

## Appendix 1.

# Orkney Islands Area Licensing Board

## Alcohol Licensing and Gambling – Functions Report.

**Period: 1 July 2017 to 30 June 2018.**

### 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;
- premises licences;
- personal licences;
- provisional premises licences;
- temporary licences;
- transfers of licences; and
- variations of licences,

in respect of:

- the sale of alcohol by retail for consumption on or off premises;
- 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 2 months to allow for 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 2018:

<b>Gambling Act 2005:</b>	
Number of club machine permits:	3.
Notifications of automatic entitlement for gaming machines on alcohol licensed premises:	11.

Number of small society lottery registrations:	129.
<b>Licensing (Scotland) Act 2005:</b>	
Number of premises licences (including members' clubs):	110.
Number of provisional premises licences (including members' clubs):	2.
Number of personal licences:	346.

### 3.2.

Numbers of applications for licences, permits and registrations processed from 1 July 2017 to 30 June 2018:

<b>Gambling Act 2005</b>	
Cancellation of club machine permits:	1.
Applications for small society lottery registrations:	10.
Applications for replacement small society lottery registrations:	2.
Cancellation of small society lottery registrations:	4.
<b>Licensing (Scotland) Act 2005</b>	
Applications for provisional premises licences:	1.
Applications for confirmation of provisional premises licences (to make licence fully operational):	1.
Applications for variations of provisional / premises licences which required to be determined by the Board:	9.
Applications for variations of provisional / premises licences which did not require to be determined by the Board:	11.
Applications for transfers of premises licences (including variations to name new premises managers):	6.
Applications for personal licences:	23.
Applications for replacement personal licences:	5.
Revocations of personal licences (failure to provide evidence of having undertaken mandatory refresher training):	13.
Applications for refreshment of personal licences (provision of evidence of having undertaken mandatory refresher training):	20.
Applications for occasional licences:	179.
Applications for extended hours of licensed premises:	1.
Total:	286.

### 3.3.

Of the 286 applications processed, 0 were refused.

### 3.4.

Numbers of annual fee invoices for licences, permits and registrations processed from 1 July 2017 to 30 June 2018

<b>Gambling Act 2005</b>	
Invoices issued for club machine permit annual fees:	4.
Invoices issued for small society lottery registration annual fees:	109.
<b>Licensing (Scotland) Act 2005</b>	
Invoices issued for premises licences annual fees:	110.

### 3.5.

From 1 July 2017 to 30 June 2018 staff time (many hours for each category) was spent researching information and preparing reports on the following matters:

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

### 3.6.

From May to 30 June 2018 staff time (multiple hours) was spent updating information regarding alcohol licensing and gambling published at [www.orkney.gov.uk](http://www.orkney.gov.uk) to comply with new Data Protection legislation as well as improving online accessibility, including application forms and guidance notes.

### 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:

<b>Matter.</b>	<b>Average Time (Hours).</b>	<b>Average No. of Enquiries.</b>
New premises or provisional premises licences (alcohol):	1.00 but complex can take 4.00+.	1 per month.

<b>Matter.</b>	<b>Average Time (Hours).</b>	<b>Average No. of Enquiries.</b>
Confirmation of provisional premises licences (to make licence fully operational):	1.00.	2 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.	1 per day.
Occasional licences (alcohol):	0.25.	1 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 made for either a premises or 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:

<http://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 [http://www.orkney.gov.uk/Service-Directory/L/Alcohol\\_Licensing.htm](http://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.

<http://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:

<http://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:

<http://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:

<http://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:

[http://www.orkney.gov.uk/Service-Directory/L/Lotteries\\_2.htm](http://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:

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

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