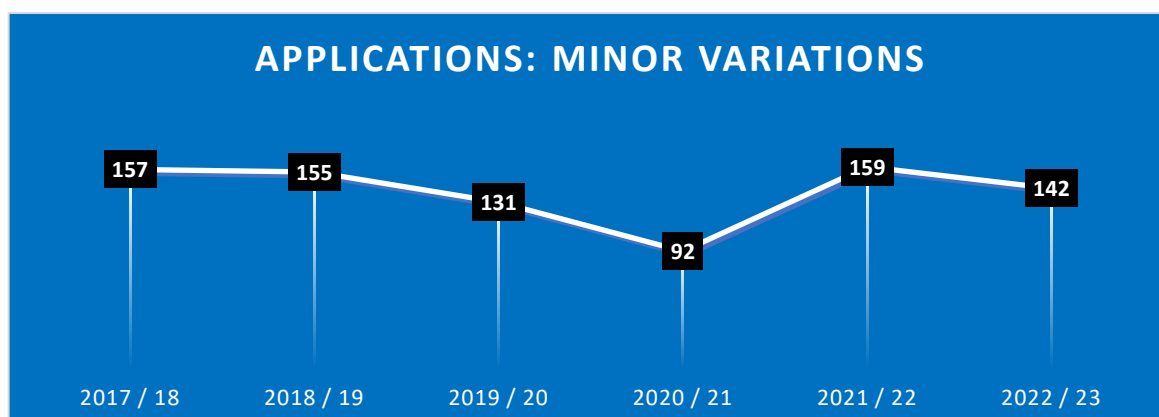
LO	No issues identified.
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Trends / Comments – 2022 / 23:

	<p>We have seen a marked increase in the number of premises changing hands during this reporting period which reflects the continued turbulent nature of the trade as it strives to recover from the Covid pandemic.</p> <p>All applications continue to be dealt with at officer level, none being referred to the Board.</p> <p>Processing periods have improved directly related to the employment of new Paralegal.</p>
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(e) Minor Variations

Number of applications:



2022 / 2023 applications granted:

MINOR VARIATIONS GRANTED: 2022 / 23



Considerations in terms of the Licensing Objectives:

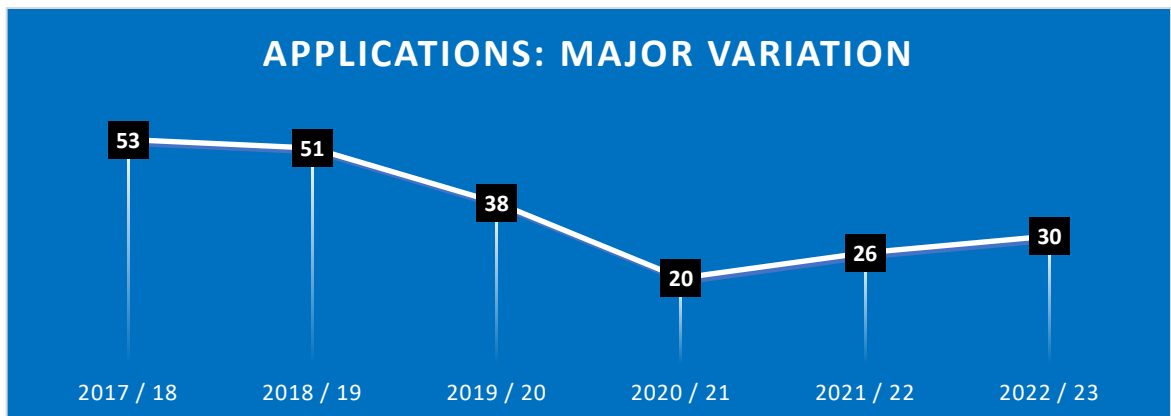
LO	No issues identified.
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Trends / Comments – 2022 / 23:

	The number of applications has dropped slightly during the reporting period.
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(f) Major Variations

Number of applications:



2022 / 2023 applications granted:


MAJOR VARIATIONS GRANTED: 2022 / 23



Considerations in terms of the Licensing Objectives:

<p>LO</p>	<p>29 Applications were classed as “non-contentious” in that they complied with the terms of the Board’s Statement of Licensing Policy and were subject to recommended local conditions and specific conditions relating to the 5 licensing objectives.</p> <p>1 application was granted following a hearing subject to additional specific conditions relating to the Prevention of Public Nuisance and Securing Public Safety licensing objectives.</p> <p>Some of the applications granted were lodged in the financial year 2021/22.</p>
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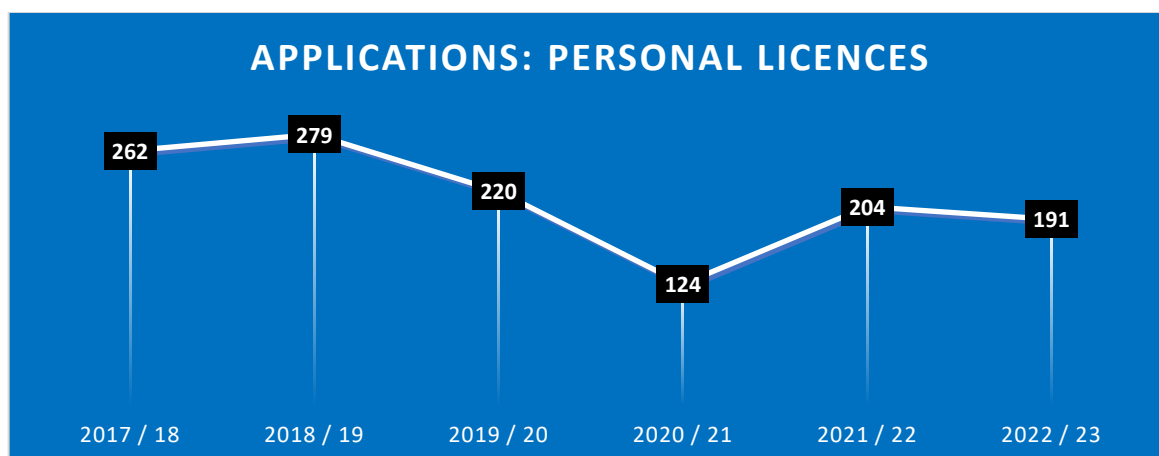
Trends / Comments – 2022 / 23:

	<p>We have seen a slight increase in the number of applications for major variations in this period. However, applications are proving to be much more complicated to process. More work is required to ensure that applications are competent and meet the requirements of the Board’s Statement of Licensing Policy and are taking longer to be determined as a result.</p> <p>Employment of a Paralegal dedicated to processing licence applications has improved our processes and the remaining backlog of major variation applications were almost cleared during this reporting period. Processing times are improving as a result. It is hoped this will continue into 2023/24.</p>
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Personal Licences

(a) Personal Licence Applications

Number of applications:



