

## DUMFRIES AND GALLOWAY LICENSING BOARDS

Conjoined Meeting of Thursday 16 May 2024  
at 2.00pm – Hybrid Meeting (Teams and Council HQ, English Street, Dumfries)

### Members

#### ANNANDALE AND ESKDALE DIVISIONAL LICENSING BOARD

Ian Carruthers (Convener)	-	Annandale South
Karen Carruthers	-	Annandale East and Eskdale
Archie Dryburgh	-	Annandale East and Eskdale
George Jamieson	-	Annandale South
Gail Macgregor	-	Annandale North
Stephen Thompson	-	Annandale North

#### NITHSDALE DIVISIONAL LICENSING BOARD

Tony Berretti	-	Mid and upper Nithsdale
John Campbell	-	Nith
Linda Dorward	-	Lochar
Ivor Hyslop (Convener)	-	Lochar
Emma Jordan	-	North West Dumfries
Tracey Little	-	Lochar

#### STEWARTRY DIVISIONAL LICENSING BOARD

Tony Berretti	-	Mid and upper Nithsdale
Dougie Campbell	-	Dee and Glenkens
Iain Howie	-	Castle Douglas and Crocketford
Kim Lowe (Convener)	-	Abbey
Andy McFarlane	-	Dee and Glenkens

#### WIGTOWN DIVISIONAL LICENSING BOARD

Ben Dashper	-	Stranraer and the Rhins
Andrew Giusti (Convener)	-	Stranraer and the Rhins
Katie Hagman	-	Mid Galloway and Wigtown West
Chrissie Hill	-	Stranraer and the Rhins
David Inglis	-	Mid Galloway and Wigtown West
Jackie McCamon	-	Mid Galloway and Wigtown West

**Vlad Valiente**  
Clerk to the Licensing Boards

# DUMFRIES AND GALLOWAY LICENSING BOARDS

Conjoined Meeting of Thursday 16 May 2024  
at 2.00pm – Hybrid Meeting (Teams and Council HQ, English Street, Dumfries)

1.	<b>APPOINTMENT OF CONVENER FOR THIS MEETING</b>
2.	<b>SEDERUNT, APOLOGIES AND CONVENER'S APPROVAL OF MEMBERS' REMOTE PARTICIPATION</b>
3.	<b>DECLARATIONS OF INTEREST</b>
4.	<b>LICENSING (SCOTLAND) ACT 2005 (the Act): REVIEW OF LICENSING BOARD STRUCTURE IN DUMFRIES AND GALLOWAY</b>

**DUMFRIES AND GALLOWAY LICENSING BOARDS**

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**LICENSING (SCOTLAND) ACT 2005 (the Act)  
REVIEW OF LICENSING BOARD STRUCTURE IN DUMFRIES AND GALLOWAY****1. Purpose of Report**

This report seeks the views of each Divisional Board in respect of their possible restructure noting that said views will be considered by Dumfries and Galloway Council at its meeting on 27 June 2024.

**2. Recommendations**

Members are asked to consider and give views on the possible restructuring options detailed in **Appendix 1** to this report.

**3. Considerations****3.1 Background**

Members agreed at Full Council on 15 December 2022 that the Head of Governance and Assurance, in his role as Clerk to Dumfries and Galloway Divisional Licensing Boards, conduct a review of the Licensing Board structure in Dumfries and Galloway. This review includes engaging with customers, stakeholders, partners and each Divisional Board to ascertain views on possible restructure of the Boards including consideration of options, pros, cons, consequences and risk associated with each possible option.

3.2 In terms of background, in 1996 Dumfries and Galloway Council agreed in terms of (now revoked) section 46(1) of the Local Government etc (Scotland) Act 1994 (1994 Act) that their area would be divided into four licensing divisions for the purpose of the (now revoked) Licensing (Scotland) Act 1976. The areas agreed were Annandale and Eskdale, Nithsdale, Stewartry and Wigtown (the former District Council areas).

3.3 Although the 1994 Act is now revoked, section 5 of the Licensing (Scotland) Act 2005 (2005 Act) provides that there is to continue to be a Licensing Board for each licensing division of such an area which was divided at the time under the 1994 Act.

3.4 The current four Divisional Licensing Boards therefore remain in place under section 5 of the 2005 Act and this position has been adopted by Full Council to date following each Local Government election.

3.5 Dumfries and Galloway is one of only two Councils in Scotland which retains Divisional Licensing Boards. The other is South Lanarkshire which has four Divisional Licensing Boards. Aberdeenshire Council historically had three Divisional Boards but now has one Board.

3.6 The administration of four, separate Boards remains challenging and those challenges are detailed in paragraphs 3.23 and 3.24 below.

3.7 The Council retains the legal power to alter the current structure of the Boards and this involves following a statutory procedure including notifying Scottish Ministers.

### 3.8 Options Paper

Each Divisional Board is asked to consider the terms of the Options Paper detailed at **Appendix 1** to this report which sets out possible restructuring options including pros, cons, consequences and risk pertaining to each option.

3.9 If a decision is made by Full Council to restructure the four Divisional Boards to either one Board or a two Board structure, then this may impact on the current Licensing Policy Statement and Scheme of Delegation. It is likely that a recommendation would be made to any newly restructured Board that they adopt the current Policy Statement to apply to their Board for an interim period until they wished a review of that Policy Statement to take place.

3.10 The Council has one statutory Local Licensing Forum that covers the whole of the Council area therefore any restructure does not significantly impact the Forum.

3.11 However, possible restructure is likely to impact on the current Wigtown Divisional Licensing Board's right to issue a small casino licence.

### 3.12 The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 (the Order)

In terms of this Order, Wigtown Divisional Licensing Board is entitled to issue a small casino licence. This followed a successful bid as part of the Stranraer/Loch Ryan Waterfront Regeneration Project. However, there has been no application for such a licence for 15-16 years.

