

Fife Licensing Forum

Committee Room 2 (FHM05.002), 5th Floor, Fife House, North Street, Glenrothes – Blended Meeting



Thursday, 24 August, 2023 - 2.00 p.m.

AGENDA

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2. **APPOINTMENT OF NEW MEMBERS** – Report by the Head of Legal and Democratic Services 3 - 6
3. **MINUTE** – Minute of meeting of the Fife Licensing Forum of 25 May 2023. 7 - 9
4. **FIFE LICENSING BOARD ANNUAL FUNCTIONS AND FINANCIAL STATEMENT** – Report by the Head of Legal and Democratic Services 10 - 14
5. **UPDATES FROM FIFE LICENSING BOARD** – Minute of meeting of Fife Licensing Board of 26 June 2023. 15 - 27
6. **LICENSING BOARD POLICY REVIEW** – Current policy attached. Members are asked to consider what should be kept in the Policy and what changes, if any, it would recommend that the Board consider making going forward. 28 - 61
7. **LICENSING STANDARDS OFFICERS UPDATE** – Report by the Licensing Standards Lead Officer. 62
8. **POLICE REPORT** – Report by the Licensing Sergeant, Police Scotland. 63
9. **PUBLIC HEALTH UPDATE** – Report by the Public Health Consultant, NHS Fife. To Follow
10. **ALCOHOL FOCUS SCOTLAND - EFOCUS NEWSLETTERS** – newsletters to be accessed via website
[Working To Reduce Alcohol Harm | Alcohol Focus Scotland \(alcohol-focus-scotland.org.uk\)](https://alcohol-focus-scotland.org.uk)
11. **ANY OTHER COMPETENT BUSINESS**
12. **DATE OF NEXT MEETING** – 23 November 2023 at 2.00 pm.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

17 August, 2023

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24 August, 2023

Agenda Item No. 3

Fife Licensing Forum - Appointment of New Members

Report by: Lindsay Thomson, Head of Legal and Democratic Services

Purpose

The Forum is asked to consider the appointment of new members to fill vacancies which have recently arisen.

Recommendation(s)

The Forum is asked to appoint members from the list of those who have expressed an interest, as detailed in paragraph 3 below.

Resource Implications

None.

Legal & Risk Implications

In accordance with Schedule 2 of the Licensing (Scotland) Act 2005 a Forum may have a maximum of 21 members. However, at the meeting of Fife Council on 22 June 2023 it was agreed that the Fife Forum have a maximum of 18 members to enable meetings to meet the necessary number for a quorum.

Failure to make such appointments may mean the Forum cannot function effectively or secure a quorum at meetings.

Impact Assessment

An EqIA is not required because the report does not propose a change or revision to existing policies and practices.

Consultation

No consultation was necessary.

1.0 Background

- 1.1 Each council in Scotland is required to establish a Licensing Forum under the Licensing (Scotland) Act 2005.
- 1.2 Membership of the forum is prescribed in the Act, setting out the numbers and categories/criteria for membership. These are summarised as follows:-
- Membership must be between 5 and 21 members
 - There must be at least one Licensing Standards Officer (LSO) for the area
 - There must be at least one person from the Health Board for the area
 - The rest of the members should be from the following main categories –
 - Licence holders (both on and off sales)
 - Police
 - Health, education or social work
 - Young people
 - Residents within the Forum's area
- 1.3 The Council has flexibility to decide how many representatives there should be for each category and can include members from other categories relevant to licensing.

2.0 Current position

- 2.1 Fife Council, at its meeting on 18 May 2017 (Minute reference - para. 8 of 2017.F.C.7 refers) agreed that the membership of the Forum be 15 members. At the meeting of Fife Council on 22 June 2023 (Minute reference – para. 84 of 2023.F.C.97 refers) it was agreed that the Forum membership be increased from 15 to 18 members. Due to recent resignations there are now 6 vacancies on the Forum.
- 2.2 The current membership of the Forum is as follows:-

Category	No. of members	Members
Licensing Standards	1	Douglas Hardaker
NHS Fife	2	Catherine Chudleigh, Clare Campbell
Licence Holders	3	Gregor Hannah, John Barclay & Paul Smith
Police	1	Neil Ewing
Education	1	Gillian Dewar
Licencing Training	1	Jo Worrall
Residents	3	Jeff Ellis, Izzy Corbin & Stewart Ness

- 2.3 The Constitution also states that Members who fail to attend three consecutive meetings shall, unless the failure to attend was for a reason approved by the Forum, be subject to removal from office by the Forum. In the first instance, the member will receive, if appropriate, a letter from the Clerk enquiring as to the reason for failure to attend and the matter will thereafter be considered by the Forum.

3.0 New Members

- 3.1 The undernoted persons have expressed an interest in joining the forum. A brief outline of their interests and experience is provided to assist members.

Susanna Galea-Singer, Addiction Services NHS Fife

Clinical Lead & Consultant Psychiatrist, NHS Fife Addiction Services
Clinical Innovations Champion, NHS Fife
Chair of the Education Committee, Board of Directors, International Society of Addiction Medicine
Co-Chair, Faculty of Addictions Psychiatry, Scottish Division, Royal College of Psychiatrists, UK

Peter Reid - Resident

I have recently inherited chairing the local community council (Touch and Garvock). I did work in Scottish Government licensing policy for ten years, so I have been on the copy list for the Forum for some time now, and I have attended the odd meeting. I moved post to a different policy area a few years ago, and I will shortly be taking partial retirement, so I thought it might be interesting to get involved in the Forum as a community member.

Morag Douglas – Licence Holder

My name is Morag Douglas, I am originally from Dundee. I have owned The Star in Burntisland since 2004 so have quite a few years' experience as a licensee. I have been a board member of the Fife licensed Trade Association for many years and for the past two years have been Scottish spokesperson for the Campaign for Pubs. I also served on Burntisland Community Council for around eight years.

I am interested safeguarding the future of the licensed trade and especially in trying to protect the role of smaller pubs in their communities. I have a lot of experience to offer as I am a very "hands on" licensee and so am well placed to advise on what is actually happening within the trade at grass roots level. I also have a clear understanding of licensing law and the principles behind it and am keen to be involved in helping to shape a licensing policy which will equally allow businesses to flourish and protect the communities they operate within.

James Torrance – Licence Holder

Twenty Two years experience within the trade, Eighteen of which has been involved in the sale of alcohol

Three years working over Scotland in various roles within Belhaven managed estate, Two years of which I was a relief manager working in Aberdeen, Stirling, Inverness, Perth, Dundee and of Course Fife.

Three Years Operation Manager for local Fife based pub company helping oversee and operate Ten Licensed premises at its Peak.

Currently eight years self employed running three licensed premises. Agenda Bar & Restaurant, The Windsor Hotel (Leven) and The Sunbeam Inn. We currently hold two gold and one silver awards from the Best Bar None Fife awards.

I am keen to join the forum to have some form of input to what is informed and discussed with the board. Our sector is under extreme hardship at present, with challenges coming from several directions at once. While I understand these will mostly be of little interest to the board in the manner of how they could help, I feel it is important they are kept in the loop during this perilous time. As an operator, I would feel I hadn't done my best if I hadn't got my opinion and hopefully contribution across.

Helen Hutton, FASS

My role within FASS is a Counselling Service Co-ordinator for the our core counselling service, which is funded by H&SCP in Fife to support individuals and any significant others impacted by alcohol/substance misuse. Our services is provided Fife wide in G.P. Surgeries, Health Centres and all the hospitals throughout the region. I have been in with the organisation for 18 years in various roles, initially as a volunteer counsellor and sessional counsellor and then in my present role as co-ordinator since 2012.

I believe my experience of working in the community with our client group over the years has given me an insight into how alcohol impacts negatively on some individuals in our society. I'm also aware of the development of government policies and legislation in respect of regulations and harm reduction approaches within our communities.

- 3.2 The Forum may also wish to consider pursuing the appointment of a young person as there are currently no members in this category.

4.0 Conclusion

- 4.1 Following the recent resignation of members and increase to membership the forum requires to fill the vacancies as appropriate.

List of Appendices

None

Background Papers

The following background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:-

None

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THE FIFE COUNCIL - FIFE LICENSING FORUM – BLENDED MEETING

Fife House, North Street, Glenrothes

25 May, 2023

2.00pm – 3.15pm

PRESENT: Gregor Hannah (Convener), Neil Ewing, John Barclay, Steven Brown, Catherine Chudleigh, Jeff Ellis, Gillian Dewar and Paul Smith.

ATTENDING: Rebecca Shovlin, Policy Officer, Health and Social Care; Nicky Corletto, Licensing Standards Officer; Lindsay Thomson, Head of Legal and Democratic Services, Kimberley Langley, Solicitor and Elizabeth Mair, Committee Officer, Legal and Democratic Services.

ALSO ATTENDING: Garry Burns (AFS), Peter Reid, Scottish Government.

APOLOGIES FOR ABSENCE: Councillors Tom Adams, Clare Campbell, Izzy Corbin and Douglas Hardaker

1. WELCOME AND APOLOGIES FOR ABSENCE

Gregor Hannah welcomed everyone to the meeting and apologies were given.

2. MINUTE

The Forum considered the minute of meeting of Fife Licensing Forum of 9 March 2023.

Decision

The Forum agreed to approve the minute.

3. RESIGNATIONS - JIM BETT AND IAN DAVIDSON

The Forum was asked to note the resignation of Jim Bett and Ian Davidson, due to their recent retirements. It was advised that Jim had been a member of the Forum since its establishment in May 2007.