2022 / 2023 applications granted:

PERSONAL LICENCES GRANTED: 2022 / 23



Considerations in terms of the Licensing Objectives:

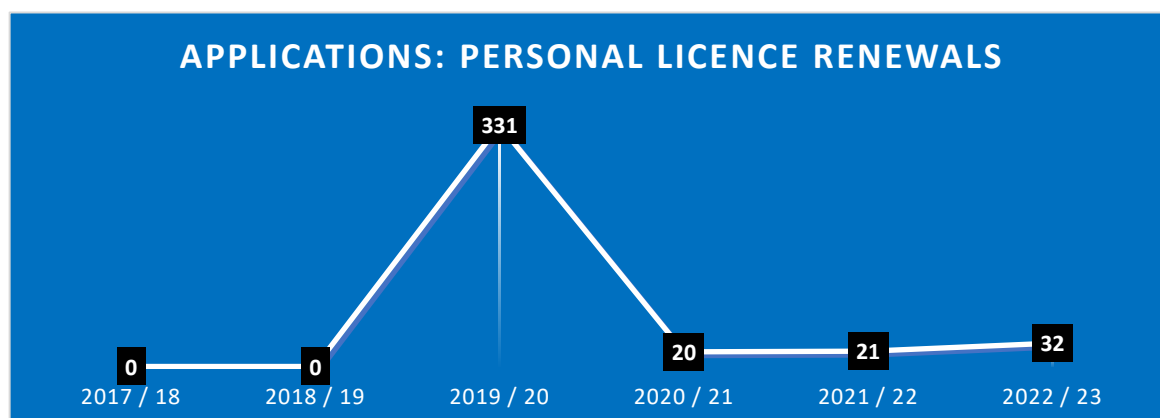
LO	1 application was GRANTED following a hearing at the Board on the basis that there was no evidence before the Board that engaged any of the grounds of refusal for such a licence.
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Trends / Comments – 2022 / 23:

	The majority of applications continue to be dealt with at Officer level.
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(b) Personal Licence Renewal Applications

Number of applications:



2022 / 2023 applications granted:


PERSONAL LICENCE RENEWALS GRANTED: 2022 / 23



Considerations in terms of the Licensing Objectives:

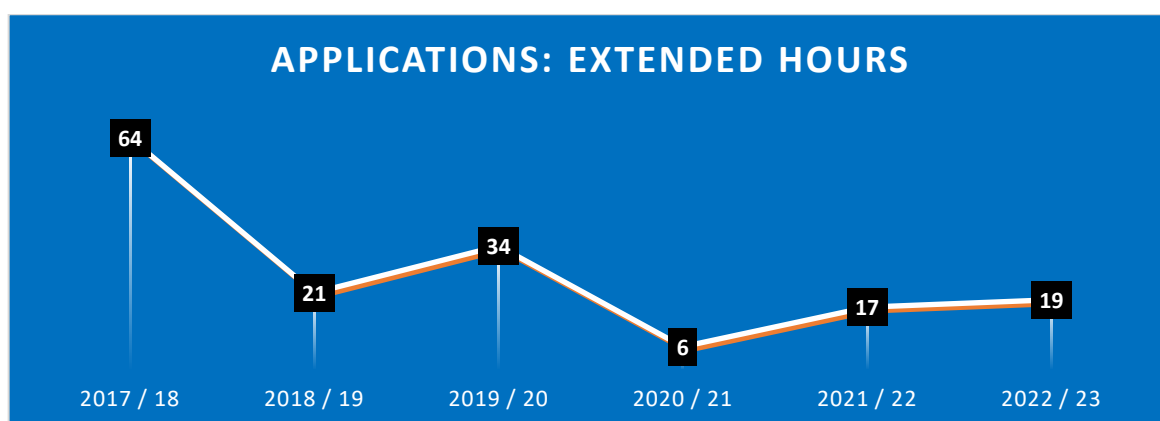
LO	No issues identified
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Trends / Comments – 2022 / 23:

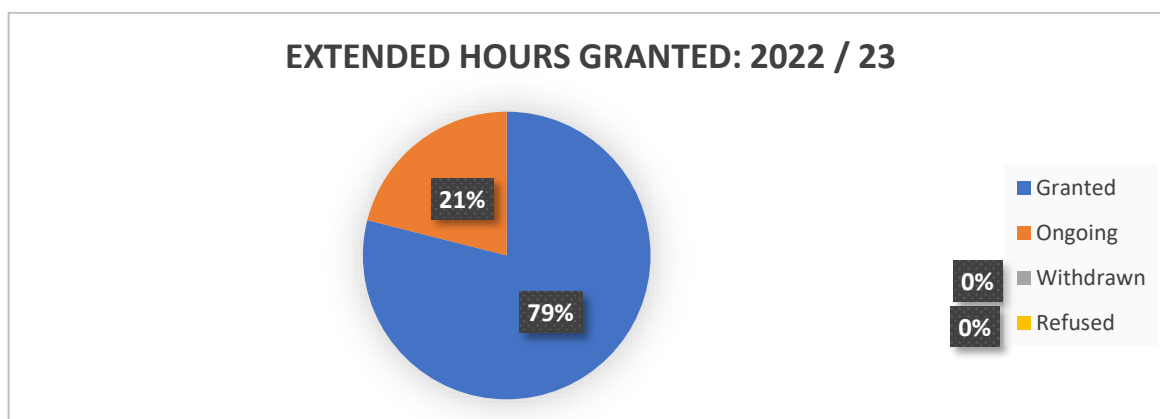
	Numbers of renewal applications are broadly in line with anticipated numbers of applications. The last peak was in 2019 when the bulk of personal licences fell to be renewed. The next peak will be in 2029
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Extended Hours

Number of applications:




% of Applications granted in 2022 / 2023:



Considerations in terms of the Licensing Objectives:

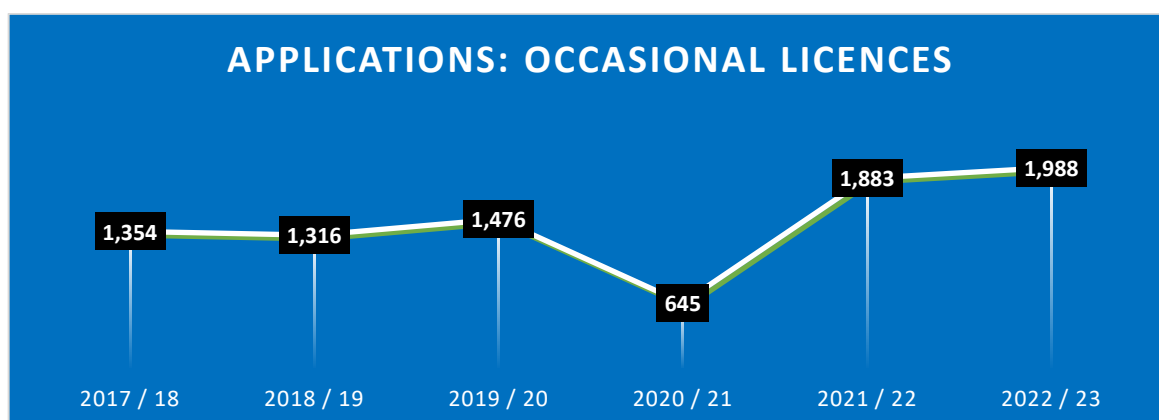
LO	No issues identified.
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Trends / Comments – 2022 / 23:

