

Orkney Local Licensing Forum meeting

6 November 2024

REPORT OF THE LICENSING STANDARDS OFFICER

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1. Background

This report updates the Orkney Local Licensing Forum (The Forum) on the activities of the Council’s Licensing Standards Officer during the period 24 June 2024 to 31 October 2024. Please note that within this report the names of licence holders and licensed premises have been removed to assist complying with data protection provisions.

2. Current staffing arrangements

The Council does not have a full time LSO or an officer for whom undertaking the role of LSO is the main stated purpose of their job. The function of “licensing standards (alcohol)” continues to be carried out by the Service Manager for Environmental Health who endeavours to deliver LSO functions in addition to their other work. In this reporting period there continues to be a significant volume of other critical pressing work, meaning unfortunately it has not been possible to devote sufficient time to LSO activities. This means licensing deadlines for consultation on applications have unfortunately been missed. Work is still underway with Senior Management to look at longer term options for providing a resilient and sustainable staffing resource for the LSO (alcohol) function, and the Licensing Forum will be kept aware of developments in this regard. Although the LSO function is managed from within the Council’s Environmental Health team, it is independent and separate to other environmental health work.

3. Review of activities 24 June 2024 to 31 October 2024

In accordance with LSO functions, the following activities are of note:

The LSO has been requested to provide comments on the following applications:

| Type of application | Number |
|---|---------------|
| Application for premises licence (including variations) | 5 |
| Application for occasional licence | 65 |
| Application for extended hours | 0 |
| Application for personal licence | 5 |

The following reports have been made by the LSO to the Licensing Board:

| Type of LSO report | Number |
|---|---------------|
| Section 38(4)(a) Licensing (Scotland) Act 2005 [LSO response to an application for review of a licence] | 0 |
| Section 69(3) Licensing (Scotland) Act 2005 [LSO comments on the determination of an application for extended hours] | 0 |

Providing to interested persons information and guidance

The following requests for information/ guidance have been received during the period covered by this report.

- Follow up with Licensing Forum Chair following meeting with Senior School staff and pupils
- Contribution to discussions at Safety Advisory Group
- Provision of information to new alcohol manufacturing business
- Provision of information to new business
- Provision of information and retailers and licence holders regarding counterfeit vodka. In this connection the Food Safety Officer also undertook visits.
- Provision of information on s39 and s50 certificates
- Visit to premises in response to variation of licence application

Supervising compliance of licence holders with their licence and conditions

Given the current resources available, pro-active inspections of licensed premises are not being undertaken. Reactive inspections may be made in response to a specific application, case or investigation on a risk assessed basis. Topics of compliance dealt with in this period include:

- Visits to local premises in response to application for a new licence
- Visit to premises to seek information following an allegation of trading without a licence
- Assistance to licence holder who had "misaid" his licence
- Discussions with Police licensing officer regarding application for variation of licence

- Provision of information regarding supervision, training and holiday cover at a licensed premises.

Providing information to Licensing Board in response of applicants for personal licences

There have been no instances during the period covered by this report where the LSO has needed to provide information to the Board in this regard.

Providing mediation services for the purposes of resolving disputes or disagreements between licence holders and other persons

No requests for mediation services have been received during the period covered by this report.

Issuing, in appropriate circumstances a “compliance notice”

No compliance notices have been issued during the period covered by this report.

Making an application for review of a licence

No applications for review of a licence have been made by the LSO during the period covered by this report.

4. Work with partners

By invitation the LSO attending the following partnership meetings:

- Community Alcohol Partnership Meeting
- Meeting with Licensing Forum Convenor
- Alcohol and Drugs Partnership
- Meeting with Police area commander and ADP chair
- Meeting with Police licensing sergeant

5. Other activities/ forward look

We continue to work on planning for the Island Games 2025.

We secured funding for 1000 anti-spiking caps from the CAP and these were distributed via the “Scam Action Group” stand at the County Show.

6. Contact details for the LSO

The LSO can be contacted via the following email address LSO@orkney.gov.uk