Decision

The Forum noted the resignations and expressed thanks to Jim and Ian for their contributions.

4. APPOINTMENT OF NEW MEMBERS

The Forum considered a report by the Head of Legal and Democratic Services regarding the appointment of new members to fill the three vacancies which had arisen following recent resignations. It was noted that there were currently 5 expressions of interest in joining the Forum and these persons would all bring valuable skills. Lindsay Thomson advised that one option would be to request that Fife Council increase the number of members on the Forum to allow all interested parties to be appointed. It could also give an opportunity to seek a young person as this category was not currently represented on the Forum. There was a general consensus that all 5 persons could be appointed, but this could not be confirmed until the Council approved the increase to membership.

Decision

The Forum agreed:-

- (1) to request that Fife Council increase the number of members on the Forum from fifteen to eighteen; and
- (2) to continue the consideration of appointments until the next meeting following the decision of Council.

5. UPDATES FROM FIFE LICENSING BOARD

The Forum considered the minutes of meetings of Fife Licensing Board of 3 and 17 April 2023.

Decision

The Forum noted the minutes of the meetings.

6. LICENSING STANDARDS OFFICERS UPDATE

The Forum considered a report by the Licensing Standards Lead Officer, providing an update on the work of Licensing Standards since the last meeting.

It was reported that some premises had reduced the amount of alcohol products for sale and were using some of the allocated space, as specified on the plan approved with their licence, to display other goods. There appeared to be an inconsistent approach to this by Licensing Standards Officers. It was advised that the space needed to be used for the display of alcohol, soft drinks or newspapers and that a minor variation was required if the amount of alcohol was reduced. Steven Brown advised that he would feed this back to the team and arrange for investigation of any specific premises reported.

In response to a query regarding any issues with the delivery of alcohol, it was noted that there had been no reports of problems and that delivery drivers appeared to be verifying the age of the recipients. Neil Ewing confirmed that conditions attached to licenses required that deliveries must be to business or residential premises and not to open spaces such as parks. It was also noted that Amazon did not have a license to deliver alcohol products from the Fife distribution centre so any Amazon deliveries originated outwith Fife.

Decision

The Forum noted the report.

7. POLICE REPORT

Neil Ewing gave an update on the work of the Police since the last meeting. He advised that joint visits had been carried out with the licensing standards officers and with the better weather coming in it was likely that the number of complaints regarding beer gardens and outdoor drinking would be increasing.

Paul Smith asked about the recent Pubwatch scheme relaunch in Kirkcaldy and if it had addressed the presence of police at outside events. Neil Ewing confirmed that the police would not routinely have a presence at such events but that they would respond to any calls. Premises also needed to ban problem customers and discourage others from causing problems. He advised that one of the current issues was the lack of night time taxis.

It was noted that there was an unofficial pubwatch scheme in St Andrews but the police had not been involved and that although one license holder in Burntisland would like to see the scheme introduced there, other licence holders did not appear willing to join at this time.

Decision

The Forum noted the report.

8. NHS PUBLIC HEALTH UPDATE

The Forum considered a report by Catherine Chudleigh, Public Health Consultant, NHS Fife, providing an update on the following:-

- impact of minimum unit pricing on deaths
- licensing policy review public health evidence pack
- learning from alcohol specific deaths
- Director of Public Health Report
- See Beyond Scotland

Catherine advised that she could bring the full minimum unit pricing report to the next meeting and that figures had been published on alcohol related hospital admissions. She confirmed that the Director of Public Health Report would be published later in the summer.

It was also noted that there were differences in the impact of alcohol on deaths in England.

Decision

The Forum:-

- (1) noted the report; and
- (2) agreed that the Minimum Unit Pricing report be considered at the next meeting.

9. ALCOHOL FOCUS SCOTLAND - EFOCUS NEWSLETTERS

The Forum noted that eFocus newsletters could be accessed directly through the Alcohol Focus Scotland Website and a link was provided.

10. ANY OTHER COMPETENT BUSINESS

New Member Induction Materials

The provision of induction materials for new members was raised. It was suggested that the Alcohol Focus Scotland Licensing Forum Member's Guide and the Licensing Standards Officers course materials might be useful. Garry Burns of Alcohol Focus Scotland was also in attendance and advised that he was happy to answer any questions on the guide.

11. DATE OF NEXT MEETING

The Forum noted that the next meeting would be held on 24 August 2023 at 2.00pm.

Fife Licensing Board

Annual Functions Report 2022 – 2023

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 previous Board, formed in May 2017, continued until May 2022 when a new Board, made up of ten elected members from Fife Council, was elected due to the local Government Elections.

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 2023, the Fife Licensing Board area had 2740 personal licence holders and 1044 premises licences comprising 189 on sale, 367 off sale and 488 on and off sale. The corresponding figures for the previous reporting year 2021/22 were 2814 personal licences and 1047 premises licences (197 on sales, 367 off sales and 483 on & off sales).

There has been a decrease in the number of personal licenceholders which is believed to be due to an increase in the number of licences revoked under the 2005 Act due to not undertaking and submitting evidence of refresher training, even with the Covid-19 extension period still in place for undertaking and submitting the evidence of refresher training.

There is a decrease of 3 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 2022 to 31 March 2023 were somewhat back to normal after the Covid-19 pandemic and new Licensing Board members being appointed in May 2022. During the reporting year, there were 5 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. A practice which was introduced in previous reporting years continued until Covid-19 regulations ended in September 2022, which allowed applicants in respect of whose applications had no objections, representations or other reports had been received, to lodge written submissions for their application with the Board instead of appearing before the Board to minimise the number of persons attending the meeting.

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.

Decisions of the Board

In the reporting period, the Board considered 8 applications for a new premises licence and 2 applications for a provisional premises licence. Objections to one of these applications was received, mainly relating to concerns regarding potential noise nuisance. All objections were taken into account during consideration of the application and the concerns of objectors addressed during the applicant's submissions and discussion by the Board. All 10 of the premises/provisional premises licence applications were granted. 8 confirmation of provisional premises licence were also granted.

The Board considered 41 applications for variations (other than a minor variation) to premises licences; 36 were granted, 2 were refused and 3 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 refused 2 applications and granted 36.

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

95 applications for transfer of a premises licence were received, 91 were granted and 4 were withdrawn.

The Board received 1064 occasional licence applications during the reporting year which is an increase on the 939 applications in the previous year 2021/22. 1042 of the applications were granted, 4 were withdrawn prior to determination and a total of 18 were not considered in time or were no longer required. This increase in numbers is due to events starting to get back to normal after the period of restrictions.

75 applications for extended hours were received during the year. 72 were granted, 2 were withdrawn and 1 was surrendered as no longer required.

The Board made a general determination extending licensed hours during the 2022/2023 festive period.

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.

Reviews

In the period 1 April 2022 to 31 March 2023, 5 personal licence review applications and 2 premises licence review applications were considered by the Board.

2 of the personal licence reviews related to inconsistency with the licensing objectives and 3 reviews related to notification of convictions. On 4 of the review applications, the Board decided that the grounds for review were established resulting in 2 personal licences being endorsed and no further action being taken on the other 2 reviews. The other review was continued to a later meeting of the Board; however, the personal licence was surrendered prior to this meeting.

1 of the premises licence reviews related to failing to uphold one or more of the Licensing Objectives. The grounds for review were established and the Board suspended the licence for 4 weeks. The other review was for non-payment of the Annual Fee Payment, however, the licenceholder surrendered the licence before the Board made any decision.

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. Meetings of the Forum were affected by the lockdown and restrictions with some meetings cancelled and others held remotely. 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 still partially restricted in this period due to Covid-19 restrictions in place throughout some of the reporting period. The volume of applications to the Board increased during this period as premises started to operate with reduced restrictions in place. The Board and Licensing Team worked to process applications as expeditiously as possible in line with the different ways of working which were introduced to mitigate the risk of the spread of infection and worked with the Licensing Standards Officers to give advice to licenceholders on how they could operate their premises in compliance with the restrictions. Licensing Standards Officers were working with reduced officers during this period due to unfilled posts and leave, which caused some delay in providing assistance to licenceholders and responding to public enquiries. A further two Licensing Standards Officers have been in post since October 2022.

Compliance with the restrictions was generally good and the Board congratulates members of the licensed trade in Fife for their efforts in promoting and upholding the licensing objectives in difficult circumstances.

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.

