

Item 8

Orkney Local Licensing Forum meeting

03 November 2023

REPORT OF THE LICENSING STANDARDS OFFICER

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1. Background

This report updates the Orkney Local Licensing Forum (The Forum) on the activities of the Council's Licensing Standards Officer(s) during the period 01 July 2023 to 30 September 2023. Please note that within this report the names of licence holders and licensed premises have been removed to assist complying with data protection provisions.

2. Current staffing arrangements

As previously reported the Council does not have a full time LSO or an officer for whom undertaking the role of LSO is the main stated purpose of their job. The function of "licensing standards (alcohol)" continues to be carried out by 3 members of Environmental Health staff (including the Service Manager) who endeavour to deliver LSO functions in addition to their other work.

LSO activities remain at best, the bare minimum and it is recognised that this is not a position which provides a good service to the public, licensees, and partners. During this reporting period the deadline for LSO comments on some licence applications have unfortunately been missed. This has been reported to senior management. To safeguard against future risks, the Licensing Clerks have been informed that a non-response from the LSO to an application should not be taken as a "no comment" response and the Clerks have been advised that if there is a particular application which they are keen to draw to the attention of the LSO then a quick call or email would be welcome.

It should continue to be noted that although the LSO function is managed from within the Council's Environmental Health team, it is independent and separate to other environmental health work.

3. Review of activities 01 July 2023 to 30 September 2023

In accordance with LSO functions, the following activities are of note:

The LSO has been requested to provide comments on the following applications:

Type of application	Number
Application for premises licence (including variations)	5
Application for occasional licence	52
Application for extended hours	0
Application for personal licence	3

The following reports have been made by the LSO to the Licensing Board:

Type of LSO report	Number
Section 38(4)(a) Licensing (Scotland) Act 2005 [LSO response to an application for review of a licence]	0
Section 69(3) Licensing (Scotland) Act 2005 [LSO comments on the determination of an application for extended hours]	0

Providing to interested persons information and guidance

No requests for guidance have been received during the period covered by this report.

Supervising compliance of licence holders with their licence and conditions

Given the current resources available, pro-active inspections of licensed premises are not being undertaken. Reactive inspections may be made in response to a specific application, case or investigation on a risk assessed basis. Topics of compliance dealt with in this period include:

- A request for service regarding the size of a display unit used for the sale of alcohol in a licensed premises.
- A complaint about noise from activities at a licensed premises affecting a guest who was staying at that premises.

Providing information to Licensing Board in response of applicants for personal licences

There have been no instances where the LSO has needed to provide information to the Board in this regard.

Providing mediation services for the purposes of resolving disputes or disagreements between licence holders and other persons

No requests for mediation services have been received during the period covered by this report.

Issuing, in appropriate circumstances a “compliance notice”

No compliance notices have been issued during the period covered by this report.

Making an application for review of a licence

No applications for review of a licence have been made by the LSO during the period covered by this report.

4. Work with partners

The LSO is a member of the North of Scotland LSO liaison group which is a useful forum for sharing best practice, new ideas and helping achieve a degree of consistency in the performance of LSO functions. This group has not met since the last report.

The LSO was invited to attend a meeting with other LSOs, forum members and colleagues from throughout the country to discuss with Scottish Government officials a proposal to set up a “National Licensing Forum”. This was a productive discussion and the notes have been shared with the Forum chair, with the suggestion they are shared with Forum members and the Forum determines how to engage with any “National Licensing Forum” that may be established.

5. Other activities/ forward look

It is pleasing to note that a number of suggestions made in the LSO response to the consultation on the draft statement of licensing policy were incorporated into the final policy that was agreed by the Licensing Board.

Consultation on the Council’s enforcement policy has been completed and it is intended that the final version of the enforcement policy will be taken to a meeting of the Council’s Development and Infrastructure committee on 14 November 2023.

We continue to keep a watching brief on the new protect duty (“Martyn’s law”) and how it may impact licensed premises and events.

We are aware of the current consultation on minimum unit pricing and would be pleased to contribute to any response that may be made by the Forum.

We have met with the organisers of the County Show and participated in a post-show debrief. No issues of concern were raised with regard to alcohol licensing.

We continue to make ourselves available for any discussions relating to the formation of a Safety Advisory Group.

We have now established links with the Kirkwall BID and offered assistance to them as appropriate.

We have now established links with the Island Games organisers and look forward to working with them in order to deliver a safe and successful Island Games in 2025.

6. Contact details for the LSO

The LSO can be contacted via the following email address LSO@orkney.gov.uk