3.13 If, following the current review, Full Council decides to revoke determination that there be Divisional Licensing Boards and, instead, determine that there is to be a single Licensing Board in Dumfries and Galloway, the opportunity to issue the Small Casino Licence would be lost as Wigtown Divisional Licensing Board would no longer exist as a Licensing Authority in terms of the Order. It is understood that the Order would require to be amended by the UK Parliament to give a newly created, single Dumfries and Galloway Licensing Board the power to issue a small casino licence.

### 3.14 UK Department for Culture, Media and Sport (DCMS)

DCMS recently wrote to the Licensing Service confirming that a white paper published in April 2023 sets out a policy to reallocate unused 2005 Act Casino licences where the right to issue a licence has not been used. It is understood that DCMS are currently reviewing the position which may mean that the opportunity to issue a licence will be reallocated to another licensing authority unless Wigtown Divisional Licensing Board can provide persuasive evidence that it will proceed with the development of a small casino within a reasonable time frame (not stipulated).

3.15 DCMS have confirmed the following to the Licensing Service:

- 'DCMS currently believe the establishment of a single Board would remove the authorisation given to the Wigtown Divisional Licensing Board as detailed within Article 3(1) of the Gambling (Geographical Distribution of Large and Small Casino Premises

Licences) Order 2008 (SI2008 No. 1327). As a result, the single Board would not be authorised to issue a small casino licence unless a change is made to that statutory instrument to authorise the single Board in place of Wigtown Divisional Licensing Board. DCMS confirm that no decisions have yet been taken in connection with undeveloped 2005 Act casino licences but indicate that the most important factor in any such decision will almost certainly be whether a relevant licensing authority can provide persuasive evidence that it will proceed with the development of a small casino within a reasonable time frame. DCMS further confirm that they are sympathetic to the statutory process of establishing a single Board but cannot provide any guarantee that the casino licence would be reallocated to that Board’.

3.16 However, even if Wigtown Divisional Licensing Board remains established, it may still lose the opportunity to issue a small casino licence if it does not present DCMS with persuasive evidence that it shall proceed with the development of a small casino. As noted earlier, there has been no application for such a licence for the last 15-16 years.

3.17 To establish whether there is any viable interest from casino operators in applying for the small casino licence to operate within the Wigtown Divisional Licensing Board area, Dumfries and Galloway Council advertised a Prior Information Notice on Public Contracts Scotland. Additionally, a letter was sent to all Casino Operators registered with the Gambling Commission. No expressions of interest in applying for the small casino licence were received even though it received media interest and publicity (radio, TV, social media, newspapers and online).

### 3.18 Customer/stakeholder engagement survey

A customer/stakeholder engagement survey took place between 2 and 12 February 2024 providing information on the Licensing Board Structure Review and inviting the following to complete a short survey:-

- Premises Licence Holders (Alcohol)
- Personal Licence Holders
- Gambling Premises Licence/Permit Holders
- Agents of Licence Holders
- Licensing Standards Officers
- Partner Agencies –
  - Police Scotland
  - Scottish Fire and Rescue Service
  - Environmental Health
  - Planning
  - Building Standards
  - Trading Standards
  - NHS Dumfries and Galloway

3.19 Excluding the Licensing Standard Officers, 154 responses were received in total and a brief summary of those responses is detailed at **Appendix 2**.

3.20 Licensing Standards Officers’ response is at **Appendix 3**.

3.21 The current 4 Divisional Licensing Boards retain a total membership of 23 as follows:

Annandale & Eskdale – 6  
 Nithsdale – 6  
 Stewartry – 5 and  
 Wigtown – 6

3.22 A Licensing Board must consist of not fewer than 5 and not more than 10 Members. This requirement applies equally to a single Board as it applies to a Divisional Board.

### 3.23.1 Challenges to the current system with Four Divisional Boards

The number of Licensing Board meetings organised from 2021 to 2023 were:

	2021	2022	2023	2024 (scheduled)
Nithsdale	5	5	5	4
Annandale & Eskdale	5	5 <sup>(1)</sup>	4 <sup>(2)</sup>	4
Stewartry	4 <sup>(3)</sup>	2	3 <sup>(4)</sup>	3
Wigtown	7 <sup>(5)</sup>	7	7	4
<b>Total</b>	<b>21</b>	<b>19</b>	<b>19</b>	<b>15</b>

Not all scheduled meetings took place however for the following reasons:

- (1) 1 meeting was cancelled after publication of the papers due to not being quorate and 1 meeting was rescheduled prior to publication of the papers due to not being quorate.
- (2) 1 meeting was cancelled due to no substantive business
- (3) 1 meeting was cancelled due to no substantive business
- (4) 1 meeting was rescheduled prior to publication of the papers due to not being quorate and 1 meeting was cancelled due to no substantive business
- (5) 2 meetings were cancelled – 1 due to no substantive business and another for a reason unknown

3.23.2 Licensing Board meetings are currently held remotely i.e. by MS Teams but applicants can attend in person if they wish and the Licensing Service would accommodate this if requested to do so.

3.24 Further challenges are as follows:

- Recruiting Members for each Divisional Licensing Board is sometimes challenging in terms of obtaining the minimum number of Members required in law for each Divisional Licensing Board;
- Officer time spent organising and administering such a high number of Licensing Board meetings per year is considerable;
- There are frequent difficulties with ensuring a quorum for each Licensing Board meeting (quorum being one half of the Members but in any case no less than 3);

- Applicants' have expressed their frustrations at having to wait a number of months between Licensing Board meetings before having applications considered (advising that time delay is negatively impacting their business);
- In addition to scheduled meetings, sometimes additional, special meetings must be held in law to determine time restricted matters such as Premises Licence Reviews. Board meeting are generally scheduled to take place every 2/3 months therefore these special meetings must take place additionally and this is impacting detrimentally on officer time and resources but also can be challenging in terms of being quorate
- Due to the number of Boards that are cancelled, there is reputational risk to the Council and
- If a Board is cancelled for not being quorate, this can impact on an applicant's business detrimentally as they are often keen to obtain a premises licence or have a major variation granted to enhance their business model and cancelled Boards are preventing them from doing so expeditiously.