Lindsay Thomson

Clerk to the Board,

Fife House, North Street, Glenrothes, KY7 5LT

Fife Council - Alcohol Statement

	2022/23 £	2021/22 £	Variance from Previous Return	Variance %
<u>Income</u>				
Licensing Fees	-417,312	-427,367	10,055	-2.4%
	-417,312	-427,367	-439,493	
<u>Expenditure</u>				
Staff Costs	320,426	259,787	60,639	23.3%
Transport	1,504	0	1,504	100.0%
Supplies & Services	17,666	8,202	9,464	115.4%
Central Support Costs	57,846	49,367	8,479	17.2%
	397,442	317,356	399,148	
(Surplus)/Deficit	-19,870	-110,011	90,141	-81.9%

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Provisional(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1448	THE FARM AT WELLSGREEN WINDYGATES LEVEN FIFE KY8 5RU	WS&J WHITEFORD C/O SHEPHERD & WEDDERBURN 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH EH3 8UL	25 April 2023	Granted unanimous
FLB 1449	ALLSON WHOLESALE DEPOT UNIT S TELFORD ROAD EASTFIELD INDUSTRIAL ESTATE GLENROTHES FIFE KY7 4NX	ALLSON SPARKLE LTD C/O TLT LLP 41 WEST CAMPBELL STREET GLASGOW G2 6SE	28 April 2023	Granted unanimous with delivery conditions 1 - 4

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

New Grant(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1444	EARL DAVID HOTEL AND SHIMLA DINING MAIN STREET COALTOWN OF WEMYSS KIRKCALDY FIFE KY1 4NN	LUMBINI LTD C/O GORDON MACNEIL 198 HIGH STREET COWDENBEATH FIFE KY4 9NP	31 January 2023	Granted unanimous
FLB 1446	INCHDAIRNIE DISTILLERY WHITECRAIGS ROAD GLENROTHES FIFE KY6 2RX	INCHDAIRNIE DISTILLERY LIMITED C/O MACROBERTS CAPELLA 60 YORK STREET GLASGOW G2 8JX	20 March 2023	Granted unanimous with delivery conditions 1 - 5

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

New Grant(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1443	SALTROCK BREWING 70 PORTERFIELD COMRIE DUNFERMLINE FIFE KY12 9XG	SALTROCK BREWING COMPANY LIMITED	31 January 2023	Granted unanimous with delivery conditions 1 - 5

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1135	NISA BALLINGRY 1 BENARTY SQUARE BALLINGRY LOCHGELLY FIFE KY5 8NR	MUKHTAR PARTNERSHIP, T/A NISA LOCAL C/O ANDERSONS LLP 40 HIGH STREET KINROSS KY13 8AN	27 February 2023	Granted unanimous
FLB 1130	KINGLASSIE LOCAL 37 MAIN STREET KINGLASSIE FIFE KY5 0XA	ZEESHAN AHMAD	25 April 2023	Granted unanimous with delivery conditions 1 - 5

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 469	ALDI TOM STEWART LANE ST ANDREWS FIFE KY16 8YB	ALDI STORES LIMITED C/O TLT LLP 41 WEST CAMPBELL STREET GLASGOW G2 6SE	13 February 2023	Granted unanimous with delivery conditions 1 - 4
FLB 415	EAST DOCK BAR 240-242 HIGH STREET METHIL LEVEN FIFE KY8 3EQ	GARY M COLEMAN	20 April 2023	Granted unanimous with the following condition: Alcohol may be consumed in the outdoor drinking area shown on the layout plan in accordance with the terms of this licence and the Board's Statement of Licensing Policy.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 412	GREENS OF MARKINCH 14-16 BALBIRNIE STREET MARKINCH GLENROTHES FIFE KY7 6DB	GREENS RETAIL LTD	3 February 2023	Granted unanimous
FLB 798	GREYFRIARS HOTEL 129 NORTH STREET ST ANDREWS FIFE KY16 9AG	GREENE KING BREWING & RETAILING LIMITED C/O BELHAVEN PUBS ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	1 March 2023	Granted unanimous with the following condition: Alcohol may be consumed in the outdoor drinking area shown on the layout plan in accordance with the terms of this licence and the Board's Statement of Licensing Policy.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1058	JAESY OFF LICENCE 62 CROMWELL ROAD BURNTISLAND FIFE KY3 9EL	JATINDER SINGH C/O GNE CONSULTANCY LTD 47 WALLACE BRAE DRIVE REDDINGMUIRHEAD FALKIRK FK2 0FB	21 April 2023	Granted unanimous with delivery conditions 1 - 5
FLB 1366	KINGS THEATRE KIRKCALDY LIMITED 9 ESPLANADE KIRKCALDY FIFE KY1 1HR	KINGS THEATRE KIRKCALDY LIMITED	10 April 2023	Granted unanimous with the following condition: Alcohol may be consumed in the outdoor drinking area shown on the layout plan in accordance with the terms of this licence and the Board's Statement of Licensing Policy. The capacity was agreed at 120.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 726	KINNEUCHAR INN MAIN STREET KILCONQUHAR LEVEN FIFE KY9 1LF	TOBY A C ANSTRUTHER C/O JANET HOOD CONSULTING KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XY	24 April 2023	Continued to the August Board meeting at the request of the applicant's agent.
FLB 501	SPAR CONVENIENCE STORE 55-57 BIGHTY AVENUE GLENROTHES FIFE KY7 5AD	C J LANG AND SON LIMITED C/O TLT LLP 41 WEST CAMPBELL STREET GLASGOW G2 6SE	14 March 2023	Granted unanimous

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 096	THE SHOREGATE 67 HIGH STREET NORTH CRAIL ANSTRUTHER FIFE KY10 3RA	SHOREGATE HOSPITALITY LTD	1 February 2023	Granted unanimous. The capacity was agreed at 80.

FIFE LICENSING BOARD**MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW****LICENSING (SCOTLAND) ACT 2005****LIST OF DECISIONS****Personal Licence(s)**

Lic No	Premises	Applicant	Date Received	Decision
FI 6324	KELLYANN GRUBB		24 November 2022	Granted. A motion by Cllr Lindsay seconded by Cllr Cameron to grant the application received 6 votes. A competing motion by Cllr Ellis seconded by Cllr Holt to refuse the application received 2 votes.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Personal Licence(s)

Lic No	Premises	Applicant	Date Received	Decision
FI 6440	ALLAN ADEY		19 April 2023	The Board agreed to continue the application to the August Board to allow the applicant to seek legal representation.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Personal Licence Review(s)

Lic No	Premises	Applicant	Date Received	Decision
FI 5551	LEE MURRAY	CHIEF CONSTABLE	9 May 2023	Review heard. Grounds for review established. Licence Endorsed. Motion by Cllr Cameron seconded by Cllr Lothian to take no further action received 3 votes. A competing motion by Cllr Lindsay seconded by Cllr Ellis to endorse the licence received 5 votes.

FIFE LICENSING BOARD

MEETING, 26 JUNE 2023 AT 10:00AM IN COUNCIL CHAMBERS, TOWN HOUSE, WEMYSSFIELD, KIRKCALDY, FIFE. KY1 1XW

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Premises Licence Review(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1024	KINGS 2-8 MAIN STREET KELTY FIFE KY4 0AA	COLIN FENWICK	23 May 2023	Review Heard, the unanimous decision of the Board was that grounds were not established and no further action would be taken.

Fife Licensing Board

Licensing (Scotland) Act 2005

Statement of Licensing Policy

November 2018 to November 2023

Clerk to the Licensing Board,
Fife House,
North Street,
GLENROTHES,
Fife.
KY7 5LT

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FOREWORD

Consultation on this Statement took place between 5 July 2018 and 31 August 2018. The draft Statement was amended following the consideration of the consultation responses by the Licensing Board on 8 October 2018. The policy will be applied during the licensing policy period commencing on 5 November 2018 until 18 months following the date of the next ordinary election of councillors to the Fife Council. It will be kept under review and revised, if appropriate, by the issuing of supplementary policy statements should circumstances change during the said licensing policy period.

Prior to the publication of this Statement the Board consulted the following:

The Fife Licensing Forum
Fife Council departments
NHS Fife
Fife Alcohol and Drugs Partnership
Community Councils in Fife
The Chief Constable of Police Scotland
Scottish Fire and Rescue Service
Fife Licensed Trade Association
The Scottish Licensed Trade Association
Scottish Beer and Pub Association
Scottish Grocers Federation
Elected Members of the Fife Council (not sitting on the Licensing Board)
Licensing lawyers
The University of St. Andrews
University of St. Andrews Students' Association
Drugs, Alcohol and Physiotherapies Ltd.
Fife Federation of Tenants and Residents Association Ltd.
North East Fife Tenants and Residents Federation

In addition, consultation was carried out with the public directly by publishing the draft Statement on the Fife Council's website www.fifedirect.org.uk and in the Council's Consultation Diary and by holding three drop in sessions in Kirkcaldy, Cowdenbeath and Methil.

PART 1

1. STATEMENT OF LICENSING POLICY

1.1 INTRODUCTION

The purpose of licensing is to regulate the sale of alcohol and the premises on which alcohol is sold, and for connected purposes in terms of the Licensing (Scotland) Act 2005. The responsibility for licensing in Fife lies with the Fife Licensing Board which is made up of 10 elected members of the Fife Council. This Statement of Licensing Policy has been prepared by the Board in terms of Sections 6 and 7 of the 2005 Act. The Board and the Clerk to the Board exercising delegated functions will have regard to the Statement in carrying out their functions in the licensing and regulation of the sale of alcohol within Fife

1.2 LICENSING OBJECTIVES

There are five core objectives underpinning the Licensing (Scotland) Act 2005. These should, at all times, guide the Board, licenceholders and all persons involved in the control, management, operation or running of licensed premises and others involved in regulation of such premises. The objectives are:-

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

Further details on how the Board will seek to promote these objectives are set out in Part 2.

1.3 CONTEXT – FIFE

- 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. Fife's population is rising with a population in 2018 of 370,030. Fife has five main centres of population, namely, Dunfermline, Kirkcaldy, Glenrothes, Levenmouth and St. Andrews. There are as at 16 October 2018, 1058 premises licences in Fife. This represents a decrease of 45 premises licences since the previous Statement of Licensing Policy was adopted by the Board in November 2013. Of the 1058 licences, 356 premises are off-sales, 486 are both on and off sales and 216 are on sales. There are also 3321 individuals who as of 16 October 2018 have a personal licence granted by the Board.

