

# **Western Isles Licensing Board**

## **Annual Functions Report 2020 – 2021**

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

Western Isles Licensing Board (the “Board”) is the licensing authority responsible for regulating the sale of alcohol in the area of the Western Isles for the purposes of the 2005 Act. The current Board was formed in May 2017 and is made up of ten elected members from Comhairle Nan Eilean Siar.

The Western Isles are located on the west coast of Scotland. The Comhairle’s administrative centre is in Stornoway on the Isle of Lewis, where the Licensing Board holds its meetings.

The Board area had, by 31<sup>st</sup> March 2021, 280 Personal Licence Holders and 99 Premises Licences (28 on sale only, 35 off sale only and 36 on and off sale).

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**

In preparing their Statement of Licensing Policy, the Board had due regard to the guidance issued by the Scottish Government.

The Board recognises its duty to promote the five licensing objectives set out at section 4 of the 2005 Act:

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

The Board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In so doing, the Board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives outlined in the Act will provide a starting point.

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.

The Board's Statement of Licensing Policy can be found on the following website;

<https://www.cne-siar.gov.uk/business/consumers-and-the-environment/licensing/licensing-liquor-civic-government-gambling/>

### **Licensing Board meetings**

In the year 01 April 2020 to 31 March 2021, the Board met on a regular basis to determine applications that could not be dealt with under delegated authority.

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.

The Board is transparent, consistent and proportionate when dealing with applications. Each application made to the Licensing Board is decided on its own individual merits.

The Statement of Licensing Policy gives applicants an indication of how the Board is likely to view certain applications and how they are likely to be dealt with. The Board is likely to follow the Statement of Licensing Policy unless an applicant can demonstrate good reasons to the Board as to why the Policy should not be followed.

### **Decisions of the Board**

The Board considered applications for new premises licences and major variations to licences in the year up to 31 March 2021. Any objections are always taken into account during consideration of the applications and before any decisions about such applications are made by the Board. In this period the Board granted all of the applications received.

### **Licensing Forum**

There is a properly constituted Licensing Forum operating in the Western Isles Licensing Board area. Members consist of representatives from the on and off trade, health, police, the Licensing Standards Officer and members of the public. It is currently chaired by a former Councillor of the Western Isles.

The Forum meets on a regular basis. The Forum has not made any recommendations or given advice to the Board that has not been considered by the Board at any subsequent Board meetings.

### **Reviews**

There were no personal licence review applications and no premises licence review applications considered by the Board in this timeframe.

### **Conclusion**

The Board is pleased to report that generally licence holders comply with the legislation and the Board's Statement of Licensing Policy. The Board congratulates members of the licensed trade in the Western Isles area for their efforts in promoting and upholding the licensing objectives.

The 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.

Tim Langley  
Clerk to the Board