### 3.25 Benefits of moving to a single Board (applying to the whole region)

Members may wish to consider the benefits of moving to a single Board, whereby perhaps a monthly Board Hearing could take place to determine matters pertaining to the whole region and allowing applicants the benefit of more frequent Board Hearings. This streamlined model could better applicants' businesses as they may be able to obtain licences quicker, there would be less difficulties in being quorate, there would be vastly diminished administration and less Board cancellations.

Where there is possible concern in respect of losing the 'local element and local knowledge' of Members should Divisional Licensing Boards be dissolved, it would be recommended that a single Board should be geographically proportionate based on the current divisions to mitigate this risk i.e. at least 2 Members from each current Board Division, would represent their area on the Licensing Board. Additionally, as there are 3 Licensing Standards Officers who work closely with the licensed trade within their allocated areas, it would be proposed that they would maintain their current "areas" to ensure that their local knowledge would be captured within their statutory reports to the single Board.

Additionally the significant gain in officers' time will allow greater capacity to assist with the processing of applications in a more efficient manner which will provide an improved service to customers and local businesses.

### 3.26 Potential Financial Efficiencies

#### Training

The Licensing (Scotland) Act 2005 requires that each member of a Licensing Board must undertake and pass accredited training and produce evidence of this to the Clerk, within 3 months beginning on the day on which they are elected to that Board. Adopting 1 single Board will lead to a reduction in membership from the current 23 Members to a maximum of 10 Members. Fewer members would mean a lesser cost. The cost to train an individual Board Member in person is £495 (plus any additional charges such as travel expenses).

### Printing of Licensing Board papers and postage

As the number of Board meetings and number of Members would reduce, there would be a reduction in papers that require to be printed and posted. In 2023, a total of 163 sets of papers were printed and posted (these included 2 Conjoined Licensing Board meetings) costing £1115. It is therefore envisaged that there will be nominal saving achieved. However, there would also be an environmental benefit due to less paper and postage being required.

### Audio Visual

As meetings are recorded to be uploaded to the Licensing Board webpage, the services of an audio visual company are required. This currently costs £150 per ½ day meeting.

### Officer/Clerk time

It has been determined that officers can spend an average 4/5 hours preparing and finalising the agenda/reports for Board meetings. Although the number of applications to be determined at a Licensing Board will not change, time will be saved in respect of preparing final packs and ensuring meetings are quorate, should less Board meetings be held.

Meetings cancelled due to no substantive business but other Divisional Board meetings being agenda heavy. More frequent meetings of a Single Licensing Board would ensure a more equal distribution of applications requiring a hearing

### 3.27 Next steps

In terms of next steps, a report will be placed before the Review of Standing Orders Sub-Committee on 7 June 2024. Following this, a report will then be considered by Full Council at its meeting on 27 June 2024. This report will include summary of responses received including the views of the Divisional Boards and the recommended preferred option from Review of Standing Orders Sub-Committee. The final determination as to whether the current structure is amended or not and, if yes, to what new structure is a matter that must be determined by Full Council.

## **4. Governance Assurance**

This is a procedural report and appropriate consultation has been undertaken.

## **5. Impact Assessment**

As this report is to seek Members' views in respect of the review of the Licensing Board structure, it is not necessary to complete an Impact Assessment. An impact assessment will be carried out for any future report which will set out options for Members to implement changes.

### **Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>CONTACT DETAILS</b>
<b>Sharon Davidson</b>	<b>Licensing Manager</b>	<b>Sharon.davidson@dumgal.gov.uk</b>

**Approved by**

NAME	DESIGNATION
Vlad Valiente	Clerk to the Licensing Board/ Assistant Director Governance and Human Resources

