

Fife Licensing Board

Annual Functions Report 2023 – 2024

This report has been prepared in accordance with the provisions of Section 9A of the Licensing (Scotland) Act 2005 (the “2005 Act”).

Fife Licensing Board is the licensing authority responsible for regulating the sale of alcohol in the area of Fife for the purposes of the 2005 Act. For the period this report covers, the Board was formed in May 2022 and made up of ten elected members from Fife Council.

Fife is located on the east coast of Scotland, lying between the Firth of Tay on the north and the Firth of Forth on the south, and is bordered to the West by Perth and Kinross and Clackmannanshire Councils. The population of Fife is rising and is currently 374,700. There are five main centres of population, namely, Dunfermline, Kirkcaldy, Glenrothes, Levenmouth and St. Andrews. Fife Licensing Board normally meets at the Town House, Kirkcaldy.

As of 31 March 2024, the Fife Licensing Board area had 2810 personal licence holders and 1023 premises licences comprising 182 on sale, 363 off sale and 478 on and off sale. The corresponding figures for the previous reporting year 2022/23 were 2740 personal licences and 1044 premises licences (189 on sales, 367 off sales and 488 on & off sales).

There has been an increase in the number of personal licenceholders which is believed to be due to a reduction in the number of licences revoked under the 2005 Act due to not undertaking and submitting evidence of refresher training.

There is a decrease of 21 premises licences in Fife since the last reporting period.

The Board is responsible for considering applications for premises licences (including provisional and temporary premises, transfer, variation and confirmation of provisional premises), occasional licences, extended hours and personal licences.

Licensing Objectives

The 2005 Act sets out the following five licensing objectives: -

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

The Licensing Board must have regard to the licensing objectives when considering all applications as the licensing objectives provide a basis for the administration of the licensing regime and a potential reason for refusal.

There is a presumption of grant of an application if none of the statutory grounds for refusal apply. Breach of one or more of the licensing objectives may provide grounds for reviewing a premises licence.

The Board recognises decisions to refuse applications must be evidence based and contain reasons as to why one or more of the licensing objectives has been engaged. The Board may attach conditions to a premises licence that it considers necessary or expedient for the purposes of any of the licensing objectives. In exercising its functions under the Act, the Board must consider the licensing objectives.

Board Business

The meetings of the Board during the reporting year 1 April 2023 to 31 March 2024 were back to normal after the Covid-19 pandemic and new Licensing Board members being appointed in May 2022. During the reporting year, there were 7 meetings of the Board which took place. These were physical meetings of the Board, which took place between Council Chamber in Fife House, Glenrothes and Town House, Kirkcaldy.

Applications were dealt with by the Board in an open and transparent manner, in accordance with the licensing legislation, statutory guidance and the Board's statement of licensing policy. Meetings of the Board are conducted in accordance with rules made by the Board at Kirkcaldy on 16th June 2008 (subsequently updated).

A copy of the applications and responses to the applications are issued to the Board members and applicants a week in advance of the board meeting. This gives fair notice to all parties involved in the process. The Board is aware of the need to ensure access for all to the licensing process and will provide information and assistance where requested. The Board always tries to be transparent, consistent and proportionate when dealing with applications. Each application made to the Licensing Board is decided on its own individual merits within the framework of the 2005 Act.

During the period this report covers, the Board reviewed its Statement of Licensing Policy. A period of consultation was undertaken and various responses were received, including from the Licensing Forum, NHS Fife, Fife Alcohol and Drug Partnership, Police Scotland, LSOs, licensing agents, and members of the trade and public, that were considered and helped to shape and form part of the review of the Policy. Fife Licensing Board's Statement of licensing policy was agreed on 2nd October 2023 and came into force on 5th November 2023

Decisions of the Board

In the reporting period, the Board received 13 applications for a new premises licence and 15 applications for a provisional premises licence. Objections to some of these applications were received, mainly relating to concerns regarding potential noise nuisance.