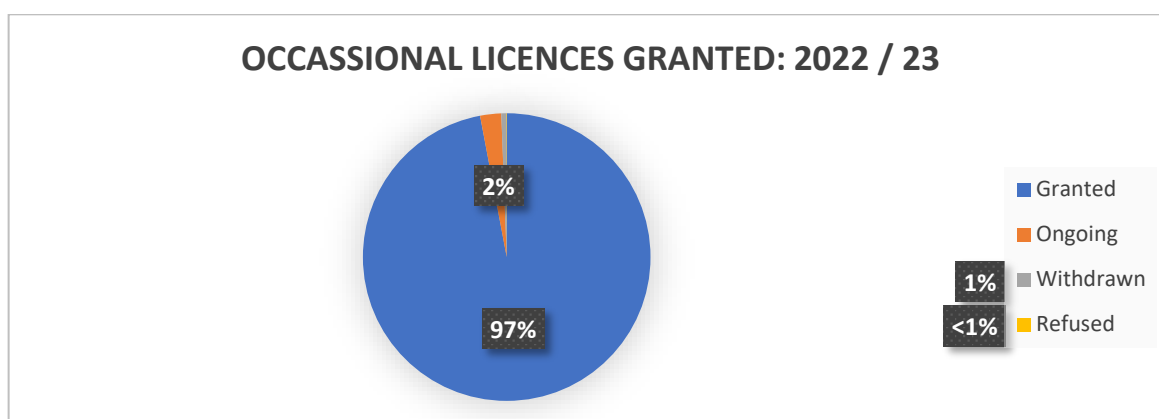
	There have been no refusals of applications since 2019/20, when 2 applications were refused as being contrary to the terms of the Board's Statement of Licensing Policy
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Occasional Licences

Number of applications:



% of Applications granted in 2022 / 2023:



Considerations in terms of the Licensing Objectives:

<p>LO</p>	<p>2 contentious applications were GRANTED by the Board following hearings, subject to additional conditions relating to the Securing Public Safety and Protecting Children and Young Persons from Harm licensing objectives.</p> <p>1 contentious application was REFUSED by the Board following a hearing as being contrary to the Board's Statement of Licensing Policy and, as a result, was also contrary to the Protecting Children and Young Persons from Harm licensing objective</p>
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Trends / Comments – 2022 / 23:

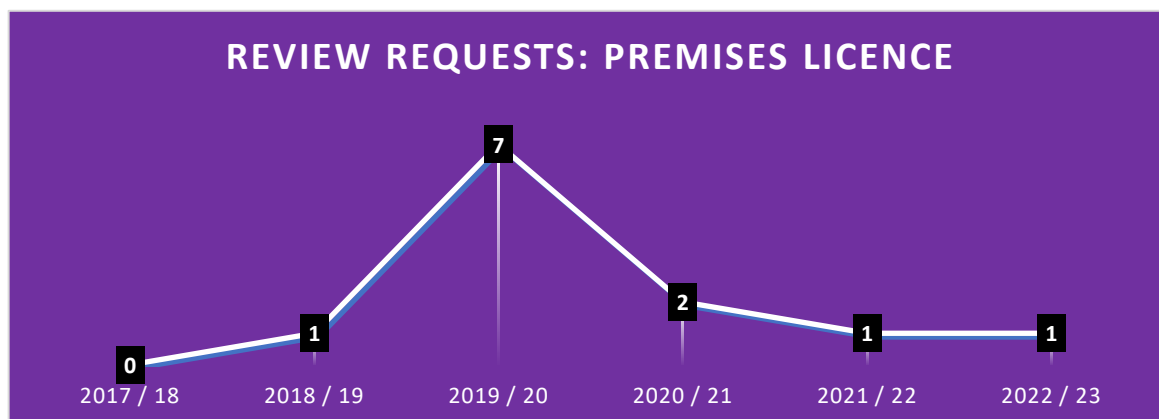
	<p>There has been the highest number of occasional licence applications since recording began during this reporting period. Part of this is due to the continued licensing of outside areas following the end of the Covid pandemic and also an increased number of premises seeking to be able to sell alcohol prior to the grant of a premises licence.</p>
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	<p>Functions and Events are continuing to return to our local communities with the occasional licences increasing as a result.</p> <p>An increased number of applications were also lodged late putting additional pressure on staff resources.</p> <p>The employment of a new Paralegal has assisted the licensing team in processing the increased number of applications.</p>
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Reviews and Revocations – 01/04/22 to 31/03/23

Premises Licences


Number of review requests:




Considerations in terms of the Licensing Objectives:

LO	Non-compliance with a mandatory condition of licence.
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Outcome:

	<p>An LSO review of premises licence application was lodged for failure to pay the annual fee relating to the premises licence. The LSO also brought evidence to the Board that the premises was no longer trading.</p> <p>The Board deemed the licence to have ceased to have effect as a preliminary matter therefore the review did not proceed.</p>
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Trends / Comments – 2022 / 23:

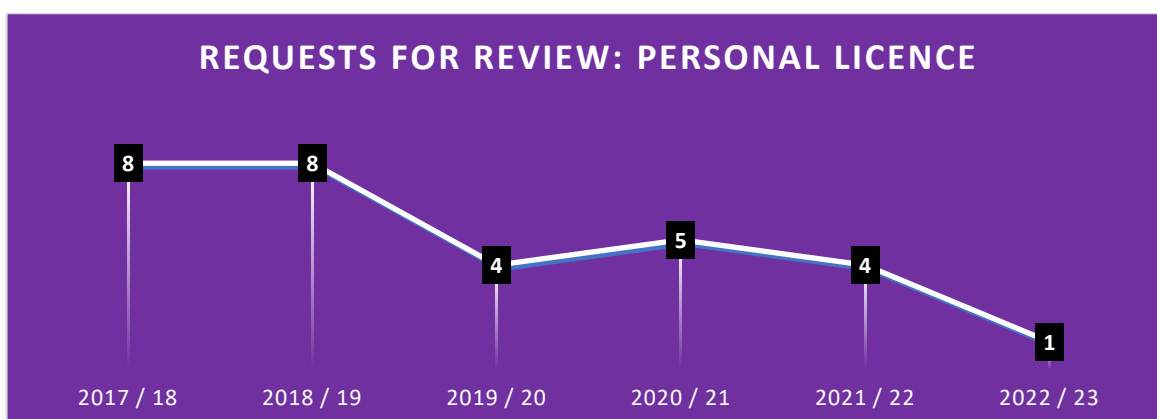
	<p>The low number of reviews continues to reflect the success of the intervention approach adopted by Police Scotland and the LSOs in addressing issues as early as possible to find a workable solution enabling businesses to continue to operate in compliance with their licences, the Board's Statement of Licensing Policy and therefore</p>
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	the licensing objectives. This supports the partnership approach approved of by the Board where only a matter that is not capable of being resolved by intervention is then escalated to the Board by means of a review application.
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Personal Licences