**Appendices**

Appendix 1 – Options Paper

Appendix 2 – Summary of customer engagement survey

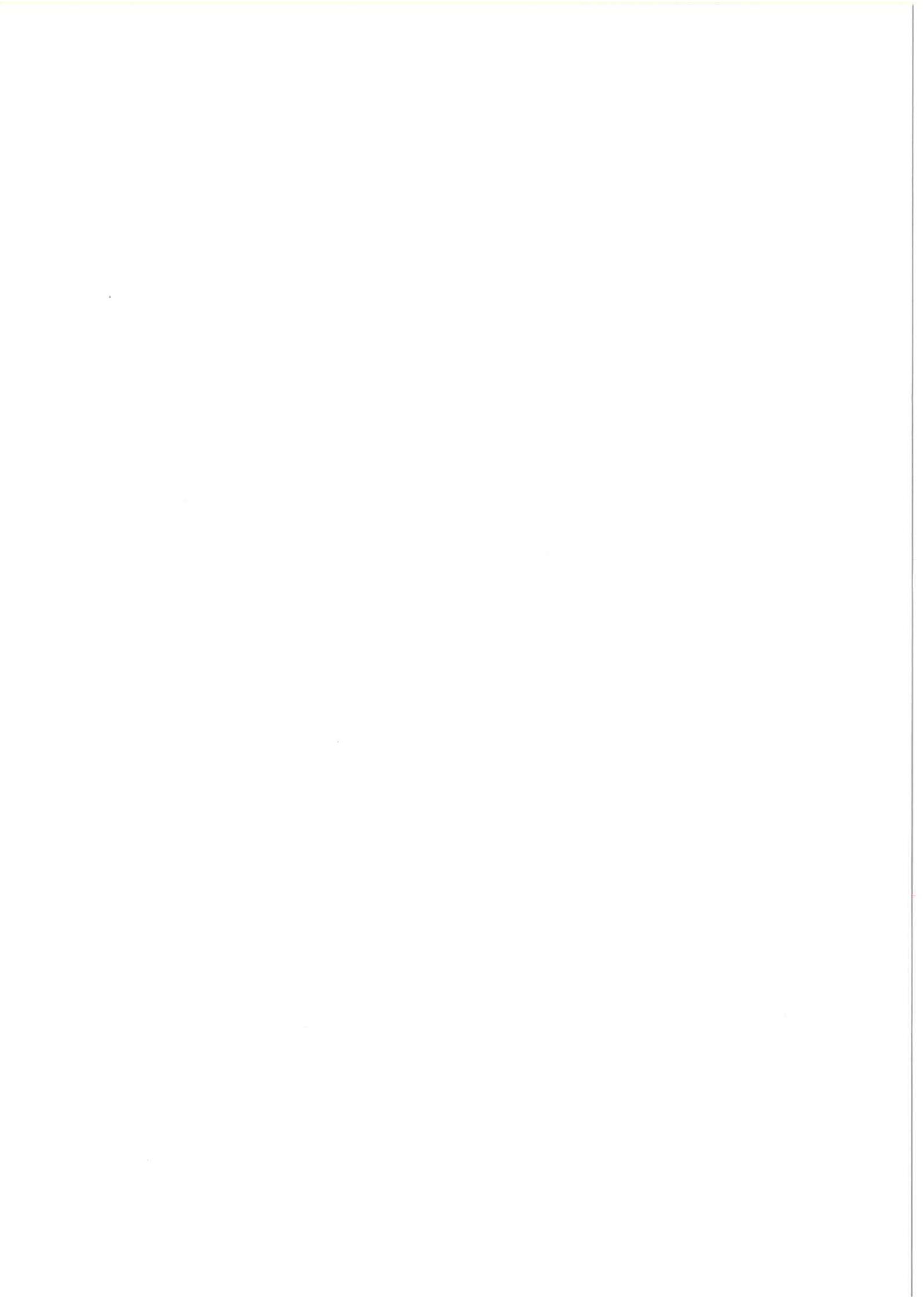
Appendix 3 – Response from Licensing Standards Officer

**Background Papers –**

[Agenda for Dumfries and Galloway Council on Thursday, 15th December, 2022, 10.30 am - Dumfries and Galloway Council \(moderngov.co.uk\)](#)

[Agenda for Dumfries and Galloway Council on Thursday, 24th June, 2021, 10.30 am - Dumfries and Galloway Council \(moderngov.co.uk\)](#)

[Agenda for Dumfries and Galloway Council on Tuesday, 28th June, 2022, 10.30 am - Dumfries and Galloway Council \(moderngov.co.uk\)](#)



## Options Paper

This paper details possible restructuring options in respect of the current 4 Divisional Boards.

### Option 1 – Maintain current structure i.e. 4 Divisional Licensing Boards

Pros	Consequences	Risk
Continuity. Existing membership stays the same.	No efficiency savings (see paragraph 3.26 of the report)	<ul style="list-style-type: none"> <li>Loss of opportunity to enhance customer service.</li> <li>Council remains out of line with 30 out of 32 other local authority areas in Scotland</li> </ul>
Travel to meetings stays the same	No change to existing arrangements – most business done remotely	No perceived risk
Retention of Wigtown Board's casino licence	Opportunity to assist regeneration of the local area (no expressions of interest have been received – see paragraph 3.17 of the report)	DCMS have advised that the Board will require to submit persuasive evidence to them that the Board will proceed with development of a small casino within a reasonable time frame (not stipulated).

Cons	Consequences	Risk
No efficiency savings	<ul style="list-style-type: none"> <li>Current budget levels require to be achieved/maintained which is challenging in terms of the current Board structure</li> <li>Due to increased officer time spent administering Board meetings, this reduces officers' capacity to process applications quickly</li> </ul>	Potential reduction in service as budgetary position becomes more challenging
No uniform decision making due to different Boards and local cultures	Perceived lack of consistency in decision making throughout the region	Reputational risk

High volume of meetings annually	Increased time and resources spent setting meetings, issuing agendas and reports, attending meetings, creating minutes etc	Other key tasks within the Service taking longer to complete due to the time spent administering and clerking Board meetings
Risk of meetings not being quorate	<ul style="list-style-type: none"> <li>• Meetings having to be cancelled and rearranged.</li> <li>• Potentially detrimental to local businesses</li> </ul>	Reputational risk
Considerable time taken up for Members attending meetings	Potential impact on time for Members to attend to other duties	Loss of opportunity to free up Members for other duties

## Option 2 – 1 single Board for the whole area

Pros	Consequences	Risk
Greatest efficiency savings	<ul style="list-style-type: none"> <li>• Ability to improve service levels.</li> <li>• Efficiencies in               <ul style="list-style-type: none"> <li>➢ officer time</li> <li>➢ Member training</li> <li>➢ Member time</li> <li>➢ physical resources for preparing and printing papers</li> <li>➢ Audio Visual costs.</li> </ul> </li> </ul>	No perceived risk
Greatest reduction in total Board membership	<ul style="list-style-type: none"> <li>• Less member time taken up and less meetings.</li> <li>• Increased knowledge of Board Members seeing a variety of applications across the whole region and taking into account different Board policies</li> </ul>	Potential loss of local knowledge Mitigations:- <ul style="list-style-type: none"> <li>➢ LSO experience</li> <li>➢ 2 members from each area being representative on the Board.</li> </ul>
Brings into line with most Licensing Boards throughout Scotland	<ul style="list-style-type: none"> <li>• Greater customer satisfaction due to increased frequency of Licensing Board meetings e.g. monthly meetings as opposed to quarterly or less.</li> <li>• Increased consistency in decision making</li> </ul>	No perceived risk
Less time between meetings for applicants to wait before their applications are considered	<ul style="list-style-type: none"> <li>• Applications could be considered at an earlier date, therefore benefiting local businesses</li> <li>• Reputation of the Board might be enhanced</li> </ul>	Possible expectation that the Licensing Team process applications more quickly. Mitigation - imposing and advertising deadlines for submission of applications for each meeting.
Easier to administer for the Licensing Team	<ul style="list-style-type: none"> <li>• Less meetings to arrange, clerk, prepare for, attend and record.</li> <li>• In addition to scheduled meetings, special meetings require to be organised in the intervening period for time restricted items that cannot be predicted.</li> </ul>	No perceived risk