All objections were taken into account during consideration of the applications and the concerns of objectors addressed during the applicant's submissions and discussion by the Board. 27 of the premises/provisional premises licence applications were granted, with 1 waiting to be considered at a future Board meeting. 7 confirmation of provisional premises licence were also granted.

The Board received 78 applications for variations (other than a minor variation) to premises licences; 76 were granted and 2 were withdrawn. As with the premises licence and provisional premises licence applications, some objections were received in relation to the applications, mainly relating to concerns regarding potential noise nuisance for live music, persons leaving the premises late in the evening, smokers making noise outside the premises and general anti-social behaviour. After consideration of the objections in each case the Board granted the applications.

278 applications for minor variation were received by the Board, which were all granted by the Clerk under delegated powers.

61 applications for transfer of a premises licence were received, 60 were granted and 1 was withdrawn.

The Board processed 925 occasional licence applications during the reporting year which is a decrease on the 1064 applications in the previous year 2022/23. 919 of the applications were granted, 4 were withdrawn prior to determination and 2 were not considered in time. This decrease is due to staff not being able to process as many applications during the reporting period.

54 applications for extended hours were received during the year. 52 were granted and 2 were withdrawn.

The Board included a general determination within their new Licensing Policy extending licensed hours during the festive period for the duration of the Policy.

Spreadsheets listing the applications for premises licences, provisional premises licences, confirmation of licences, variations of premises licences, transfers, reviews of premises licences, applications for occasional licences and extended hours including the decisions taken on the applications will be published with this statement.

There were no appeals received during this Financial Period.

Reviews

In the period 1 April 2023 to 31 March 2024, 2 personal licence review applications and 21 premises licence review applications were considered by the Board.

Both personal licence reviews related to notification of convictions, where the Board decided that the grounds for review were established, resulting in both personal licences being endorsed.

3 of the premises licence reviews related to failing to uphold one or more of the Licensing Objectives. The grounds for review were established on 2 reviews and the Board revoked 1 licence and issued a written warning on the other. Where the Board found that the grounds for review were not established on 1 review, no action was taken. 18 reviews were for non-payment of the Annual Fee Payment, 1 surrendered the licence before the Board meeting. The grounds for review were established on 17 reviews and the Board revoked 9 licences, gave a written warning to 6 and took no further action on 2.

The outcomes of the premises licence reviews are indicated on the spreadsheet.

Licensing Forum

There is a properly constituted Licensing Forum operating in Fife. Members consist of representatives from the on and off trade, health, police, Licensing Standards Officers and members of the public. The Board invites the Forum to comment on matters of policy and the Forum shows a keen interest in the Board's decision making and processes. The Forum responds well to requests for information and feedback, and comments on policy matters and the like.

Fife Licensing Forum meets on a quarterly basis in central Fife, mainly in the afternoon. Members of the Licensing Board frequently attend the Licensing Forum meetings to keep abreast of any issues or concerns the licensing forum may have. Board members in attendance at meetings then feed back to the Board as a whole and the process is also done in reverse whereby the Board Members feed any relevant information to the Forum at meetings. The joint meeting of the Board and Forum was held as a blended meeting in April 2023.

The Forum has not made any recommendations or given advice to the Board that has not been considered by the Board, during the period being considered by this report.

Conclusion

The operation of licensed premises was back to a new normal following on from the Covid-19 pandemic. The volume of applications to the Board increased during this period as licenceholders started to update their operating plans to ensure that they are compliant with the Board's new Statement of Licensing Policy. The Board and Licensing Team worked to process applications as expeditiously as possible in line with the legislation and resources available to them, working together with the four Licensing Standards Officers employed by Fife Council.

Fife Licensing Board recognises the efforts of those who have an input into the operation of the Licensing Board and will continue to work with partner agencies to ensure the good practice going forward.

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