



Item: 4

Orkney Islands Area Licensing Board: 22 August 2024.

Alcohol Licensing and Gambling – Functions Report.

Report by Clerk to the Board.

1. Overview

- 1.1. The Council's Licensing Team processes applications for licences, permits and registrations in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005.

- 1.2. The functions report for the period from 1 July 2023 to 30 June 2024 (the period) in relation to the exercise of the Board's functions in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005, attached as Appendix 1 to this report, includes information regarding the following:
 - The types of licences, permits and registrations governed by the legislation.
 - Consultation requirements and periods.
 - The number of licences, permits and registrations held under the legislation in the Board's area on 30 June 2024.
 - The number of applications for licences, permits and registrations in terms of the legislation processed during the period.
 - The number of annual fee invoices for licences, permits and registrations in terms of the legislation processed during the period.
 - The number of applications for licences, permits and registrations in terms of the legislation refused during the period.
 - Commitment of staff time in researching information and preparing reports on a number of matters during the period.
 - Commitment of staff time in dealing with enquiries regarding any of the types of licences, permits and registrations governed by the legislation during the period.
 - Published documentation available on the Council's website.

2. Recommendations

- 2.1. It is recommended that members of the Board:
 - i. scrutinise the report in relation to the exercise of the Licensing Board's functions in terms of the Gambling Act 2005 and the Licensing (Scotland) Act

2005, for the period from 1 July 2023 to 30 June 2024, attached as Appendix 1 to this report.

For Further Information please contact:

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Implications of Report

1. **Financial:** There are no direct financial implications to the Council arising from the recommendations of this report.
2. **Legal:** Gambling activities in the UK are licensed in terms of the Gambling Act 2005. Alcohol licensing in Scotland is governed by the Licensing (Scotland) Act 2005.
3. **Corporate Governance:** The Licensing Board is the licensing authority in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** Not applicable.
7. **Links to Council Plan:** Not applicable.
8. **Links to Local Outcomes Improvement Plan:** Not applicable.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

None.

Appendices

Appendix 1: Alcohol licensing and gambling functions report for the period 1 July 2023 to 30 June 2024.

Appendix 1.

Orkney Islands Area Licensing Board

Alcohol Licensing and Gambling – Functions Report.

Period: 1 July 2023 to 30 June 2024.

1. Legislative Background

The Council's Licensing Team processes applications for licences, permits and registrations in terms of:

- The Gambling Act 2005.
- The Licensing (Scotland) Act 2005.

2. Types of Licences, Permits and Registrations

2.1.

Types of applications for licences, permits and registrations governed by the Gambling Act 2005 include:

2.1.1.

Premises Licences:

- Adult gaming centres.
- Betting premises.
- Bingo.
- Casinos.
- Licensed family entertainment centres.
- Provisional statements.
- Tracks.
- Travelling fairs.

2.1.2.

Permits and Temporary and Occasional Use Notices:

- Club gaming and club machine permits.
- Gaming machines on alcohol licensed premises.
- Occasional use notices.
- Prize gaming.
- Small society lotteries.
- Temporary use notices.

- Unlicensed family entertainment centres.

2.2.

Types of applications for licences governed by the Licensing (Scotland) Act 2005 include:

- extensions of licensing hours;
- occasional licences;
- personal licences;
- premises licences;
- provisional premises licences;
- temporary licences;
- transfers of licences; and
- variations of licences,

all in respect of:

- the sale of alcohol by retail for consumption on or off premises; or
- the supply of alcohol in members' clubs.

2.3.

2.3.1.

All applications require consultation with Police Scotland and other appropriate agencies in accordance with the relevant legislation. For licences in terms of the Licensing (Scotland) Act 2005, the consultation period is prescribed as 21 days, apart from applications for:

- Confirmation of provisional premises licences.
- Extended hours of licensed premises.
- Minor variations of premises licences.

2.3.2.

The minimum processing period for a number of applications in terms of the Licensing (Scotland) Act 2005 is accordingly approximately 6 weeks to allow for necessary administrative work to circulate applications, prepare reports for consideration by the Board (where required) and prepare the relevant licences at the conclusion of the determination period.

3. Contextual Information

3.1.