Cons	Consequences	Risk
Members will require to undertake statutory training	Enhancing knowledge of current Board Members	Discourage Members from putting themselves forward to be a member of the new Licensing Board
Increased travel to meetings for hybrid or in-person meetings if it is agreed that the locations of meetings are rotated throughout the region	Most business done remotely, so little real change anticipated	Potential reduction in customer satisfaction if applicants require to travel further to attend meetings in person. Mitigation - by attending meetings remotely
Loss of right to issue a Small Casino licence	Potential loss of opportunity to assist regeneration of the local area in respect of what a Casino may bring <b>(no expressions of interest have been received – see paragraph 3.17 of the report)</b>	Once the right to a Small Casino licence is lost, there might not be an ability to regain it with a new Board.

## Option 3 – 2 Divisional Boards (East and West)

Pros	Consequences	Risk
Partially enhanced efficiency savings	<ul style="list-style-type: none"> <li>• Ability to partially improve service levels.</li> <li>• Some efficiencies in:               <ul style="list-style-type: none"> <li>➢ officer time,</li> <li>➢ Member training,</li> <li>➢ Member time,</li> <li>➢ physical resources for printing papers,</li> <li>➢ Audio Visual costs.</li> </ul> </li> </ul>	The Service would achieve partial efficiency savings
Reduction in membership	<ul style="list-style-type: none"> <li>• Less member time taken up and less meetings.</li> <li>• Increased knowledge of Board Members seeing a variety of applications and taking into account different Board policies</li> </ul>	Potential loss of local knowledge Mitigations:- <ul style="list-style-type: none"> <li>➢ LSO experience</li> <li>➢ Members from each area being representative on the Boards.</li> </ul>
Potentially less time between meetings for applicants to wait before their applications are considered	Potentially both Boards would meet more frequently than the current Divisional Licensing Board structure. It would be intended that meetings would be held every 2 <sup>nd</sup> month in respect of each Board therefore applications may be considered at an earlier date, therefore benefiting local businesses and enhancing the reputation of the Board	Possible expectation that the Licensing Team process applications more quickly. Mitigation - imposing and advertising deadlines for submission of applications for each meeting.
Partially easier to administer for the Licensing Team	There are less meetings to arrange, clerk, prepare for, attend and record. However, this would not be a significant enough change to make a difference to the challenges experienced in respect of the current 4 Board Structure. These challenges would likely still remain.	Whilst the 2 Board structure is better than 4 Boards, the 2 Board structure does not encapture all the benefits of a single Licensing Board.

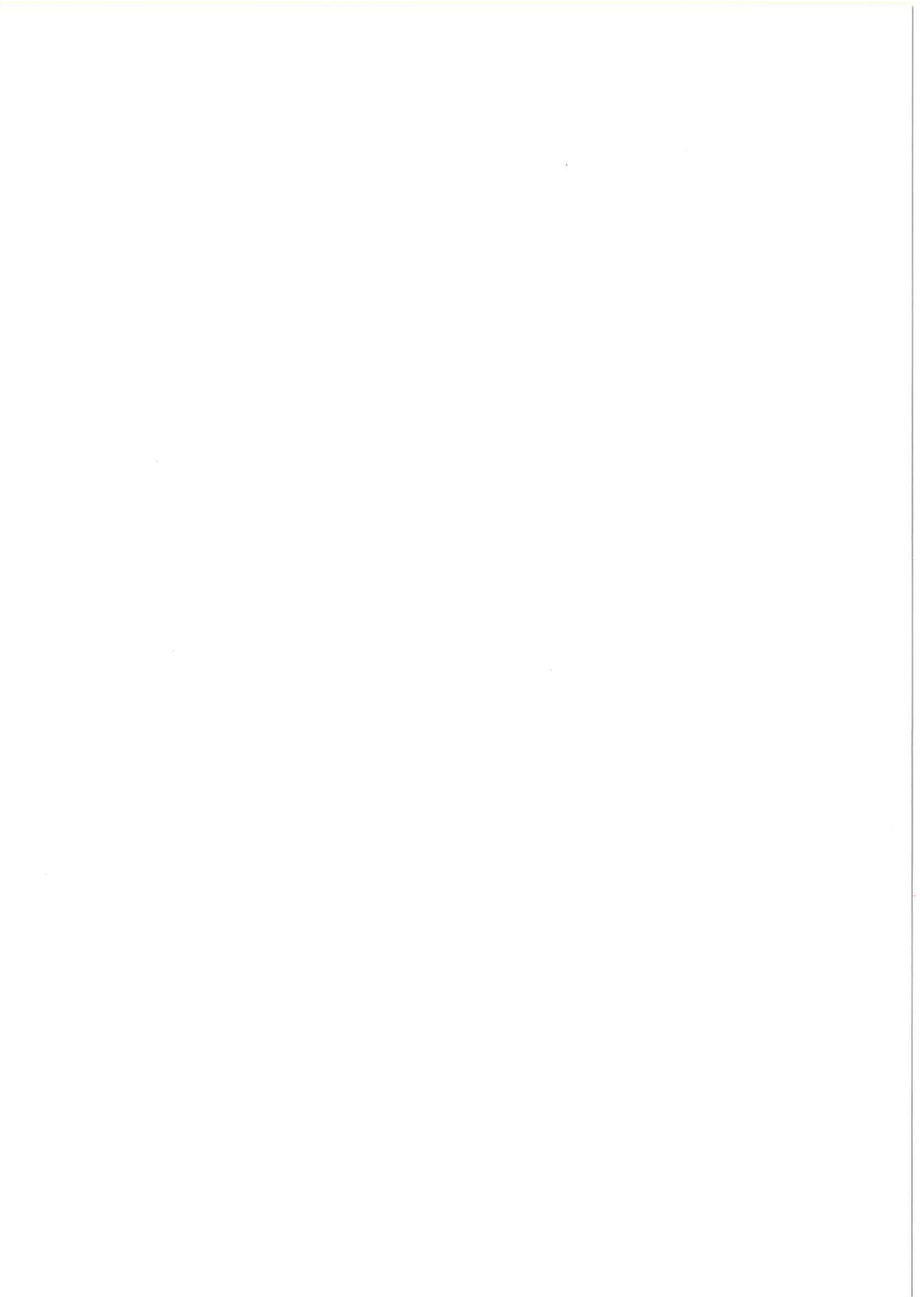
Cons	Consequences	Risk
Loss of right to issue a Small Casino licence	Potential loss of opportunity to assist regeneration of the local area in respect of what a Casino may bring <b>(no expressions of interest have been received – see paragraph 3.17 of the report)</b>	Once the right to a Small Casino licence is lost, this cannot be regained
Increased travel to meetings for hybrid or in-person meetings if it is agreed that the locations of meetings are rotated throughout the Board areas	Most meetings are held remotely so little real change anticipated	Potential reduction in customer satisfaction if applicants require to travel further to attend meetings in person. Mitigation - by attending meetings remotely
No significant efficiency savings	There will still have to be a significant number of Board meetings for 2 areas so any efficiency savings to administer 2 Licensing Boards will not be significant.	New processes will require to be established but there will be no significant efficiencies achieved as a result
Risk of meetings not being quorate	Meetings having to be cancelled and rearranged.	Reputational risk
Members will require to undertake statutory training	Enhancing knowledge of current Board Members	Discourage Members from putting themselves forward to be a member of the new Licensing Board