(a) Reviews

Number of review requests:



Considerations in terms of the Licensing Objectives:

LO	<p>Review requested in terms of the Preventing Crime and Disorder licensing objective as a result of a further conviction.</p> <p>There were no reviews on the basis of conduct inconsistent with any of the licensing objectives</p>
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Outcome:

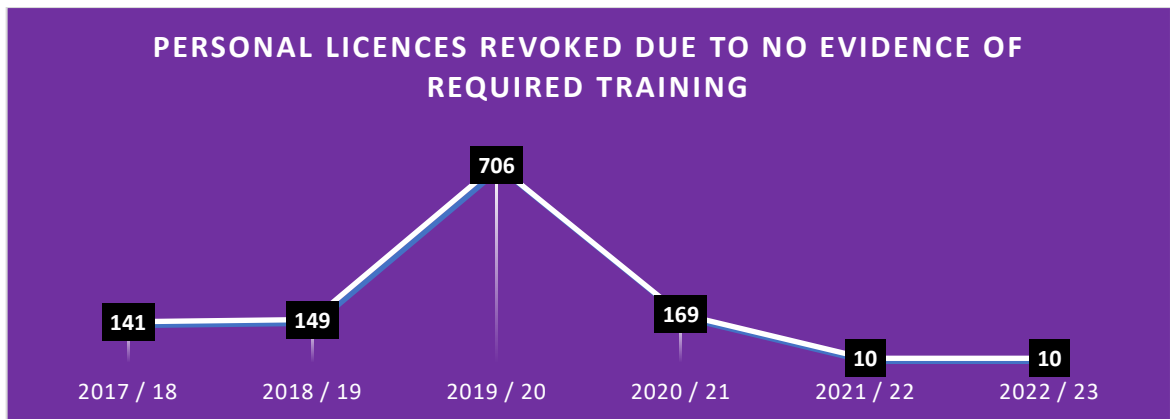
	Licence was endorsed in relation to the Preventing Crime and Disorder Licensing Objective.
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Trends / Comments – 2022 / 23:

	The number of reviews continue to be too low to provide an indication of any emerging trends
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(b) Revocations - lack of evidence of required training having been undertaken

Number of revocations:



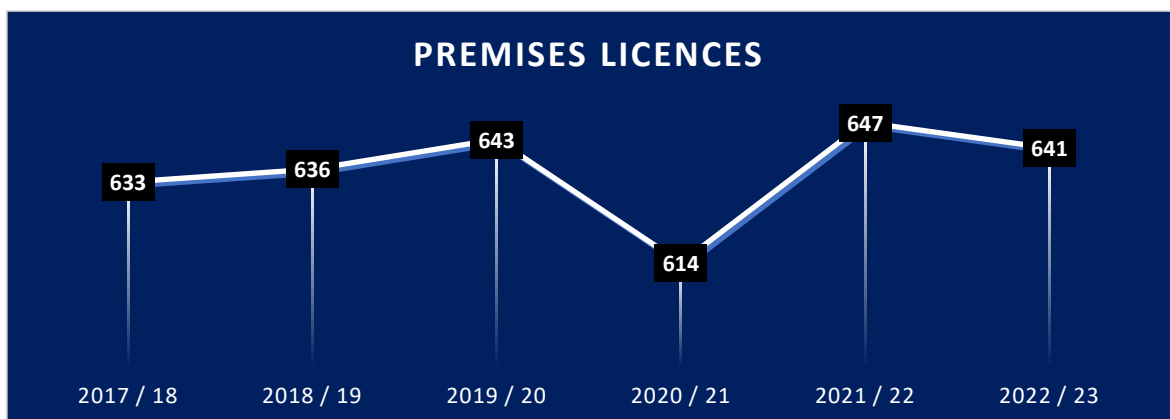
Trends / Comments – 2022 / 23:

	<p>The trend in low numbers continues on from the low numbers actually revoked last year. This continues to be as a result of the high volume of occasional licences requiring to be processed.</p> <p>It is hoped that the new Paralegal in post will be able to clear the high volume of revocations that require to be revoked for 2020 onwards.</p>
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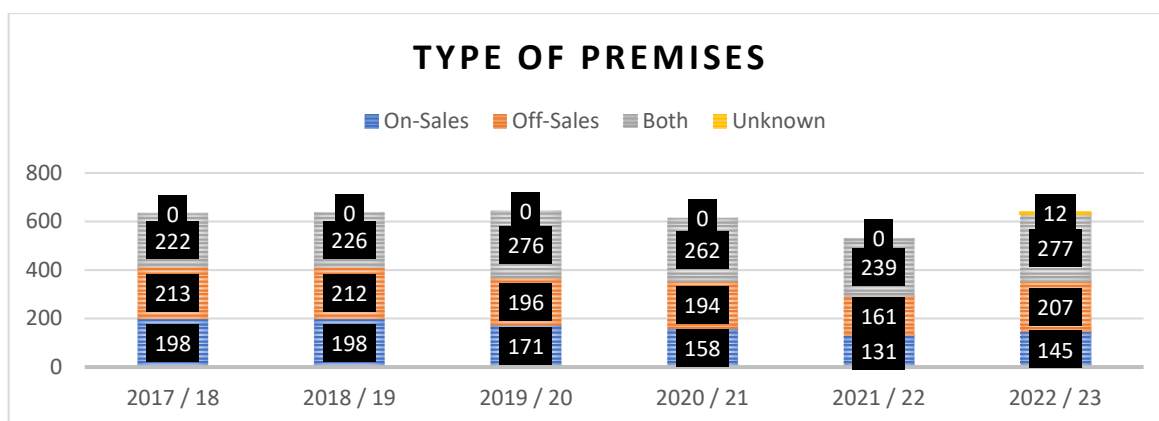
Licences in force at the end of the financial year – 31/03/23

Premises Licences

Number of licences:



Broken down as follows:

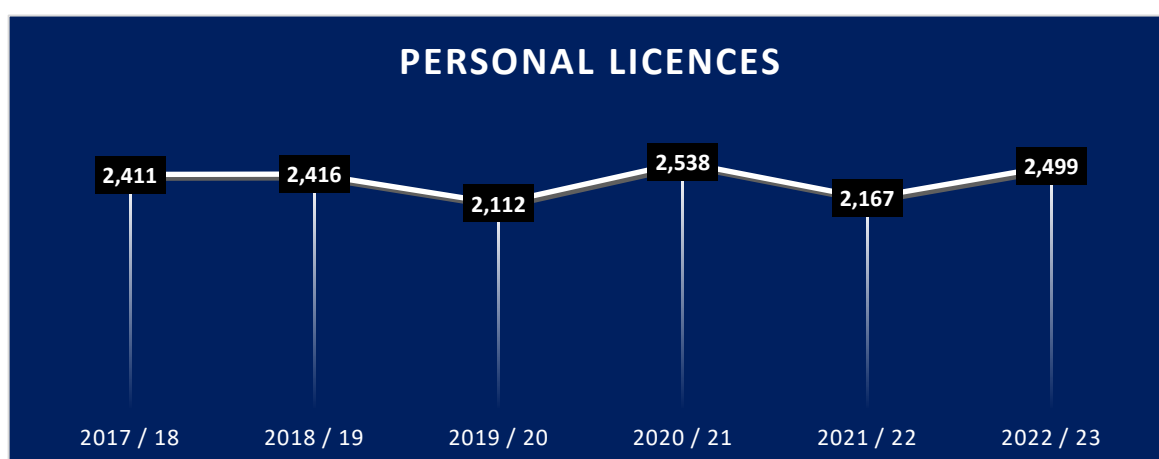


Trends / Comments – 2022 / 23:

	<p>Numbers are down slightly but remain steady.</p> <p>Inconsistencies within the IDOX programme in identifying the type of premises licence have arisen which will be reviewed prior to the report for 2023/2024.</p> <p>The types of businesses applying for licence continues to veer away from the traditional pubs, hotels and restaurant to tourist facilities and small distilleries as businesses continue to adapt post Covid as a result of changes in drinking habits and patterns among the community.</p>
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Personal Licences

Number of licences:



Trends / Comments – 2022 / 23:

	<p>Numbers have increased slightly since 2021/22 but remain broadly stable.</p>
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Further Information

For further information in respect of the decisions taken by the Licensing Board please feel free to use the link below:
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The Aberdeenshire Licensing Board	Link ⁸
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For further statistical information please see the link below.
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Statistical Information	Link ⁹
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⁸ See: <https://aberdeenshire.moderngov.co.uk/ieListMeetings.aspx?CId=169&Year=0>

⁹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

SECTION 4



What the Licensing Board achieved in 2022-2023

Work in terms of the Licensing (Scotland) Act 2005

- i. New Board Appointed
- ii. Prepared and delivered Induction Training Sessions and Mock Board Meetings for the new Licensing Board.
- iii. 8 Board Members trained initially for the Board, (2 further Board Members as identified and appointed by Aberdeenshire Council later in the year)
- iv. Adoption of Existing Policies and Procedures by the new Board to allow the continuation of business for application during the bedding in of the new Board and review of Policy.
- v. Continued to adapt to develop and improve the continuity of business as staff continue to work from home.
- vi. Despite the challenges facing the trade, the Annual Licence Fees were collected without the need for review of premises licences for all cases save one, which was deemed to have ceased to have effect in terms of S28 of the 2005 Act, which meant the review did not proceed.
- vii. Ongoing agenda setting meetings for officers via Teams to enable proper preparation of Board Agendas and to allow the preparation of guidance notes for the Convenor and Vice Convenors to ensure the smooth operation of online meetings
- viii. Partnership working to ensure that premises were informed and remained closed during restrictions in support of the licensing objectives.
- ix. Frequent amendments to the website to ensure information provided to the trade was as up to date as possible.
- x. Officers ensured the licensing objectives were promoted throughout whilst paying cognisance to the statutory guidance published by the Scottish Government to ensure Licensing Boards were pragmatic
- xi. Fortnightly meetings via Teams with the Depute Clerks and administrative assistants to work through all outstanding licensing applications to ensure all applications are being processed efficiently.
- xii. The Licensing Team have continued to expand the types of licences that can be applied for online
- xiii. All staff continue to work from home
- xiv. All Board Meetings continued to take place online via MS Teams meetings.
- xv. Completion of work on the new Civica Case Management System
- xvi. Continued use of a Teams chat page between licensing solicitors, the licensing team and LSOS to engage quickly to address queries and issues arising relating to licence application or licensed premises
- xvii. Expanded use of an excel spreadsheet covering all live applications for liquor licences, problematic civic government licences, events licences and reviews of licences so that progress can be monitored, and an audit trail provided
- xviii. Appointment of new paralegal to assist with processing of applications for licences.
- xix. Two trainee solicitors have worked on licensing applications, reports and attended the Licensing Board during the last year.
- xx. Regular attendance by Licensing Team Members to virtual Licensing Conferences and the SOLAR Licensing Working Group which ensured best

- practices were implemented and the Boards were kept up to date with legislative changes which were frequent.
- xxi. Continued fortnightly Licensing Question Time (LQT) meeting via Teams to ensure that Depute Clerks, the Licensing Team and Licensing Standard Officers engaged on common licensing issues that arise across Aberdeenshire to ensure consistent advice was provided to the trade and also potential objectors.
 - xxii. Timeline for review of Statement of Licensing Policy approved.
 - xxiii. Identification of Main Issues to be reviewed in relation to the Statement of Licensing Policy
 - xxiv. Public Engagement Exercise carried out in relation to the Main Issues identified by the Board.
 - xxv. Engagement Session with Statutory consultees and Board Members in relation to the Main Issues Engagement Exercise.
 - xxvi. Consideration of the Police Scotland Annual report by the Board
 - xxvii. Consideration of the revised Statutory Guidance for Licensing Authorities by the Board
 - xxviii. Discretionary Licensing Fees were reviewed by the Board between December 2022 and February 2023 with revised fees taking effect from 1st April 2023.

Other Licensing work completed by the Licensing Team during the year alongside work for the Licensing Board

- i. **Work with the Resilience Group to ensure consistency of approach between Services and between the Board and Aberdeenshire Council**
- ii. **Continued Attendance at the Events Oversight Group with attendance by Depute Clerks and LSOS to ensure appropriate Public Entertainment Licences and Occasional Licences are in place for events throughout Aberdeenshire**
- iii. **Implementation of the new Short Term Let Licensing for Aberdeenshire and consideration of the impact of exemptions on premises licences by the Board**
- iv. **Attendance at Scottish Government Meetings to consider revising Guidance on Taxis and Private Hire Cars and in relation to fairground licensing**
- v. **Review of fees for Civic Government Licences**
- vi. **Review of Taxi Fares**
- vii. **Liaison with Environmental Health on licensing of animals**
- viii. **Processing and issuing of licences under the Civic Government (Scotland) Act 1982 and Miscellaneous Licences**
- ix. **Gambling Policy, Equalities Policy, Publication Schemes, Scheme of Delegation and Procedures for Hearings including guidance for parties all adopted by the Board on 22nd June 2022**
- x. **Induction Training for the Licensing Sub-Committee and Area Committees on evidence-based decision-making in relation to civic government licence applications**

Work of the Licensing Administration Team

Over the last 12 months the Licensing Team has maintained our quality of service through changing times, while adapting to new regulations and our processing system being moved to a new hosted environment with minimal disruption to applicants.