- 1.4 Fife's Community Plan 2011 – 2020 sets high level outcomes for Fife in reducing inequalities, increasing employment and tackling climate change. That plan will be replaced by the Fife Council's Plan for Fife which is currently in development and which will set out priority areas for improving public services and how organisations work together.

1.5 **PREPARATION OF STATEMENT**

This Statement of Licensing Policy has been prepared having regard to:-

- the 2005 Act and in particular promotion of the Licensing Objectives;
- the Guidance for Licensing Boards and Local Authorities issued in 2007 by the Scottish Ministers in terms of section 142 of the 2005 Act; and
- non statutory draft guidance issued by the Scottish Ministers in February 2018 in respect of sections 6 and 7 of the 2005 Act.

1.6 The Board has consulted the persons and organisations listed in the Foreword and has had regard to all responses to the consultation.

1.7 **GENERAL PRINCIPLES**

1.8 This Statement of Policy sets out a general approach to the way the Board will make licensing decisions but nothing in this Statement will:-

- undermine the rights of any person to apply under the Act and to have that application considered on its individual merits; or
- override the right of any person to make representations on any application or seek a review of a licence where permitted to do so under the Act.

1.9 The policy in this Statement seeks to promote the licensing objectives. The Board will consider all applications on their merits within the context of the 2005 Act, this Statement and any supplementary policy statement published. In particular the Board will consider whether or not an application conforms to this Statement. Where an application is outwith the policy in this Statement, the Board expects the applicant to demonstrate to the Board why the application is not inconsistent with the licensing objectives and should be granted.

1.10 It should be recognised that the Board's licensing powers are not the primary mechanism for dealing with issues such as antisocial behaviour and nuisance by individuals once they are no longer in the licensed premises and beyond the direct control of the individual, club or business holding the Premises Licence

1.11 The Board will, so far as possible, avoid duplication with other regulatory regimes such as health and safety at work and fire safety. Separate legislation covers these matters and places a range of duties on employers and operators of venues. The Board also recognises that planning, building control and licensing are separate regimes and that applications have to be considered on their merits under the appropriate regime. In determining an application for a licence, the Board will not treat applications for licences as a rerun of any planning application and will not cut across decisions of any planning committee or seek to challenge any decision made by the planning committee. The Board will not attach conditions to a premises licence unless these are considered necessary for the promotion of the licensing objectives. Conditions will be

considered unnecessary where these would relate to matters already adequately covered by other legislation.

- 1.12 Fife received an estimated 8.6 million visitors in 2016, the last year for which figures are available, of which around 70% were from the UK. The Fife Tourism Partnership has highlighted the importance of creating safe, enjoyable spaces for visitors to enjoy particularly around the evening economy. The Board recognises the importance of tourism to Fife as a whole and supports the creation of high quality facilities for tourists and a vibrant night time economy in the larger settlements in Fife. The award of Purple Flag status to Dunfermline, an accreditation for town and city centres that offer an entertaining, diverse, safe and enjoyable night out, underlines a move towards a high standard of licensed premises in Fife. Dunfermline is one of only four Purple Flags in Scotland. The Board will seek reports from the tourism agencies on the local tourist economy to ensure that they are reflected in the Board's considerations.

1.13 **TYPES OF APPLICATIONS AND SCHEME OF DELEGATION**

In relation to the sale of alcohol, the Board is responsible for the consideration of applications for:-

- premises licences;
- occasional licences;
- temporary licences;
- provisional licences;
- confirmation of provisional licence;
- variations of licences;
- review of personal and premises licences;
- transfer of licences;
- personal licences;
- renewal of personal licences; and
- extended hours.

- 1.14 The Board has agreed that only the following applications and matters require to be determined by the Board:

:

- a premises licence application;
- a premises licence variation where the variation applied for is not a minor variation;
- an application for transfer of a premises licence where the applicant has been convicted of a relevant offence or a foreign offence or where the Chief Constable has provided information on the applicant, a connected person or an interested party under section 33(7A) of the 2005 Act;
- a personal licence application or a personal licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence or information has been provided to the Board by a Licensing Standards Officer in terms of section 73A(2) of the 2005 Act;
- conducting any hearing including issuing a written warning, revoking or suspending the licence, making a variation of a licence or, in respect of

- a personal licence, making an order revoking, suspending or endorsing a personal licence;
 - making a closure order; and
 - refusing an application for confirmation of a provisional premises licence.
- 1.15 All other applications and matters relating thereto are delegated to the Clerk to deal with and determine. A table listing delegations is attached as Appendix 1 to this Statement
- 1.16 **OPERATING PLANS**

All applications for premises licences must be accompanied by an operating plan and a layout plan, all complying with the Act and Regulations made under the Act. Operating plans must make clear how the premises are to be run, what activities will be undertaken on the premises and at what times.
- 1.17 More specifically, an “operating plan” in relation to any premises is a document in the prescribed form including:-
 - (a) a description of the activities to be carried in the premises;
 - (b) a statement of the times during which it is proposed that alcohol be sold in the premises;
 - (c) a statement as to whether the alcohol is to be sold for consumption on the premises, off the premises, or both;
 - (d) a statement of the times at which other activities, in addition to the sale of alcohol, are to be carried out in the premises;
 - (e) where alcohol is to be sold for consumption on the premises, a statement as to whether children or young persons are to be allowed entry to the premises and, if they are allowed entry, a statement of the terms on which they are allowed entry including, in particular:-
 - (i) the ages of children or young persons to be allowed entry;
 - (ii) the time at which they are to be allowed entry; and
 - (iii) the parts of the premises to which they are to be allowed entry;
 - (f) information as to the proposed capacity of the premises; and
 - (g) prescribed information about the individual who is to be the premises manager.
- 1.18 Where alcohol is to be sold both for consumption on and for consumption off any premises, the operating plan for the premises may state different times for:-
 - (a) the sale of alcohol for consumption on the premises; and
 - (b) the sale of alcohol for consumption off the premises.

Alcohol cannot be sold by law for consumption off the premises outwith the period 10.00 a.m. and 10.00 p.m. daily.
- 1.19 In preparing and presenting the operating plan, applicants should be aware that the Board expects premises to be run in a way consistent with, and promoting, the five licensing objectives listed in paragraph 1.2 and applicants may be

required to satisfy the Board that the matters contained in their operating plans are consistent with the licensing objectives.

- 1.20 It is permissible under the 2005 Act for Fife Council to seek premises licences in its own name. When this is the case, the Board and its officers will consider the matter from a neutral standpoint independent of the Council. If relevant representations are made by any party, these will be given full and equitable consideration by the Board.

- 1.21 Although basic guidance may be sought from the Clerk and Licensing Standards Officers, it is for the applicant to make sure that the operating plan is in the correct form and covers all aspects of the operation of the premises.

1.22 *DISABLED ACCESS AND FACILITIES STATEMENTS*

Every application for a premises licence must be accompanied by a Disabled Access and Facilities Statement. The form of the Statement has been prescribed by the Scottish Ministers and is available on the Board's webpages on www.fifedirect.org.uk along with a link to the Scottish Government's guidance on how to complete the Statement.

- 1.23 The Board expects applicants for premises licences to indicate in their Statement how accessible the premises are or will be for people with disabilities and the facilities they intend to provide for people with disabilities. Whilst the Board will include details of the Disabled Access and Facilities Statement in the Licensing Register, the Board also encourages applicants to make the Statement easily available for customers by publishing it on their website or by other means to enable potential customers to make a judgement as to whether the premises will be accessible to them.

1.24 *HEARINGS*

Where a hearing is to take place, the Board will attempt to make the experience as informal as possible consistent with the carrying out of the Board's quasi-judicial function. The Board has made Rules in terms of paragraph 12(5) of Schedule 1 to the 2005 Act setting out the way in which hearings for applications for premises licences and for variation of premises licences will be conducted. The Rules and adopted procedures are in Appendix 3(a) and (b) to this Statement. At the hearing, if any person taking part requires clarification of the procedures, they should draw this to the Convener's attention.

- 1.25 The Board may adjourn to consider the application in private after hearing the parties. If legal advice has been given to the Board during the adjournment, the Clerk will state what that advice was when the Board reconvenes to resume consideration of, or make a decision on, the application. The decision and any voting on motions will be done in public.
- 1.26 The Board's normal practice is to hear statements or submissions made by or on behalf of applicants, objectors, the Chief Constable, the Licensing Standards Officers and other regulatory bodies. It may on occasion hear direct evidence

from witnesses if the Board considers it necessary to the determination of the application or review.

1.27 When considering whether or not any application for a premises licence or variation of a premises licence should be granted, the Board will take into account relevant matters including:-

- the location and nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises;
- the proposed hours of operation;
- the means of access to the premises including the location and adequacy of customer entrances and exits;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public transport that will be used by them;
- the likely level of car parking demand on principal roads and surrounding residential streets in comparison with the existing situation, its effect on local residents and on residential parking and emergency access; and
- the provision of toilet facilities and ventilation of the premises.

This list is not exhaustive.

1.28 Where it is necessary for the purposes of the licensing objectives to take steps to mitigate or prevent any potential impact, the Board may grant a licence subject to conditions. Each case will be considered on its own merits and appropriate advice will be sought by the Board from officers or consultees.

1.29 When considering any application for premises which have been previously licensed or in any review of an existing licence, the Board may take into account any historical evidence relevant to the licensing objectives especially of the impact on local residents and may also look at the measures put into effect by the applicant to mitigate the adverse impact.