**Option 4 – 2 Divisional Boards (Wigtown Division and the remainder of the region).**

Pros	Consequences	Risk
Retention of Wigtown Board's casino licence	Opportunity to assist regeneration of the local area (no expressions of interest have been received – see paragraph 3.17 of the report)	DCMS have advised that the Board will require to submit persuasive evidence to them that the Board will proceed with development of a small casino within a reasonable time frame (not stipulated).
Partially enhanced efficiency savings	<ul style="list-style-type: none"> <li>• Ability to partially improve service levels.</li> <li>• Some efficiencies in               <ul style="list-style-type: none"> <li>➢ officer time</li> <li>➢ Member training</li> <li>➢ Member time</li> <li>➢ physical resources for printing papers</li> <li>➢ Audio Visual costs.</li> </ul> </li> </ul>	The Service would achieve partial efficiency savings
Reduction in membership	<ul style="list-style-type: none"> <li>• Less member time taken up and less meetings.</li> <li>• Increased knowledge of Board Members seeing a variety of applications and taking into account different Board policies</li> </ul>	Potential loss of local knowledge Mitigations:- ➢ LSO experience ➢ Members from each area being representative on the Boards.
Potentially less time between meetings for applicants to wait before their applications are considered	<ul style="list-style-type: none"> <li>• In terms of the Wigtown Board's administration, there would be no impact on the number of meetings held per year.</li> <li>• The 'rest of the region' Board : it is anticipated that it would meet more frequently than the current 3 Divisional Licensing Boards - it would be intended that meetings would be held every 2 months therefore benefiting local businesses and enhancing the reputation of the Board.</li> </ul>	'Rest of the Region Board' - possible expectation that the Licensing Team process applications more quickly. Mitigation - imposing and advertising deadlines for submission of applications for each meeting.
Partially easier to administer for the Licensing Team	There are less meetings to arrange, clerk, prepare for, attend and record. However, this would not be a significant enough change to make a difference to	Whilst the 2 Board structure is better than 4 Boards, the 2 Board structure does not

	the challenges experienced in respect of the current 4 Board Structure. These challenges would likely still remain.	encapture all the benefits of a single Licensing Board.
<b>Cons</b>	<b>Consequences</b>	<b>Risk</b>
2 Licensing Board areas split disproportionately in terms of population and geographical size	<ul style="list-style-type: none"> <li>The decision to adopt this option would be based solely on retaining the right to issue a Casino Licence which has received no expressions of interest.</li> <li>Increased pressure on “Rest of the Region” Board who will have to deal with significantly more business at each meeting compared to Wigtown Board.</li> </ul>	Reputational Risk in that there is no balance between the 2 Boards in terms of business being dealt with.
Right to issue the Small Casino Licence is not necessarily retained	DCMS are considering reallocating unused Gambling Act 2005 Casino licences where the licence has not been taken up. <b>No expressions of interest have been received – see paragraph 3.17 of the report)</b>	<ul style="list-style-type: none"> <li>DCMS have advised that the Board will require to submit persuasive evidence to them that the Board will proceed with development of a small casino within a reasonable time frame (not stipulated).</li> <li>Loss of right to issue a Small Casino Licence might be lost whether Wigtown Board remains or not.</li> </ul>
There may be difficulties in providing persuasive evidence to DCMS	As no expressions have been received, it will be an extremely difficult task to provide persuasive evidence on a robust and reliable basis.	Loss of right to issue a Small Casino Licence might be lost whether Wigtown Board remains or not
Increased travel to meetings for hybrid or in-person meetings if it is agreed that the locations of meetings are rotated	Most meetings are held remotely so little real change anticipated	Potential reduction in customer satisfaction if applicants require to travel further to attend meetings in person. Mitigation - by attending meetings remotely

throughout the "Rest of the Region" Board area		
No significant efficiency savings	There will still have to be a significant number of Board meetings for 2 areas so any efficiency savings to administer 2 Licensing Boards will not be significant.	New processes will require to be established but there will be no significant efficiencies achieved as a result
Risk of meetings not being quorate	Meetings having to be cancelled and rearranged.	Reputational risk
Members will require to undertake statutory training	Enhancing knowledge of current Board Members	Discourage Members from putting themselves forward to be a member of the new Licensing Board



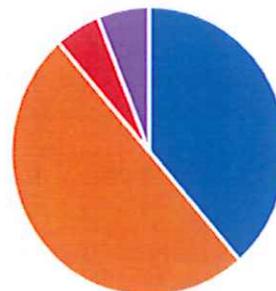
**Analysis of responses to engagement survey that was undertaken in February 2024.**

A customer/stakeholder engagement has recently been undertaken. A survey was issued to around 1500 customers/stakeholders and 154 responses were received.