We are continuing to encourage applicants to make their applications online where possible, meaning applicants can complete a digital form and pay for their licence through our online portal, which speeds up the process for not only the applicant but for us too. So far Occasional Licences and Extensions, Personal Licences, Lottery Registrations, Taxi/Private Hire Driver Licences, and Taxi/Private Hire Vehicle Licences, both grant and renewal applications, can all be made online. We plan to continue moving our applications online over the coming years, so that all licence types will be available to apply for online

Work of the Licensing Standards Officers

The Licensing Standards Officers general statutory role underpins daily duties, as per the requirements under the Licensing (Scotland) Act 2005.

Over the last year, predominantly inspections have been focused on reactive work, alongside partners, carrying out compliance checks as well as dealing with complaints and working closely with other colleagues in other services.

A large proportion of Officer time was spent providing licence holders with guidance in respect of keeping licences up to date, providing relevant guidance for variations, as well as responding to consultations for said variations and Occasional licences.

In addition the LSOs have dealt with complaints of non-compliance using the 4 'E's approach method, with engagement and education being the first steps and enforcement being the last resort.

SECTION 5

Goals for 2023-2024



Statement by the Aberdeenshire Licensing Board

- Engagement exercise to be arranged between the Board and the Trade and other bodies relating to the review of the Statement of Licensing Policy in September/October 2023
- Approval and Publication of revised Statement of Licensing Policy by 1st November 2023
- Licensing Matters Event
- Implementation of new Civica Committee Management System
- Potential re-establishment of Licensing Forum in conjunction with Aberdeenshire Council
- Annual Meeting of the Board and Licensing Forum (if Re-established)
- Visits to Licensed Premises in conjunction with Police Scotland and Licensing Standards Officers when it is considered safe to do so.
- Continuation of Virtual Meetings and exploration of the feasibility and resource requirements of Hybrid Meetings moving forward
- Enhancing the Public Register.
- Enhancing the Application Process e.g. Online Payments and applications – including establishing the next set of applications to enable more licences to be applied for online
- Creation of a new map for the Aberdeenshire Licensing Board for all policy documents and Guidance documents.
- Implementation of Tax checks for Licence holders as required by new legislation coming into force in October 2023
- Setting up of regular, informal training/information sessions for Board Members
- Appointment of new solicitor post for fixed term of 12 months
- Appointment of new Service Manager to lead the Team
- Training of two further Trainees Solicitors while in the governance seat of their traineeships
- Clear the backlog of revocations of personal licences due to non-compliance with refresher training requirements
- Set up a quarterly reporting of licences granted and refused in a format to better inform the Board's Annual Functions and Finance Report, to be published on line for transparency
- Review of licensing team structure to be completed within the financial year.

SECTION 6

Financial Information



Licensing Board – Income and Expenditure



INCOME	2018/19	2019/20	2020/21	2021/22	2022/23
Fees	£312,955.86	£326,419.94	£288,870.19	£310,168.62	£310,908.86
TOTAL	£312,955.86	£326,419.94	£288,870.19	£310,168.62	£310,908.86



EXPENDITURE	2018/19	2019/20	2020/21	2021/22	2022/23
<i>Staffing Costs</i>					
Licensing Standards Officers	£90,277.02	£96,341.11	£100,102.49	£93,045.01	£107,603.96
Legal and Administrative Staff	£150,360.13	£154,765.19	£157,314.45	£138,037.98	£140,826.63
<i>Direct Overheads</i>					
Postage and Stationery.	£3,756.78	£2,699.36	£178.22	£151.73	£184.60
Travel and Subsistence.	£4,356.93	£1,702.47	£132.51	£488.98	£2,787.71
General Legal Expenses.	£2,758.66	£5,186.17	£51.15	£0.00	£47.10
Hospitality.	£0.00	£0.00	£0.00	£0.00	£0.00
Miscellaneous (Insurance, Banking Charges)	£0.00	£0.00	£0.00	£2,297.05	£1,951.75
<i>Indirect Overheads</i>					
Central Charge – Accommodation	£12,879.64	£13,161.86	£11,164.15	£15,288.73	£15,557.96
Central Charge - Administration	£189,297.34	£158,088.21	£180,388.45	£25,781.92	£35,234.81
TOTAL	£453,686.50	£431,944.37	£449,331.42	£275,091.40	£304,194.52



BALANCE	2018/19	2019/20	2020/21	2021/22	2022/23
OVERALL	-£140,730.64	-£105,524.43	-£160,461.23	£35,077.22	£6,714.34

The surplus is being reinvested into the service and will be used to assist with costs relating to the ongoing policy review and the related engagement sessions which are to be undertaken by the Board.

Calculation Statement

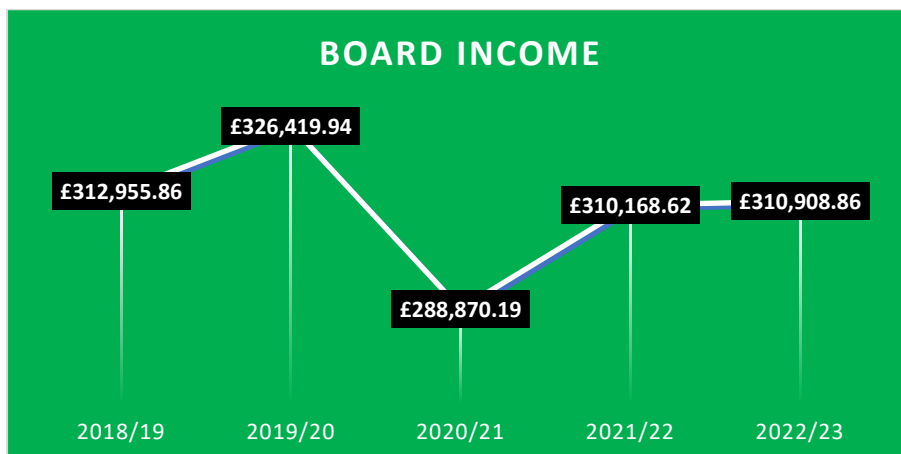


Proportion of overall costs allocated to the Licensing Board					
Description of costs	2018/19	2019/20	2020/21	2021/22	2022/23
<i>Staffing costs</i>					
Licensing Standards Officers	60%	60%	60%	60%	60%
Administrative Supervisor	30%	30%	30%	30%	30%