1.30 Anyone is entitled to object to an application for a premises licence or seek a review of a premises licence. However, the Board may reject an objection or an application for review where it is considered to be “frivolous” or “vexatious”. Where the Board makes a finding that an objection or application for review is frivolous or vexatious it is entitled to recover any expenses incurred by it in considering the objection or application for review.

1.31 **OCCASIONAL LICENCES**

An occasional licence authorises the temporary sale or, in certain circumstances, the supply of alcohol which is not authorised by a premises licence. It may be applied for by:-

the holder of a premises licence;
the holder of a personal licence; or
a representative of any voluntary organisation;

to cover a period of a no more than fourteen days.

- 1.32 The Board considers that the purpose of occasional licences is to allow the sale of alcohol at events which do not occur on a regular basis. The Board discourages applicants from repeatedly applying for occasional licences to enable a business to be run in the absence of a premises licence.
- 1.33 Applications for occasional licences must be lodged with the Licensing Team at least six weeks prior to the event to which these relate. Applications will not generally be accepted if the day or first day of the event for which the occasional licence is required is less than six week away. Only if the Board is satisfied that there are exceptional and unforeseen circumstances will an application for an occasional licence be accepted less than six weeks prior to the date of the event.
- 1.34 The grant of an occasional licence is subject to the mandatory conditions laid out in Schedule 4 to the 2005 Act and any local conditions which the Board considers appropriate.
- 1.35 The Board requires the representative of any voluntary organisation making application for an occasional licence to have undertaken basic training on licensing requirements and to be present throughout the event to which the occasional licence relates. Such a person should either hold a licensing qualification or be trained to the standard prescribed in the Licensing (Training of Staff) (Scotland) Regulations 2007.
- 1.36 In the case of occasional licences permitting the sale of alcohol until after 1:00am, a condition will be applied requiring a person trained to the satisfaction of the Board in first aid to be on the premises from 1:00am until the earlier of 5:00 a.m. or when the premises next closes. The Board shall be satisfied if such a person has completed a course certified as complying with the First Aid at Work, Health and Safety (First Aid) Regulations 1981. In granting any application allowing the sale of alcohol beyond 2:00am, the Board may apply the late night conditions set out in Appendix 4(a) of this Statement. If the applicant considers that any of these conditions should not be attached to the licence, submissions should be made to this effect with the application.
- 1.37 If an occasional licence is applied for to enable alcohol to be sold in a marquee, a location plan of the marquee must be submitted with the application. If granted, the licence may be subject to the marquee conditions in Appendix 4(b) of this Statement. If the applicant considers that any of these conditions should not be attached to the licence, submissions should be made to this effect with the application.
- 1.38 **EXTENDED HOURS APPLICATIONS**

Extended hours applications under Section 68 of the Act allow for an occasional extension of the licensed hours shown in the Operating Plan of up to one month in connection with a special event or occasion to be catered for on the premises

or a special event of local or national significance. The Board expects applicants to demonstrate in their application the nature of the special event or occasion. In granting any application extending the hours in which alcohol may be sold to beyond 2:00am, the Board may apply the late night conditions set out in Appendix 4(a) of this Statement. If the applicant considers that any of these conditions should not be attached to the licence, submissions should be made to this effect with the application.

- 1.39 If regular applications to extend licensed hours are made for the same premises, the Board will expect the applicant to consider whether an application should be made to vary the premises licence to reflect the change in the manner of operation of the premises.

1.40 ***GENERAL EXTENSIONS OF LICENSED HOURS***

The Board may make a determination under Section 67 of the Act to extend licensed hours to enable premises to remain open longer for certain special occasions. Prior to making any determination the Board will consult the Licensing Forum, Licensing Standards Officers, and the Chief Constable. It will notify its determination to the Chief Constable, to holders of licences and to other relevant parties. The Board has granted general extensions for the festive period from early December to early January and has on occasion granted general extensions for significant royal events and major international sporting events.

1.41 **LICENSED HOURS**

This section of the Statement of Licensing Policy relates to licensed premises where alcohol is sold with or without any other licensable activity. The Board expects that all applicants for all types of licensed premises will consider hours of trading to be an important issue when preparing their operating plans.

- 1.42 Licensed hours must be detailed in the Operating Plan of every premises. While each application will be assessed on its own merits, the following sets out the Board's policy on licensed hours.

1.43 **OFF SALES**

The maximum licensed hours for the sale of alcohol for consumption off the premises is 10.00 a.m. to 10.00 p.m. each day. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off sales hours may have on the occurrence of anti-social behaviour. The Board may take the view in particular circumstances that the permitted terminal hour in terms of the Act (10.00 p.m.) should be restricted. Each case will be taken on its merits, considering all the licensing objectives, in particular those relating to crime and disorder, children and young persons, public health and public nuisance. The Board is concerned to promote best practice in this area and will consider most carefully whether or not opening hours until 10.00 p.m. are justified.

1.44 **ON SALES**

In general terms, the Board will find favour with the following for on sales opening hours:

- (a) all premises opening at 10.00 a.m. every day;
- (b) closure at midnight from Sundays to Thursdays for most licensed premises;
- (c) for premises open on Friday and Saturday evenings, closure at 1.00 a.m. the following mornings, respectively, for most licensed premises;
- (d) closure at 1.00 a.m. the following morning for most licensed premises offering adult entertainment;
- (e) closure at 2.00 a.m. the following morning for most licensed premises offering dance, [that is, night club facilities] or restaurant facilities. For premises in this category wishing to open to 3:00am or 4:00am, the Board expects the applicant to provide detailed information regarding the measures they will take to ensure the safe dispersal of customers on departure from the premises to minimise crime and disorder and public nuisance and such applications will be determined on their merits having particular regard to the views of the applicant, Chief Constable, Licensing Standards Officers and any other person on these matters.

For the purposes of paragraph 1.48(e), restaurant means premises where at least 75% of the areas to which the public are admitted are occupied by tables and chairs which are set for and used exclusively for the provision and consumption of meals throughout the whole of the licensed hours. Night club facilities means premises where the areas to which the public are admitted are used predominantly for the provision of dance from 10.00pm to the end of the licensed hours, have live or recorded music with a decibel level exceeding 85dB and when fully occupied are likely to have more customers standing than seated.

- 1.45 In all cases, applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from nearby licensed establishments.
- 1.46 Applicants should also give consideration to having winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before the end of the permitted hours thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left licensed premises. The Board may also, by means of Local Conditions, require the provision of hot food up to the terminal hour. In addition, patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.

- 1.47 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property or where the trading hours of the premises and competing businesses are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder or anti-social behaviour and where licensed premises included external areas. Where the whole circumstances of particular premises dictate, including promotion of the licensing objectives, the Board will consider restricting the opening hours so that an earlier terminal hour will apply. The Board may impose different restrictions on hours for different licensable activities and for different days of the week.
- 1.48 The Board recognises that licensed hours should not unnecessarily inhibit the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism.
- 1.49 In considering the extent of their licensed hours, applicants should have regard to the following:
- the effect of the grant of the licence or extended hours applications for later or earlier hours on crime and disorder, public safety, public nuisance, public health and children and young persons.
 - the proposed hours for any music, including the times incidental and background music will be played;
 - the hours when customers will be allowed to take food or drink outside the premises or be within outside open areas which form part of the premises;
 - the existing hours of licensable activities and the past operation of the premises, if any, and hours of licensed premises in the vicinity;
 - whether or not customers and staff have adequate access to public transport when arriving at, and leaving from, the premises, especially at night;
 - the capacity of the premises;
 - the type of use, recognising that premises which sell alcohol, play music for dancing, provide late night refreshments or take-away food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas or other performance venues;
 - the extent to which noise attributable to the premises may cause disturbance to nearby residents' rest, relaxation and sleep.

1.50 MEMBERS CLUBS

All clubs who wish to sell alcohol require to have a premises licence or an occasional licence. Many members clubs which meet the conditions in the

Licensing (Clubs) (Scotland) Regulations 2007 will be exempt from some provisions of the 2005 Act. The Board will require such clubs to provide a copy of their constitution with an application for a premises licence. Such clubs must abide by their constitution to remain exempt from the full requirements of the 2005 Act.

- 1.51 Clubs benefitting from the exemptions must ensure that alcohol is only sold to a member of the club, to a member of a related club or to a person who is on the premises at the invitation of a member, has been signed in by that member and is accompanied by that member. The Board may impose a local condition on the licence to this effect. Should the club apply for an occasional licence to admit members of the public without being signed in by a member, the Board will require the club to demonstrate that the event taking place on the premises is being held in connection with the club's activities.

1.52 OUTSIDE SEATING AREAS

When applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, they will be expected to ensure that the use of such areas will not cause disturbance to the occupiers of other premises in the vicinity. Signage should be displayed asking customers to have regard to this. These areas are to be shown on the layout plan of the premises and will be taken into account the overall assessment, particularly in relation to exits and sanitary facilities. In designated smoking areas and other outside areas where patrons go to smoke, for example, outside any of the doors to the premises, no alcohol may be taken or consumed.