Numbers of licences, permits and registrations in force on 30 June each year:

	2020.	2021.	2022.	2023.	2024.
Gambling Act 2005:					
Number of club machine permits:	3.	3.	3.	1.	1.
Notifications of automatic entitlement for gaming machines on alcohol licensed premises:	10.	10.	10.	10.	10.
Number of small society lottery registrations:	126.	126.	125.	126.	127.
Licensing (Scotland) Act 2005:					
Number of premises licences (including members' clubs):	113.	110.	104.	105.	105.
Number of provisional premises licences (including members' clubs):	0.	0.	0.	1.	0.
Number of personal licences:	313.	304.	289.	290.	270.

3.2.

Numbers of applications for licences, permits and registrations processed from 1 July to 30 June for each period:

Gambling Act 2005	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 2024
Cancellation of club machine permits:	0.	0.	0.	0.	0.
Renewal of club machine permits:	N/A.	N/A.	1.	0.	0.
Notifications of automatic entitlement for gaming machines on alcohol licensed premises:	0.	0.	0.	0.	0.
Cancellation of automatic entitlement for gaming machines on alcohol licensed premises:	0.	0.	0.	0.	0.
Applications for small society lottery registrations:	2.	5.	5.	5.	6.

Licensing (Scotland) Act 2005	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 2024
Applications for replacement small society lottery registrations:	2.	0.	1.	0.	1.
Cancellation of small society lottery registrations:	6.	5.	6.	4.	5.
Applications for premises licences:	1.	2.	0.	2.	1.
Number of premises licences surrendered:	0.	6.	5.	1.	2.
Applications for provisional premises licences:	0.	0.	0.	1.	0.
Applications for confirmation of provisional premises licences (to make licences fully operational):	0.	0.	0.	0.	1.
Applications for variations of provisional / premises licences which required to be determined by the Board:	3.	4.	2.	2.	6.
Applications for variations of provisional / premises licences which did not require to be determined by the Board:	11.	5.	12.	8.	8.
Applications for transfers of premises licences (including variations to name new premises managers):	4.	4.	4.	7.	2.
Applications for new personal licences:	23.	17.	16.	21.	16.
Applications for replacement personal licences:	1.	2.	0.	1.	2.
Applications for refreshment of personal licences (provision of evidence of having undertaken mandatory refresher training):	21.	14.	15.	7.	26.
Applications for renewal of personal licences:	3.	6.	5.	6.	3.

	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 2024
Revocations of personal licences (failure to provide evidence of having undertaken mandatory refresher training):	15.	18.	22.	4.	4.
Personal licences surrendered:	N/A.	3.	2.	5.	11.
Personal licences expired:	N/A.	5.	7.	11.	4.
Applications for occasional licences:	126.	10.	128.	204.	207.
Applications for occasional licences for new outdoor areas to facilitate business re-opening in accordance with Scottish Government restrictions during COVID-19 for 6 premises: Auld Motor Hoose, Ayre Hotel, Ferry Inn, Murray Arms, Orkney Distillery and Standing Room 2019 – 2020 and 2020 – 2021 and for 3 premises: Ferry Inn, Orkney Distillery and Standing Room 2021 – 2022.	34.	90.	32.	0.	0.
Applications for extended hours of licensed premises:	1.	0.	0.	1.	0.
Total number of matters:	253.	196.	263.	290.	299.

3.3.

- 2019 – 2020: Of the 232 applications processed, 0 were refused.
- 2019 – 2020: The following were not issued, although processed, as the relevant events could not take place in terms of Scottish Government public health provisions arising from the COVID-19 pandemic:
 - 14 applications for occasional licences.
- 2020 – 2021: Of the 159 applications processed, 0 were refused.
- 2021 – 2022: Of the 221 applications processed, 0 were refused.
- 2022 – 2023: Of the 265 applications processed, 0 were refused.
- 2023 – 2024: Of the 279 applications processed, 0 were refused.

3.4.

- 2019 – 2020: Numbers of reviews of premises or personal licences processed: 0.

- 2020 – 2021: Numbers of reviews of premises or personal licences processed: 0.
- 2021 – 2022: Numbers of reviews of premises or personal licences processed:
 - Premises licence review resulting in revocation: 1.
- 2022 – 2023: Numbers of reviews of premises or personal licences processed:
 - Premises licence reviews resulting in no action: 1.
 - Personal licence reviews resulting in no action: 1.
- 2023 – 2024: Numbers of reviews of premises or personal licences processed: 0.

3.5.