FTE Administration Staff (x3)	100%	100%	100%	100%	100%
Solicitors	30%	30%	30%	30%	20%
Direct Overheads					
Licensing Standards Officers – Travel and Subsistence	100%	100%	100%	100%	100%
Legal and Administrative Staff – Travel and Subsistence	60%	60%	60%	60%	60%
Indirect Overheads					
Central Charges – Accommodation	30%	30%	30%	30%	30%
Central Charges – Administration	30%	30%	30%	30%	30%

Charts and Trends

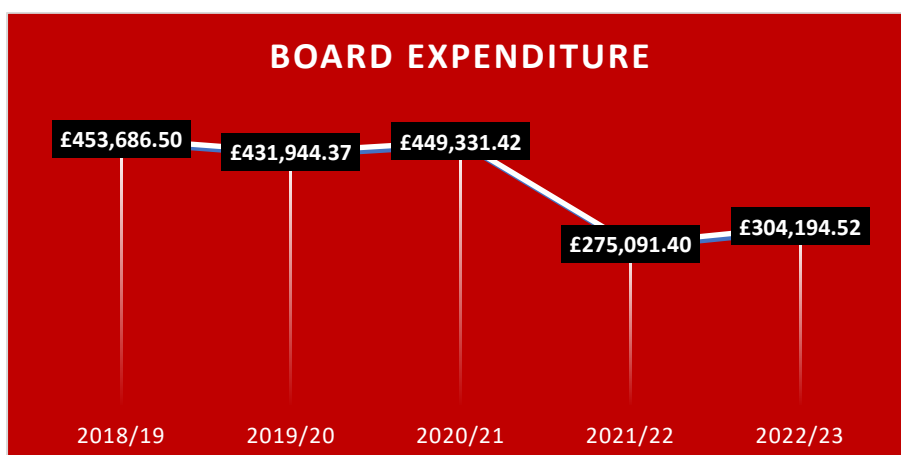
Board Income:



Comments:

The Board income has remained relatively stable over the last two years.

Board Expenditure:

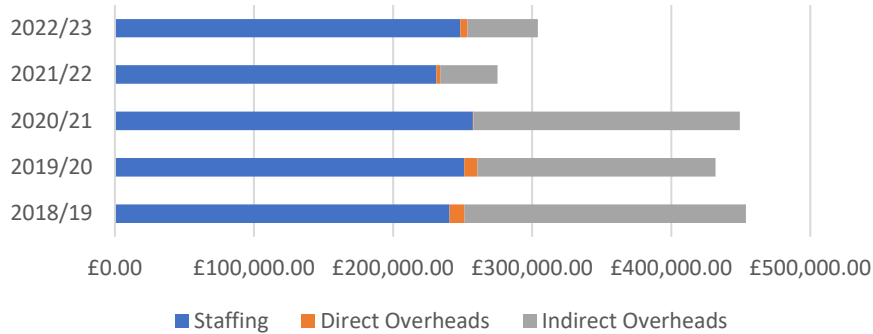


Comments:

Board expenditure has risen slightly. This is mainly due to staff pay increases and rising costs in energy currently impacting business and public bodies across the United Kingdom. The Board has been able to absorb the additional costs and employ a paralegal using the surplus income from 2020/21

Expenditure broken down by type:

AREAS OF EXPENDITURE

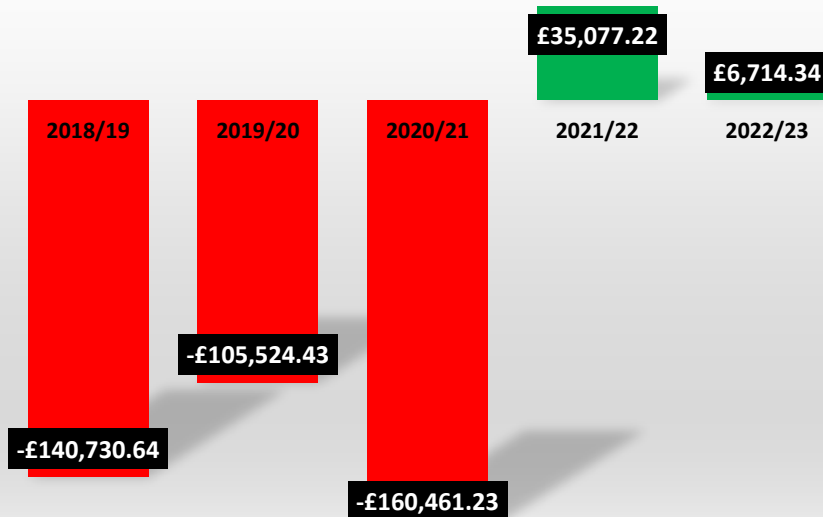


Comments:

Although expenditure has increased since the last reporting period it remains broadly stable.

Balance:

BALANCE



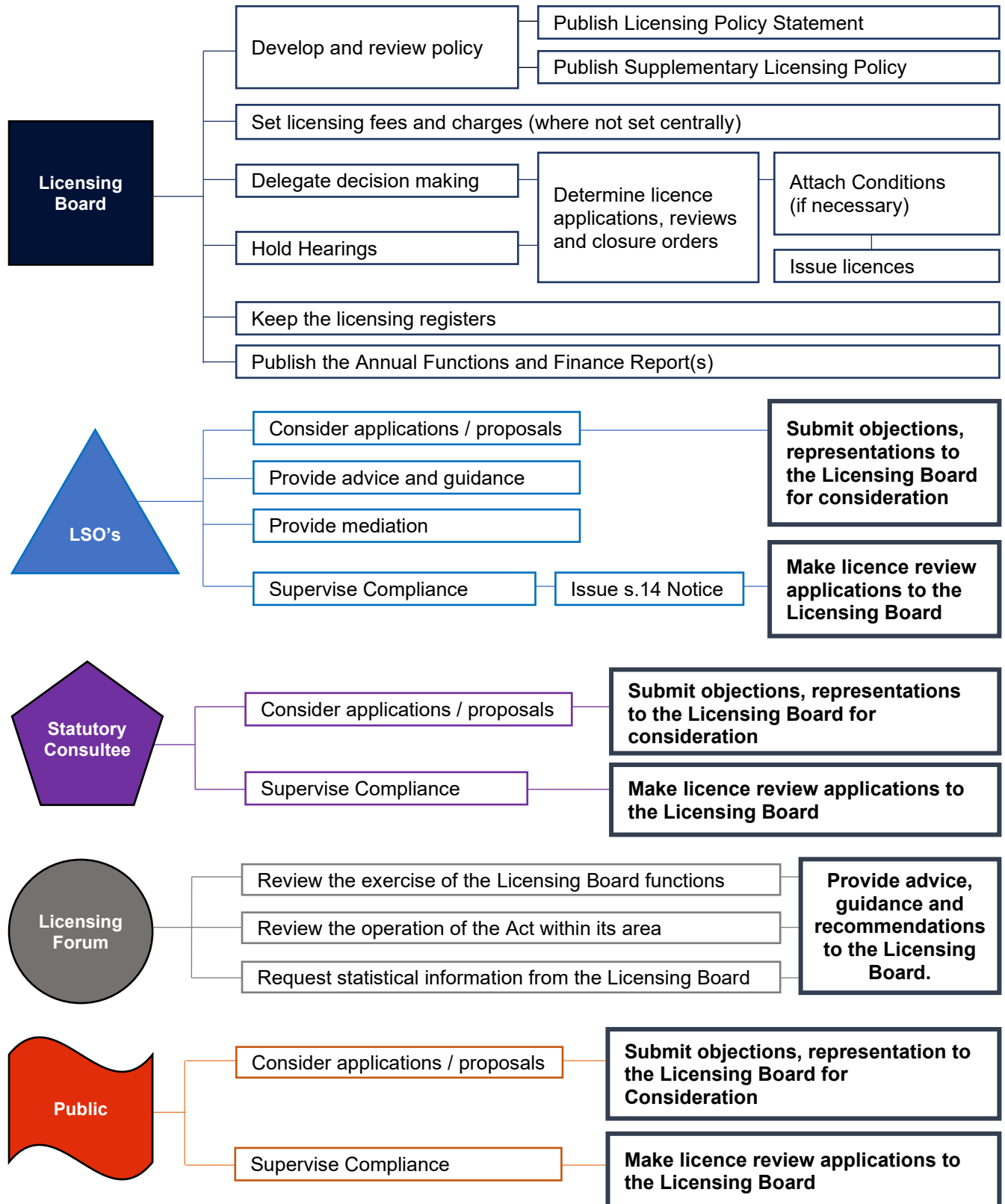
Comments:

The review of discretionary fees in February 2022, with effect from 1st April 2023, should ensure that the Board's income remains in line with expenditure.

The surplus achieved in 2022/23 will be used to defray the expenses of reviewing the Board's Statement of Licensing Policy, due on 1st November 2023 without directly impacting on the level of fees set by the Board.

APPENDIX 1

Flowchart - Key stakeholders and their functions



The Licensing Board

The 2005 Act provides that a Licensing Board or Boards will be appointed for the purpose of administering the system of considering applications for licences in accordance with the provisions of the 2005 Act and its associated regulations and for considering requests for review of premises licences.

The Licensing Board must be made up of no fewer than 5 members and no more than 10 members.

Aberdeenshire Council appoints members to the Licensing Board at their first Full Council meeting after a Local Government Election. A person must have been elected as a Councillor to be able to sit on the Board.

All Members appointed to a Licensing Board must sit and pass a mandatory exam before being able to sit on the Board and make decisions.




The Licensing Board must have a legally qualified Clerk and administrative support is supplied by Aberdeenshire Council. The Board does not employ any staff directly.

The Licensing Board is an independent public body and is separate from the Council.

Licensing Standards Officers (“LSOs”)

LSOs work with licence holders, the public, the Police and the business community in seeking to promote the licensing objectives.

LSOs have the following duties:

	Guidance
	Mediation
	Enforcement

Aberdeenshire Council employs 4 LSOs who are based within the council's 'Environmental Health Service' and they are employed to work within all parts of Aberdeenshire.

LSOs must sit a mandatory training course and pass an exam within 1 year of being appointed to their post.

Our LSOs can be contacted at LSO@aberdeenshire.gov.uk

Further information in respect of our LSOs can also be found on our website via the following [link](#)¹⁰.

Statutory Consultees

The Board is obliged to consult with the following persons / groups of persons when processing applications:

¹⁰ See: <https://www.aberdeenshire.gov.uk/licensing/alcohol/contact-us/>

Application Type	Consultees
Premises Licences (Incl. Major Variations)	Police Scotland Scottish Fire and Rescue, Planning Service, Building Standards, Environmental Health, LSOs, Public Health, Community Councils and any persons owning or occupying a property within a 4-metre radius of the application premises.
	Additionally, applications are advertised on the Board's website here ¹¹ .
Personal Licences	Police Scotland and LSOs
Transfer of Licences	Police Scotland and LSOs
Applications for Extended Hours	Police Scotland and LSOs
Applications for Occasional Licences	Police Scotland and LSOs
	The applications are advertised on the Board's website here ¹² .

Further information on how the Board processes applications and deals with reviews can be found with the Board's Licensing Policy Statement which can be found [here](#)¹³.

Detailed guidance on individual licence types and application fees can be found [here](#)¹⁴.

Licensing Forum

The terms of reference for the Forum are:

- (a) To keep under review –
 - I. The operation of the 2005 Act in Aberdeenshire; and
 - II. In particular, the exercise by the Licensing Board of their functions, and give such advice and make such recommendations to any of those Boards in relation to those matters as the Forum considers appropriate.
- (b) To consider the implications of relevant local data and statistics provided to the Forum by Police Scotland and the local Health Board;
- (c) To meet with the Licensing Board at least once per year; and

¹¹ See: <https://upa.aberdeenshire.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

¹² See: <https://upa.aberdeenshire.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

¹³ See: <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

¹⁴ See: <https://www.aberdeenshire.gov.uk/licensing/licences-and-permits/?tag=Alcohol#records>

- (d) To advise the Licensing Board on any matters of policy and other areas of concern.

Details of Licensing Forum Meetings can be found [here](#)¹⁵.

Members of the public can also email their views, suggestions or comments on local licensing matters to the Licensing Forum at licensing.forums@aberdeenshire.gov.uk.

Unfortunately, the Chair of the Licensing Forum resigned during the course of 2020/2021. It is a goal for 2023/2024 to attempt to reinstate the Licensing Forum.

The Public

The public may access the online Licensing Register [here](#)¹⁶, this allows members of the public to view details of the current licence applications that have been lodged as well as licences that have been issued previously.

Any person can object or lodge a representation (including letters of support) in respect of a licence application. More details information on objections / representations can be found [here](#)¹⁷.

Details of how to appeal a decision to grant a licence where you have previously lodged a relevant objection or representation can be found [here](#)¹⁸.

Licence Fees and Funding

In the main, licence fees are set centrally by the Scottish Government by way of Statutory Instrument. The Board's fees for each licence type can currently be found [here](#)¹⁹.

¹⁵ See: <https://committees.aberdeenshire.gov.uk/committees.aspx?commid=509>

¹⁶ See: <https://www.aberdeenshire.gov.uk/licensing/licence-register/>

¹⁷ See: <https://www.aberdeenshire.gov.uk/licensing/alcohol-appeal-objection/>

¹⁸ See: <https://www.aberdeenshire.gov.uk/licensing/licensing-appeals/>

¹⁹ See: <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>