- 1.53 If an applicant or licenceholder wishes alcohol to be consumed in an outside area such as a beer garden identified in the layout plan, the Board is likely to require that the area is to be used, in relation to alcohol, for the consumption of alcohol only and not for the sale of alcohol, although table service will usually be permitted. If an applicant or licenceholder does wish alcohol to be sold from time to time, for example, in a marquee by virtue of an occasional licence, then this facility must be sought and include in the Operating Plan.
- 1.54 In order to exercise appropriate control of the consumption of alcohol in open spaces and having particular regard to the potential for noise nuisance, the Board regards the following as appropriate and may impose a local condition to this effect on the licence:
- the consumption of alcohol within outdoor areas will not continue beyond 23.00 hours;

when alcohol is supplied by virtue of a licence in public open spaces (e.g. street cafes), the terminal hours will be 23.00 hours from 1st April to 30th September and 19.00 hours from 1st October to 31st March, in each year

1.55 PRICING AND PROMOTIONS

It is important for licenceholders to be aware that some drinks promotions may be irresponsible and therefore in breach of a mandatory condition attached to both premises and occasional licences. Licenceholders and staff should be aware of these conditions and not carry out these irresponsible promotions. Licensing Standards Officers will monitor promotions and will take action if any promotions are deemed to be irresponsible. Where there is any doubt as to whether a promotion is irresponsible, licenceholders should take legal advice.

- 1.56 Premises licenceholders and staff should also be aware that variations in the pricing of alcohol sold on the premises. may be brought into effect only at the beginning of a period of licensed hours. For off-sales premises, no further variation of price of that alcohol may be brought into effect for 72 hours. For on-sales premises, no further variation in price of any alcohol may be made for 72 hours. Licenceholders and their staff should also be aware of the mandatory conditions in both premises and occasional licences regulating the minimum unit pricing of alcohol, the pricing of packaged products containing alcohol and on the display of alcohol in premises. Premises licenceholders and staff must also be aware that minimum unit pricing may affect variations in pricing and promotions.

1.57 **TRAINING & SUPERVISION**

The name and address of the premises manager must be specified in the application for a premises licence. The Board will expect the premises manager to have the day to day responsibility for running the premises and to be present at the licenced premises on a regular basis when alcohol is being sold. The Board would encourage licence holders to make provision, where feasible, for a personal licence holder to be on the premises at all times when alcohol is being sold.

- 1.58 The premises manager must hold a personal licence. All personal licenceholders must hold a licensing qualification. All staff working in licenced premises who are involved in the sale of alcohol must receive training from a personal licence holder or other person with an accredited qualification. This training must cover the matters set out in the Regulations. Records in the form prescribed by the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations must be kept of training provided to staff and made available to Licensing Standards Officers on demand.
- 1.59 Licenceholders should be aware that delivery drivers can be guilty of offences under the Act. It is an offence to deliver alcohol to a child or young person. Licenceholders should ensure that an age verification policy is in place to enable delivery drivers to verify the age of the recipient of the alcohol if they believe the recipient is under 25. It is also an offence to deliver alcohol without keeping information relating to the sale being entered in a day book kept on the premises and a delivery book or invoice carried by the delivery driver. The Board recommends that delivery drivers receive appropriate training. The Board may add a condition to premises licences offering delivery of alcohol requiring the customer to sign on receipt of delivery of alcohol.

1.60 **OVERPROVISION OF LICENSED PREMISES**

Section 7 of the Act requires each Licensing Board to include in its Policy Statement a statement to the extent to which the Board considers there to be an overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area. In considering whether there is overprovision in any locality the Board must have regard to the number and capacity of licensed premises in a particular locality determined by the Board.

- 1.61 In determining whether there is overprovision in any locality in Fife, the Board considered a joint report by NHS Fife, Fife Council and Fife Alcohol and Drug Partnership entitled The Provision and Impact of Alcohol in Fife (January 2018). This report included an Alcohol Profile for each of the seven Fife Council areas with statistical information on alcohol related health harms, alcohol related deaths, and alcohol related social harms, as well as the number and type of licensed premises is provided for each of the seven areas. Having considered the information in the report, the Board consulted the persons and bodies listed in the Foreword on whether there was an overprovision of premises offering the sale of alcohol for consumption off the premises in the Cowdenbeath, Levenmouth and Kirkcaldy areas.

- 1.62 The Board has determined that there is no overprovision of licensed premises or licensed premises of a particular description in any locality in Fife. In reaching this view, the Board took into consideration the information in the joint report and the views expressed in the consultation responses. The Board found that due to the rise in online ordering and delivery of alcohol from premises distant from the customer's address, and the reduction in the number of licensed premises since the publication of the last Statement of Licensing Policy, it was not possible to find there to be a causal link between the alcohol harms in a locality and the number of premises in the locality.

The Board considers that the introduction of minimum unit pricing of alcohol in May 2018 has the potential to be a more effective tool in reducing harms caused by alcohol. The Board will keep the issue of overprovision under review and will consider the matter afresh particularly once information on the evaluation of the impact of the introduction of minimum unit pricing is available.

1.63 **PAYMENT OF ANNUAL FEE**

- 1.64 Payment of the annual fee is a mandatory condition of the premises licence. The annual fee is determined by reference to the rateable value of the premises. Annual fees are due to be paid on 1 October each year. The Board will notify the licenceholder of the amount of the annual fee and provide details as to how it should be paid at least 30 days before the fee is due to be paid.
- 1.65 Non-payment of the annual fee is a breach of a mandatory condition of the premises licence. The Board will consider carrying out a review of the premises licence if the fee is not paid within the time limit set out in the notice of payment. The review could lead to a written warning being issued, or the premises licence being suspended or revoked.

1.66 PREMISES LICENCES CEASING TO HAVE EFFECT

If it comes to the Clerk's attention that premises may have ceased to be used for the sale of alcohol, the matter will be referred to the Board to hold a hearing to determine whether the premises licence has ceased to have effect. If premises have been closed for a period of 18 months the Board will consider that the premises licence has ceased to have effect. In making a determination on this matter however, the Board will consider any representations made by the licence holder on the circumstances in which the premises closed and the likelihood of them reopening for trade.

1.67 LOCAL LICENSING FORUM

The Board recognises and values the work of the Fife Licensing Forum and the advice which it provides to the Board. The Board will consult the Forum on policy matters where ever possible and in particular in the formulation of the Statement of Licensing Policy and its periodic reviews and on the consideration of overprovision.

PART 2

2.0 PROMOTION OF THE LICENSING OBJECTIVES

2.1 INTRODUCTION

The Board will continually promote the licensing objectives and expects licence holders and other applicants to be able to demonstrate that they have addressed these issues in the operation of their premises. The Board recognises that there are some types of alcohol misuse issues which are not connected to consumption of alcohol in licensed premises. The following paragraphs set out the Board's general policy in respect of these objectives. The licensing objectives and this policy apply to activities taking place in licensed premises during their opening hours as well as the licensed hours as defined in Section 62 of the 2005 Act.

2.2 PREVENTION OF CRIME AND DISORDER

The Board, in carrying out its functions, will have regard to the likely impact of licensed activities and related crime and disorder when considering the location, operation and management of all licence applications, reviews and variations.

2.3 The Board supports a strategy aimed at making Fife a safe place in which to live and to visit. The Board is committed to improving the quality of life for the people of Fife by seeking to ensure that licensed premises are managed in such a way as not to contribute to crime and disorder. Applicants must be able to demonstrate that they will address the problems of:

1. Underage drinking;

2. Drunkenness in the premises;
3. Public Drunkenness;
4. Illegal possession and/or use of Drugs;
5. Violent behaviour; and
6. Anti-Social Behaviour.

2.4 The following examples of control measures are given to assist applicants who may need to take account of these when preparing, and carrying out the activities in, their Operating Plan, having regard to the particular type of premises or licensable activities or both:-

- having a written crime prevention strategy;
- effective and responsible management of premises;
- training given to staff to include preventing crime and disorder and conflict management;
- training and effective supervision of staff;
- acceptance of accredited proof of age card schemes;
- provision of effective CCTV in and around the premises;
- security policies and regular toilet checks;
- employment, when necessary, of door supervisors;
- active membership of local pubwatch or similar schemes;
- provision of litter bins and lighting outside premises;
- provision of plastic or toughened drinking vessels; and
- provision of taxi marshalls.

2.5 **SECURING PUBLIC SAFETY**

The Board recognises that “licensed premises” will cover a wide range of premises and activities, each with its own safety risks or issues. The premises must be **constructed** or **adapted** and **operated** in such a manner as to safeguard occupants from those risks or issues. The Board is committed to ensuring that the safety of any person visiting or working in or in the vicinity of licensed premises is not compromised.

2.6 When addressing the issue of Public Safety, an applicant must demonstrate that factors which impact on standards of Public Safety have been considered.

These may include:-

- occupant capacity of the premises and management of occupant capacity within the premises;
- the standard of maintenance of buildings having regard to age, design and layout including means of escape;
- nature of activities such as music and dancing;
- hours of operation;
- customer profile (e.g. age, disability);
- use of special effects such as lasers, pyrotechnics, smoke machines; and

- having a glass policy in place covering the collection and use of glass and the risk to patrons and employees from glass.

2.7 The following examples of control measures are given to assist applicants who may need to take account of these when preparing and carrying out the activities in, their Operating Plan, having regard to the particular type of premises or licensable activities or both:-

- suitable and sufficient risk assessments;
- effective and responsible management of premises;
- sufficient number of staff on duty to ensure the safety of the premises and its patrons;
- appropriate instruction, training and supervision of staff;
- having an effective glass management policy either involving the removal of all glassware regularly, or by providing toughened or plastic drinking vessels. Having a scheme preventing customers taking glassware outside except when the premises are predominantly providing food and the drink is served to accompany a meal;
- having a no bottle policy;
- having a written policy on how to deal with customers and any other person in the premises who may become incapacitated or vulnerable due to drink or drugs;
- having first aid facilities;
- informing Police Scotland of any special events taking place in the premises or issues relating to public safety;
- displaying local transport information to facilitate safe journeys home for customers;
- adoption of best practices;
- provision of effective CCTV coverage;
- implementation of crowd management systems; and
- proof of regular testing of procedures.