An analysis of the responses is now provided.

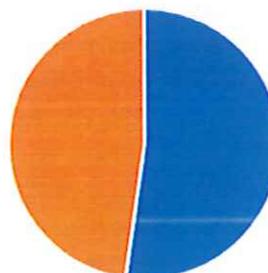
**Question 1 – Are you completing this survey as:-**

- Premises Licence Holder (Alcohol) 58
- Personal Licence Holder 75
- Gambling Premises Licence/Per... 0
- Agent 8
- Other 9



**Question 2 – Do you think there should be 1 Licensing Board for Dumfries and Galloway?**

- Yes 80
- No 73



**Question 3 – Please state your reasons for your answer above**

139 people responded to this question.

a) From the 80 respondents who said **yes**, they think there should be 1 Licensing Board, 72 provided reasons. The responses have been analysed and grouped into themes/headings as follows showing the percentage for each:-

● Consistency (including decision making, conditions, hearings, uniformity of interpretation, policies)	29%
● Easier for licence holders with 1 Board and easier to manage 1 Board (including easing the administrative burden)	19%
● Cost saving	15%
● Efficiency/providing a more efficient service to the public/licence holders	12%
● Streamlining (including processes and the Service)	7%
● A sensible approach to take/makes sense to have 1 Board	4%
● Miscellaneous – responses that do not fall under any of the headings above e.g. <ul style="list-style-type: none"> <li>➤ No need for separate boards - Identical issues across the region</li> </ul>	9%

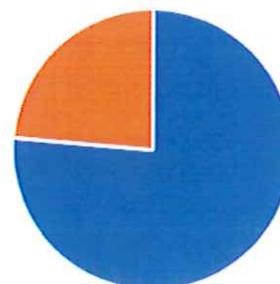
<ul style="list-style-type: none"> <li>➤ Increased knowledge of all areas</li> <li>➤ Licensing needs to be monitored</li> <li>➤ better spread of Licensing officers</li> </ul>	
<ul style="list-style-type: none"> <li>• Not applicable - responses that include general comments or are outwith the statutory role of the Licensing Board e.g             <ul style="list-style-type: none"> <li>➤ Very important</li> <li>➤ To help control the number of licensed premises</li> <li>➤ Licensing Boards are too conservative and need to work on the basis of near automatic granting of licences</li> </ul> </li> </ul>	5%

b) From the 73 respondents who said no, there should not be 1 Licensing Board, 66 provided reasons. The responses have been analysed and grouped into themes/headings as follows:-

<ul style="list-style-type: none"> <li>• The Divisional Board structure is working ok as it is</li> </ul>	17%
<ul style="list-style-type: none"> <li>• Each area/division is different/has different needs</li> </ul>	12%
<ul style="list-style-type: none"> <li>• Good to have local officers/easier to speak with relevant people/personal touch having local officers</li> </ul>	13.5%
<ul style="list-style-type: none"> <li>• 1 Licensing Board would not meet specific needs/the region is too large for 1 Board</li> </ul>	17%
<ul style="list-style-type: none"> <li>• Local knowledge/local representation/local issues</li> </ul>	21%
<ul style="list-style-type: none"> <li>• Perceived impacts such as:             <ul style="list-style-type: none"> <li>➤ Slowing down processes</li> <li>➤ More remote areas being disadvantaged</li> <li>➤ Abuse of licensing</li> <li>➤ Difficult to maintain 1 Board/too much work for 1 Board</li> <li>➤ Offences would be missed</li> </ul> </li> </ul>	9%
<ul style="list-style-type: none"> <li>• Miscellaneous – responses that do not fall under any of the headings above e.g.             <ul style="list-style-type: none"> <li>➤ Better to have a more local licensing board and not remote</li> <li>➤ Divisions are easily identified</li> <li>➤ Unsure without knowing workloads</li> <li>➤ Better to deal with the local council in our area</li> <li>➤ Dumfries and Galloway as an area is very big, having 4 licensing boards means more chance to being heard</li> <li>➤ It's slow enough already</li> <li>➤ Reducing from 4 to 1 is a big change at once</li> </ul> </li> </ul>	10.5%

**Question 4 – If you answered no to question 2, would you like to retain the current structure (4 Divisions)?**

- Yes 71
- No 22



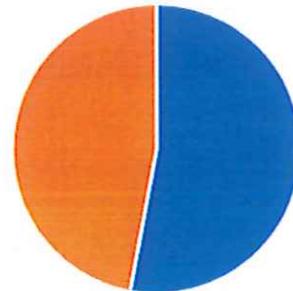
**Question 5 – If you answered no to question 4, how many Divisional Licensing Boards would you propose?**

From the 22 respondents who said no, they would not like to retain the current structure, 11 provided a response to this question. The responses are:-

- 2 responses (18%) – 4 Boards
- 6 responses (55%) – 1 Board
- 1 response (9%) – 3 Boards
- 2 responses (18%) – 2 Boards