Numbers of annual fee invoices for licences, permits and registrations processed from 1 July to 30 June for each period:

	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 2024
Gambling Act 2005					
Invoices issued for club machine permit annual fees:	3.	3.	0.	1.	1.
Invoices issued for small society lottery registration annual fees:	114.	127.	123.	125.	127.
Licensing (Scotland) Act 2005					
Invoices issued for premises licences annual fees:	105.	108.	101.	98.	99.

3.6.

From 1 July 2023 to 30 June 2024 staff time (multiple hours) was spent researching information and preparing reports on a range of matters including the applications referred to in section 3.2 above and the following additional matters:

- Annual Combined Report in relation to the Board’s Financial information and its Functions in terms of the Licensing (Scotland) Act 2005.
- Annual Report in relation to the Board’s Functions in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005.
- Review of Statement of Alcohol Licensing Policy.
- Review of Statement of Gambling Policy.

3.7.

3.7.1.

The Council's Licensing Team deals with many enquiries regarding requirements for licences, permits and registrations under the relevant legislation. These are dealt with by telephone, email, or letter. Not all enquiries result in applications.

3.7.2.

Information regarding average numbers of enquiries received and time taken to process is provided in the following table:

Matter.	Average Time (Hours).	Average No. of Enquiries.			
		2020 - 2021	2021 - 2022	2022 - 2023	2023 - 2024
New premises or provisional premises licences (alcohol):	1.00 but complex can take 4.00+.	1 every two months.	1 every two months.	1 every two months.	1 every two months.
Confirmation of provisional premises licences (to make licence fully operational):	1.00.	0 per annum.	0 per annum.	1 per annum.	0 per annum.
Variation of premises or provisional premises licences (alcohol):	2.00 but complex can take 4.00+.	1 per month.	1 per month.	1 per month.	1 per month.
Transfer of premises licences (alcohol) (including variations to name new premises managers):	1.00.	1 every two months.	1 every two months.	1 every two months.	1 every two months.
Personal licences (alcohol):	0.25.	2 per month.	2 per month.	3 per month.	4 per month.
Occasional licences (alcohol):	0.25.	1 per week.	1 per week.	2 per week.	3 per week.

		2020 – 2021	2021 – 2022	2022 – 2023	2023 – 2024
Extended hours of licensed premises (alcohol):	0.50.	0 per annum.	0 per annum.	1 per annum.	1 per annum.
Lotteries (gambling):	0.25 but complex can take multiple hours.	1 per month.	1 per month.	1 per month.	1 per month.

4. Future Developments

4.1.

As a second phase in the development of the Customer Service Platform, licensing applications are in the process of being automated to the extent that this is possible in law.

4.2.

In terms of the draft Immigration (Alcohol Licensing and Late Hours Catering) (Scotland) Regulations 2018, currently before the UK Parliament, the Board may be required to reject applications for either a premises licence or a personal licence by individuals not entitled to work in the UK. In terms of the proposed legislation an information sharing system will require to be established between the Board and the Home Office. This would enable the Home Office to object to licence applications being granted if it is “satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises.” The proposed legislation will impose an additional pressure on the Licensing Service who will require to notify applications to the Secretary of State and arrange for the consideration of any representations received.

5. Published Documentation

5.1.

The Board’s information about gambling licensing, including betting offices, bingo, bookmakers’ permits, gaming machines and lotteries, is published in links [here](#).

5.2.

The Board’s information about alcohol licensing, including guidance, application forms and fee information, is published at [here](#).

5.3.

The following Board documents are published in the Related Downloads section [here](#):

- Annual Reports in relation to the Board's Financial information and its Functions in terms of the Licensing (Scotland) Act 2005.
- Statement of Alcohol Licensing Policy.
- Statement of Gambling Policy.

5.4.

The Board's Registers of premises and personal licences are published in the Related Downloads section [here](#).

5.5.

The Board's Registers of occasional licences are published in the Related Downloads section [here](#).

5.6.

The Board's Gaming Machines Register is published in the Related Downloads section [here](#).

5.7.

The Board's Small Society Lotteries Register is published in the Related Downloads section [here](#).

5.8.

Information about the members of the Board, together with agendas, reports and Minutes relating to meetings of the Board, are published through links [here](#).

Contact: The Licensing Team, Strategy, Performance and Business Solutions, Orkney Islands Council, Council Offices, Kirkwall, Orkney KW15 1NY.

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