2.8 **PREVENTION OF PUBLIC NUISANCE**

Licensed premises have a significant potential to impact adversely on communities, through public nuisance, which arise from their operation. The Board wishes to maintain and protect the amenity of residents and local businesses from the potential consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

2.9 Although interpretation is ultimately a matter for the Courts, the Board intends to interpret “public nuisance” widely and understands it to include such issues as noise, light, odour, litter, dust, fumes, vibration, smoke, waste and anti-social behaviour where these impact on those living, working or otherwise engaged in normal activity in any area or locality.

2.10 “Anti-social behaviour” is defined in the Anti-social Behaviour, etc. (Scotland) Act 2004 as behaviour where a person acts in a manner that causes or is likely to cause alarm or distress or pursues a course of conduct that causes or is

likely to cause alarm or distress to at least one person who is not from the same household as the person engaging in the behaviour; conduct includes speech.

- 2.11 The Board believes that the impact licensed premises can have on the neighbourhood is significantly influenced by the times when those licensed premises are open. The Board may stipulate shorter hours when considering a premises licence application if it considers this to be appropriate, depending on where the premises are situated or the likelihood of the situation or use of the premises contributing to anti-social behaviour. The Board will consider each case on its merits, but may be inclined to stipulate a terminal hour as early as 6.00 p.m. for the sale of alcohol in appropriate circumstances.
- 2.12 The health risks associated with smoking and with passive smoking continue to be well publicised; licenceholders will be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places. Licenceholders, however, should bear in mind the fourth and fifth licensing objectives, namely, the protection and improvement of public health and the protection of children and young persons from harm, especially in outside areas such as beer gardens.
- 2.13 Every licenceholder has a duty to ensure that waste generated in or by the premises is disposed of securely, to keep their premises clear of all litter generated by staff and customers, and the Board expects licenceholders to be aware of their responsibilities in those respects.
- 2.14 In addition, when applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of dwellings or other premises in the vicinity. The licenceholder should also consider at what time the use of such areas should cease to avoid disturbance to nearby residents.
- 2.15 The following examples of control measures are given to assist applicants who may need to take account of these when preparing and carrying out the activities in their Operating Plan, having regard to the particular type of premises or licensable activities or both:-
- having a written strategy that demonstrates that the best practicable means are being used to control all noise from the premises which may affect nearby noise sensitive premises. Particular attention should be given to the control of noise from the following:-
 - entertainment;
 - public address systems;
 - glass disposal;
 - noise from patrons arriving at, and departing from, the premises;
 - deliveries;
 - mechanical plant and equipment; and
 - noise from patrons using beer gardens, smoking areas, external areas (including the street) to smoke or otherwise.

- when smokers are directed to external areas, provision of litter bins for butts and sweeping of areas external to the premises; and
- consultations with Fife Council's Protective Services, Police Scotland, and if appropriate, Fife Council's Roads Management Team prior to holding any outdoor musical event or use of amplified equipment, for example, large screen TVs outside the premises.

2.16 **PROTECTING AND IMPROVING PUBLIC HEALTH**

Licenceholders can help promote this objective in many ways. They can use materials such as posters, beer mats which promote moderate consumption of alcohol along with awareness of units of alcohol and the recommended guidelines for consumption of alcohol by men and women. A wine list, for example, might state how many units of alcohol per glass or bottle together with a reminder of the guidelines. The Board is concerned about the link between the consumption of alcohol and detriment to public health. The Board wishes to see premises thriving in Fife but this cannot be at the expense of patrons' health and wellbeing. The Board will from time to time during the currency of this Statement seek information from the Fife Alcohol and Drugs Partnership, NHS Fife and any other relevant bodies involved in the protection and promotion of public health in Fife to ascertain if there is any overprovision of licensed premises or premises of a particular description in any locality in Fife.

- 2.17 Licenceholders, door supervisors where employed and premises managers, as well as other staff employed in the premises, must remain vigilant at all times to the risks of excessive consumption of alcohol; there should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or persons who are drunk.
- 2.18 In terms of Schedule 3 of the Act, licenceholders must provide a wide selection of reasonably priced non-alcoholic beverages during the whole period of the premises being open. Applicants are encouraged to provide food on the premises so that patrons may eat at the same time as consuming alcoholic beverages, if they wish. Tap water fit for drinking must be provided free of charge on request.
- 2.19 Licenceholders are reminded of the raft of offences relating to sale of alcohol especially the offences of sale of alcohol to a drunk person and allowing drunkenness to take place on the premises.
- 2.20 The following examples of control measures are given to assist applicants who may need to take account of these when preparing and carrying out the activities in their Operating Plan, having regard to the particular type of premises or licensable activities or both:-

- displaying anti-drunkenness materials along with information on units of alcohol in the context of recommended guidelines; and
- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of a job loss) when a problem arises.

2.21 **PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM**

The 2005 Act defines children as persons under the age of sixteen and young persons as being sixteen or seventeen years of age. The Board encourages applications that make venues family friendly and safe for children and young persons. The Board, however, will have particular regard to this objective when:-

- there have been convictions of staff or licenceholders for serving alcohol to underage persons or where premises are in an area where there is a history or other evidence of underage drinking;
- there is an element of gambling within the premises (including premises with two or more category C machines);
- entertainment of an adult or sexual nature is provided; and
- the operating plan shows that the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided.

2.22 The Board will consult with the Fife Council Education and Children's Services on any application where concerns are raised regarding access by children and young persons.

2.23 The Board wishes to see family friendly premises thriving in Fife. Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children also have responsibilities. The Board considers that the protection of children and young persons from harm includes protection from moral, psychological and physical harm. This would cover exclusion of children and young persons from serious gambling, lap or pole dancing or other sexually orientated entertainment whether live or on-screen.

2.24 The following examples of control measures are given to assist applicants who may need to take account of these when preparing and carrying out the activities in their Operating Plan, having regard to the particular type of premises or licensable activities or both:-

- effective and responsible management of premises;
- appropriate instruction, training and supervision of staff in order to secure the protection of children and young persons from harm;
- adoption of best practice, including a written policy on prevention of sales of alcohol to children, including for example, a Refusals Register;
- limitation on the hours when children and young persons may be present, in all or parts of the premises;
- limitations or exclusions by age;

- acceptance of accredited proof of age cards with photographs or passports;
- measures to ensure children and young persons do not purchase, acquire or consume alcohol;
- measures to ensure children and young persons are not exposed to incidences of strong and offensive language, violence or disorder; and
- use of fixed fire guards on open fires and prohibition of mobile heaters when young children are in the premises.

2.25 When preparing the operating plan, applicants must set out the terms on which children and young persons are to be allowed entry including the ages of children to be allowed entry, times and parts of the premises to which children will have access.

2.26 **AMENDMENTS TO OPERATING PLANS**

The Board has agreed that where an Operating Plan indicates that children and young persons are admitted to the premises and that there will be televised sport or adult entertainment, it should include a statement to show how children and young persons are to be protected from harm. Such a statement may be as follows:-

The licenceholder will seek to protect children and young persons from harm by applying common sense when events of an adult nature are screened on television or otherwise within the licensed premises, including, for example, major football matches.

The aim is to protect the children and young persons from displays of violence, abusive behaviour or inappropriate language either on screen or from customers.

Children and young persons will not be admitted to parts of the premises where adult entertainment is taking place.

3.0 **CONDITIONS**

3.1 The Act, in Schedule 3, provides mandatory conditions for premises licences and in Schedule 4 for Occasional Licences. The Board has power to impose local licence conditions. These conditions will not be inconsistent the mandatory conditions or have the effect of making such a condition more onerous or more restrictive, and will only be imposed when considered necessary for the promotion of the licensing objectives.

3.2 On any day when licensed hours extend beyond 2.00 a.m., whether by virtue of the Operating Plan, general extension or extended hours application, in premises used as nightclubs or to which the mandatory late night conditions apply, the Board will consider whether or not to impose the local conditions set out in Appendix 4(a). If applicants consider that any of the conditions should not apply to their premises they should be in a position to demonstrate to the Board why the condition is unnecessary.

- 3.3 In relation to the mandatory conditions relating to premises open after 1:00am, a person trained to the satisfaction of the Board in administering first aid must be present. The Board will be satisfied if such a person has completed a course certified as complying with the First Aid at Work, Health and Safety (First Aid) Regulations 1981.

4.0 HUMAN RIGHTS ACT 1998

- 4.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for bodies such as the Board to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:-

- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8: that everyone has the right to respect for their home and private life; (this is not an absolute right); and
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions including, for example, the possession of a premises licence. (This is not an absolute right).

5.0 EQUALITIES

- 5.1 The Board is committed to fulfilling its duties in the Equality Act 2010. The Act applies to everyone both in the public and private sector. It sets out that people are protected from discrimination based on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 The Board is required by the Public Sector Equality Duty to be proactive in eliminating discrimination, harassment and victimisation, promoting equality of opportunity between different groups and fostering good relations between those who share a protected characteristic and those who do not. The Board will also comply with the specific duties set out by the Scottish Ministers under the Act
- 5.3 The Board's responsibilities, commitment to equality and diversity, and equality outcomes are more particularly set out in the Fife Council's Equality and Diversity Scheme 2017 – 2021 which is published on www.fifedirect.org.uk.

