

Item: 4

Orkney Islands Area Licensing Board: 22 August 2019.

Alcohol Licensing and Gambling – Functions Report.

Report by Clerk to the Board.

1. Purpose of Report

To present a 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.

2. Recommendations

The Board is invited to note:

2.1.

The report in relation to the exercise of the Board's functions in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005, for the period from 1 July 2018 to 30 June 2019, attached as Appendix 1 to this report.

3. Introduction

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.

4. Functions Report

The functions report for the period from 1 July 2018 to 30 June 2019 (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 at 30 June 2019.
- 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 at www.orkney.gov.uk.

5. Financial Implications

There are no direct financial implications to the Council arising from the recommendations of this report.

6. Legal Aspects

6.1.

Gambling activities in the UK are licensed in terms of the Gambling Act 2005. In Scotland, the licensing authority is the local licensing board.

6.2.

Alcohol licensing in Scotland is governed by the Licensing (Scotland) Act 2005. The licensing authority is the local licensing board.

7. Contact Officers

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8. Appendix

Appendix 1: Alcohol licensing and gambling functions report for the period 1 July 2018 to 30 June 2019.

Appendix 1.

Orkney Islands Area Licensing Board

Alcohol Licensing and Gambling – Functions Report.

Period: 1 July 2018 to 30 June 2019.

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 2 months 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 2019:

Gambling Act 2005:	
Number of club machine permits:	3.
Notifications of automatic entitlement for gaming machines on alcohol licensed premises:	10.
Number of small society lottery registrations:	133.
Licensing (Scotland) Act 2005:	
Number of premises licences (including members' clubs):	112.
Number of personal licences:	357.

3.2.

Numbers of applications for licences, permits and registrations processed from 1 July 2018 to 30 June 2019:

Gambling Act 2005	
Notifications of automatic entitlement for gaming machines on alcohol licensed premises:	2.
Cancellation of automatic entitlement for gaming machines on alcohol licensed premises:	2.
Applications for small society lottery registrations:	6.
Applications for replacement small society lottery registrations:	3.
Cancellation of small society lottery registrations:	2.
Licensing (Scotland) Act 2005	
Applications for premises licences:	0.
Applications for provisional premises licences:	2.
Applications for confirmation of provisional premises licences (to make licences fully operational):	4.
Applications for variations of provisional / premises licences which required to be determined by the Board:	6.
Applications for variations of provisional / premises licences which did not require to be determined by the Board:	8.
Applications for transfers of premises licences (including variations to name new premises managers):	6.
Applications for new personal licences:	30.
Applications for replacement personal licences:	2.
Applications for refreshment of personal licences (provision of evidence of having undertaken mandatory refresher training):	6.

Applications for renewal of personal licences:	80.
Revocations of personal licences (failure to provide evidence of having undertaken mandatory refresher training):	9.
Applications for occasional licences:	261.
Applications for extended hours of licensed premises:	1.
Total:	430.

3.3.

Of the 430 applications processed, 0 were refused.

3.4.

Numbers of reviews processed from 1 July 2018 to 30 June 2019:

Premises licence reviews during 2018 to 2019 resulting in written warning:	1.
Premises licence reviews during 2018 to 2019 resulting in no action:	1.
Personal licence reviews during 2018 to 2019 resulting in no action:	1.

3.5.

Numbers of annual fee invoices for licences, permits and registrations processed from 1 July 2018 to 30 June 2019:

Gambling Act 2005	
Invoices issued for club machine permit annual fees:	3.
Invoices issued for small society lottery registration annual fees:	117.
Licensing (Scotland) Act 2005	
Invoices issued for premises licences annual fees:	107.

3.6.

From 1 July 2018 to 30 June 2019 staff time (multiple hours) was spent researching information and preparing reports on a range of matters including the applications and reviews referred to in sections 3.2 and 3.4 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 in terms of the Licensing (Scotland) Act 2005.
- Review of Statement of Gambling Policy in terms of the Gambling Act 2005.

3.6.

3.6.1.

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.

3.6.2.

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.
New premises or provisional premises licences (alcohol):	1.00 but complex can take 4.00+.	1 per month.
Confirmation of provisional premises licences (to make licence fully operational):	1.00.	4 per annum.
Variation of premises or provisional premises licences (alcohol):	2.00 but complex can take 4.00+.	1 per month.
Transfer of premises licences (alcohol) (including variations to name new premises managers):	1.00.	1 per month.
Personal licences (alcohol):	0.25.	2 per day.
Occasional licences (alcohol):	0.25.	2 per day.
Extended hours of licensed premises (alcohol):	0.50.	1 per annum.
Lotteries (gambling):	0.25 but complex can take multiple hours.	1 per week.

4. Future Developments

4.1.

As a second phase in the development of the Customer Service Platform, licensing applications will be automated to the extent that this is possible in law. However, this system will take some time to develop.

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 from the following webpage:

<https://www.orkney.gov.uk/Service-Directory/G/Gambling.htm>.

5.2.

The Board’s information about alcohol licensing, including guidance, application forms and fee information, is published at https://www.orkney.gov.uk/Service-Directory/L/Alcohol_Licensing.htm.

5.3.

The following Board documents are published in the Related Downloads section of the following webpage:

- 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.

<https://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>

5.4.

The Board’s Registers of premises and personal licences are published in the Related Downloads section of the following webpage:

<https://www.orkney.gov.uk/Service-Directory/C/Current-Register-of-Premises.htm>

5.5.

The Board's Registers of occasional licences are published in the Related Downloads section of the following webpage:

<https://www.orkney.gov.uk/Service-Directory/O/Occasional-Licences.htm>

5.6.

The Board's Gaming Machines Register is published in the Related Downloads section of the following webpage:

<https://www.orkney.gov.uk/Service-Directory/G/Gaming-Machines.htm>

5.7.

The Board's Small Society Lotteries Register is published in the Related Downloads section of the following webpage:

https://www.orkney.gov.uk/Service-Directory/L/Lotteries_2.htm

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 on the following webpage:

<https://www.orkney.gov.uk/Council/C/orkney-islands-area-licensing-board.htm>

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