

**ARGYLL & BUTE LICENSING BOARD**

**STATEMENT OF LICENSING POLICY 2007-2010**

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**1. BACKGROUND**

- 1.1 Section 6 of the Licensing (Scotland) Act 2005 provides that every licensing board must, before the beginning of each three year period, publish a statement of their policy with respect to the exercise of their functions under the Act during that period. The Board may, during a three year period, publish a supplementary statement of their policy with respect to the exercise of their functions during the remainder of that period.
- 1.2 The Board must ensure that the policy seeks to promote the licensing objectives and there is an obligation to consult:-
- The local Licensing Forum
  - If the membership of the Forum is not representative of the interests of relevant groups, such persons as appear to the Board to represent such groups, and
  - Such other persons as the Board considers appropriate.
- 1.3 The Board's present policy statement is effective until 29<sup>th</sup> November, 2010. The 2005 Act came into force on 1<sup>st</sup> September, 2009 and, during the transitional period, there were a number of cases where the Board either departed from its policy statement or where gaps in the statement were identified. Accordingly, the Licensing Board consider that it is now appropriate to undertake a comprehensive review of the Policy Statement.
- 1.4 As part of the review process, the Board will now initiate consultation with a number of groups and organisations including the Licensing Forum. The purpose of this report is to commence that consultation exercise and to seek the views of the Forum on the areas that they consider should be reviewed and any proposals that they may have for amendments to the Policy. The deadline for consultation responses is 31<sup>st</sup> July, 2010.

**2. POTENTIAL AREAS FOR CONSIDERATION**

- 2.1 I have set out below some areas which I have identified during the transitional period which will require to be considered as part of any review of the policy statement.
- Para 6.1 - An overprovision statement will require to be included within the new policy statement
  - Para 8 – Licensing Hours. These will need to be amended in light

of decisions taken by the Board during transition

- Para 8.7 - Extended hours applications – Should guidance be given on what constitutes a special event of local or national significance.
- Para 9 – Occasional Licenses – The Act does not define a “voluntary organisation”. Should the Board do so.
- Para 9.7 - Should a mandatory training requirement be introduced for those operating under an occasional licence.
- Para 13 – Access by children to licensed premises – This will require to be revised in light of decisions taken by the Board during transition where specific times and conditions were specified for access by children and young persons.
- Para 15 – Outside areas – The Board have generally fixed terminal hours for these areas.
- Para 22 – Licensing Standards Officers – This section should be expanded now that we have an LSO in post.

SUSAN MAIR  
Clerk to the Board

20<sup>th</sup> April 2010