6.0 ENFORCEMENT

- 6.1 The Board will follow best practice in enforcement including adoption of the best Regulation Principles and the Hampton Standards, namely that its actions will be: proportionate, accountable, consistent, transparent and targeted.

- 6.2 Fife Council has four Licensing Standards Officers who have a remit relating to guidance, mediation and compliance with the licence conditions and objectives of the Licensing (Scotland) Act 2005.
- 6.3 When a review is submitted to the Board by the Licensing Standards Officer, it is expected, except in the most serious cases, that attempts will already have been made through advice, mediation and negotiation to address the matter. It is, therefore, envisaged that very few such cases will need to be submitted to the Board.
- 6.4 It should be appreciated, however, that, in appropriate cases, the Board will not hesitate to use its powers to suspend or revoke a licence, notwithstanding that this may have a detrimental impact on the business.

DELEGATION OF LICENSING FUNCTIONS

	Subject Matters	Licensing Board	Committee of Board	Clerk of the Board and Deputes
1	Determination of the boards' policy for the purposes of the licensing policy statement or supplementary licensing policy statement	✓		
2	Determination, for the purposes of the licensing policy statement or supplementary statement, whether there is over provision of licensed premises or overprovision of licensed premises of any particular description, in any locality	✓		
3	Determination of a premises licence application	✓		
4	Determination of a premises licence variation application other than a minor variation	✓		
5	Determination of an application for the transfer of a premises licence where the applicant has been convicted of a relevant offence or foreign offence	✓		
6	Determination of a personal licence application or a personal licence renewal application, where the applicant has been convicted of a relevant offence or foreign offence	ü		

Subject Matters	Licensing Board	Committee of Board	Clerk of the Board and Deputes
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7	Conducting a hearing under the Licensing (Scotland) Act 2005	✓		
8	Making a closure order (section 97)	✓		
9	Refusing an application for confirmation of a provisional premises licence	✓		
10	As a result of a hearing (reference 7, above) or following a review hearing in respect of a premises licence - (i) issuing a written warning to the licenceholder (ii) revoking or suspending the licence (iii) making a variation of the licence or in respect of a personal licence, making an order revoking, suspending or endorsing it (section 39)	✓ ✓ ✓		
11	Determination of an application for an occasional licence where there is notice of objection or representations in relation to it or report from a Licensing Standards Officer (section 59)	ü	✓**	
	Subject Matters	Licensing Board	Committee of Board	Clerk of the Board and Deputies
12	Granting an occasional licence application where there is no notice of objection or representations in relation to the application or no report from a Licensing			✓

	Standards Officer (section 59)			
13	Application for personal licence with no unspent convictions (section 74)			✓
15	Application for provisional premises licence (section 45)	✓		
16	Application for confirmation of premises licence where premises comply with Operating Plan			✓
17	Application to vary a premises licence where the variation sought is minor (section 30(2))			✓
18	Application for transfer of a licence where notice received under section 33(6)(a)			✓
19	Application to review premises licence/club premises certificate (section 36)	✓		
20	Granting of extended hours applications for a special event of local or national significance.			✓
21	General extensions of licensed hours	✓		

**If there is insufficient time before the event is due to take place for application to be considered at a regular scheduled meeting of the Board, determination of the application is delegated to a Committee of the Board (comprising no fewer than three members).

1. **CONTACTS**

- 1.1 The Board and the Liquor Licensing Team for Fife are located in Fife House, Glenrothes. To contact the Board, please email the Clerk or the Licensing Team at liquor.admin@fife.gov.uk

You can also contact the Licensing Team by mail sent to:-

**Liquor Licensing Team, Legal Services, Fife House, North Street,
GLENROTHES, Fife, KY7 5LT or by**

Telephone: 03451 55 11 77

Office Hours - 0900 - 1700 hours - Monday to Friday.

- 1.2 The Licensing Board's webpages can be found at **www.fifedirect.org.uk**

- 1.3 The Licensing Standards Officers can be contacted using the details below. Callers are put through directly to their answerphone and asked to leave a name and number so the LSOs can call back.

Telephone: 03451 555 555 Ext. 446925 or 446926

email: Licensing.standards@fife.gov.uk

**FIFE LICENSING BOARD
RULES**

These Rules are made under Paragraph 12(5) of Schedule 1 to the Licensing (Scotland) Act 2005 to provide arrangements for meetings of the Board.

The Rules are:

1. The procedures followed by the Board at Hearings to consider applications for Premises Licences and for Variation of Premises Licences will be in accordance with the appended written procedures, as agreed and revised by the Board from time-to-time.

2. At Hearings, the Board will invite the following persons to address it:

The applicant or his or her representative
Persons making objection or representation

3. At Hearings the Board may invite, if it thinks fit, information on matters relating to Operating Plans and Layout Plans from the following:

Environmental Services Officers from Fife Council
Building Standards Officers from Fife Council
Representatives of the Chief Constable,

These Rules were made by the Board at Kirkcaldy on the Sixteenth day of June, 2008 and amended by the Board on the Eleventh day of October 2010.

Clerk to the Fife Licensing Board

FIFE LICENSING BOARD

**PROCEDURE FOR APPLICATIONS FOR PREMISES LICENCES AND
VARIATIONS TO PREMISES LICENCES**

1. The **CONVENER** will ascertain whether or not the applicant is present or represented or both.
2. The **CLERK** will advise if there are Objections or Representations to the application and will ascertain whether or not the persons making these are present or represented or both.
3. The **CONVENER** will advise the applicant or their agent that unless they wish to make any preliminary submissions or remarks, the **BOARD** will proceed to hear the Objections/Representations. If there are any such preliminary submissions or remarks, any issues or questions arising should be dealt with at this stage.
4. If there are competent Objections or Representations the **CONVENER** will invite the persons making these to state their Objections or Representations. The **CONVENER** will also advise those persons that this is the only opportunity to speak to their objection/representation other than to answer any questions put to them by members of the **BOARD** or to make concluding remarks prior to the Board making a determination on the Application.
5. The **CLERK** will advise of any outstanding matters or other issues relating to the application, operating plan or layout plan.
6. The **CONVENER** will invite the applicant or their representative to speak to the application.
7. The **BOARD** may ask questions of the applicant, persons who have objected or made Representations and any other person in accordance with rules promulgated by the **BOARD**.
8. The **CONVENER** will invite those making representations or objections if they wish to make any concluding remarks.
9. The **CONVENER** will then invite the applicant or their representative if they wish to make any concluding remarks.
10. The **BOARD** will consider the application and reach a decision.

LATE NIGHT CONDITIONS

The following conditions apply on any day when the licensed hours extend beyond 2.00 a.m.

1. There must be two persons deployed within the premises to ensure good order and a further one person for every 100 patrons above the initial 100 patrons, all of whom holds a licence under Section 8 of the Private Security Industry Act 2001.
2. The licenceholder must ensure sufficient measures are in place within the vicinity of the premises to ensure safe and orderly departure of patrons from the premises. This should include having a dispersal policy and training of staff on the operation of the dispersal policy.
3. There shall be a 01:15 a.m. curfew with no admittance or re-admittance to the premises by the public, patrons or prospective patrons after 01:15 a.m.
4. The licenceholder shall arrange for litter patrols in the vicinity of the premises at the terminal hour.
5. Random searches will be used to check patrons for knives and other potential weapons, particularly when entering the premises.
6. The minimum charge for admittance to the premises after 10:00 p.m. is £3.00.

MARQUEE CONDITIONS

- (a) Alcohol must only be consumed within the Marquee or a well-demarcated area immediately outside the tent.
- (b) Appropriate signs - NO ALCOHOLIC DRINKS ARE ALLOWED TO BE CONSUMED OUTWITH THE DEMARCATED AREA - to be erected at the entrance/exits advising all purchasers and consumers of alcohol of the above restriction so as to ensure the byelaws prohibiting consumption of alcohol in a public place are not contravened.
- (c) The organisers must provide suitable and adequate stewards at the entrance/exits to the marquee throughout the duration of the licence to ensure that alcohol is not taken outside.
- (d) In the interests of public safety, only plastic cups or non-breakable containers are used to dispense drinks.

LALB/0000002 : JB/JK

Agenda Item No. 7

Fife Licensing Forum, 24 August 2023 – LSO Report

LSOs have been carrying out compliance visits to small shops because we feel that certain licence holders have been taking risks due to pressure from the pandemic and rising costs. We continue to receive noise complaints about loud music and noisy patrons. A trend emerged during lockdown for pubs to have music in beer gardens and the use of the beer gardens increased.

LSO Pauline Corbett has resigned, so we will be recruiting soon.

Douglas Hardaker,
Lead Officer, Public Protection

Agenda Item No. 8

Fife Licensing Forum, 24 August 2023 – Police Report

Business as usual, local issues involving youths during the school holidays have not materialised into anything. Local policing plans were put in place along with a campaign to highlight Proxy Sales. Appears to have had a positive impact.

Joint visits with myself and LSO's have continued since the last meeting. These cover potential problem premises but also provide assistance and advice to licence holders regarding variations to their licenses.

Coming up we have an influx of students to St Andrews with fresher's week effecting the town. In Kirkcaldy there is also a planned music festival at the Town Square.

Intelligence surrounding the sales of Vapes to under 18's from various licensed premises across the division. Although I will attend at the shops this is not a policing issue and should be reported to Trading Standards who have powers to deal with such sales.

Licensing Annual Report for 2022/23 has just been signed off and will be shared in the coming days with the council. This will be presented at a future Licensing Board.

Neil Ewing
Licensing Sergeant, Police Scotland.