**Question 6 – Do you think there are positive impacts by reducing the number of Licensing Boards to 1?**

- Yes 79
- No 70



**Question 7 – If you answered yes to question 6, what do you think the positive impacts would be?**

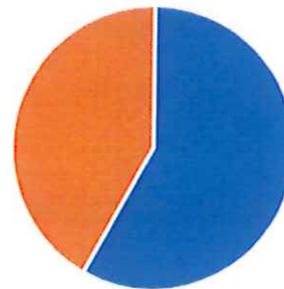
a) From the 79 respondents who said there are positive impacts by reducing the number of Licensing Boards to 1, 68 provided reasons. The responses have been analysed and grouped into themes/headings as follows showing the percentage for each:-

• Efficiencies including cost, time, travel and environmental	35.5%
• Consistency of decision making and a streamlined approach	25%
• Dedicated team/centralised point of contact	9%
• Better/more efficient service/more frequent hearings/easier for the customer	14.5%
• Miscellaneous – responses that do not fall under any of the headings above e.g. <ul style="list-style-type: none"> <li>➢ 'more knowledge'</li> <li>➢ 'over loading the structure'</li> <li>➢ 'Greater accountability'</li> <li>➢ 'Fairer decision making'</li> </ul>	10.5%

<ul style="list-style-type: none"> <li>• Not applicable - responses that include general comments or are outwith the statutory role of the Licensing Board e.g             <ul style="list-style-type: none"> <li>➤ 'Licensing across areas/divisions'</li> <li>➤ 'Easier compliance to reach target'</li> <li>➤ 'Fairer licensing officers all would be the same, no regional difference'</li> <li>➤ 'More flexibility for licenceholders to work in other areas of the region with a universal licence'</li> </ul> </li> </ul>	5%
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**Question 8 – Do you think there are negative impacts by reducing the Licensing Boards to 1?**

- Yes 86
- No 62



**Question 9 – If you answered yes to question 8, what do you think the negative impacts would be 1?**

a) From the 86 respondents who said there would be negative impacts by reducing the Licensing Boards to 1, 79 provided reasons. The responses have been analysed and grouped into themes/headings as follows showing the percentage for each:-

<ul style="list-style-type: none"> <li>• Concern in respect of:             <ul style="list-style-type: none"> <li>➤ insufficient staff/resources</li> <li>➤ staff being overworked</li> <li>➤ loss of experience</li> <li>➤ lack of knowledge in some areas</li> </ul> </li> </ul>	21%
<ul style="list-style-type: none"> <li>• 1 Board would not cater of individual needs/area too big for 1 Board/Local divisions are all different</li> </ul>	11%
<ul style="list-style-type: none"> <li>• Concerns in respect of meetings:-             <ul style="list-style-type: none"> <li>➤ They would last too long</li> <li>➤ fatigue during meetings</li> <li>➤ difficulty arranging meetings</li> </ul> </li> </ul>	4%
<ul style="list-style-type: none"> <li>• Loss of local knowledge/less collaborative working/Boards would be less representative</li> </ul>	38%
<ul style="list-style-type: none"> <li>• Concerns in respect of:-             <ul style="list-style-type: none"> <li>➤ the ability to contact the Licensing office</li> <li>➤ Accessing assistance</li> <li>➤ Receiving timely replies to enquiries/actions</li> <li>➤ Less change of being heard or helped</li> </ul> </li> </ul>	13%
<ul style="list-style-type: none"> <li>• Concerns in respect of increased travel time and costs</li> </ul>	4%
<ul style="list-style-type: none"> <li>• Miscellaneous – responses that do not fall under any of the headings above e.g.             <ul style="list-style-type: none"> <li>➤ 'Rogue licensees'</li> </ul> </li> </ul>	8%

<ul style="list-style-type: none"> <li>➤ 'Timing issues'</li> <li>➤ 'Overlooking of issues. Every area being put under the same "umbrella"'</li> <li>➤ 'Reduce area industry representation, and over centralisation of power'</li> <li>➤ 'Agreement on conditions'</li> </ul>	
<ul style="list-style-type: none"> <li>• Not applicable – 1 response</li> <li>➤ 'with only one body policing such a vast area I feel that there would be more offences being missed'</li> </ul>	1%

### Question 10 – Do you have any further comments

<ul style="list-style-type: none"> <li>• Keep up good work</li> </ul>
<ul style="list-style-type: none"> <li>• Without more information on work load for the 4 boards I can't see how we can comment. My only thought would be that having 4 boards means a better understanding of each area and there needs and a closer eye kept on problematic venues/ events.</li> </ul>
<ul style="list-style-type: none"> <li>• Centralisation on a national level has failed in the fire service, ambulance, policing, and local government, short of money ("effecency") savings, there are no benefits</li> </ul>
<ul style="list-style-type: none"> <li>• Amalgamating the licensing boards could be beneficial but there is also a danger it can be detrimental. I hope proper consultations are made before any change is made.</li> </ul>
<ul style="list-style-type: none"> <li>• Remember the mess Police Scotland are in because they centralised the service - local knowledge was lost.</li> </ul>
<ul style="list-style-type: none"> <li>• I do not think that there would be any particular negative or positive impacts to the efficiency of the running of the Board.</li> </ul>
<ul style="list-style-type: none"> <li>• Not really. It might be be good to have an open discussion on this.</li> </ul>
<ul style="list-style-type: none"> <li>• Things are hard enough with 4 divisions, how hard is it going to be if there is only one</li> </ul>
<ul style="list-style-type: none"> <li>• All board meetings should be open to all local communities to ensure the democratic process is completed in an open and honest and fair way.</li> </ul>
<ul style="list-style-type: none"> <li>• The system works in its current form and to implement change for the sake of it is likely to create more issues than it may solve.</li> </ul>
<ul style="list-style-type: none"> <li>• The general public don't realise the time frame to have a license submitted before an event.</li> </ul>
<ul style="list-style-type: none"> <li>• the council has already diminished local democracy with the holding of on line meetings. While in a geographically diverse area such as D+G that helps those communities who are distant from the centre of meetings to make their representations heard, on line representations frequently do not impart to those making the decisions the passion and fervour of the objectors or the applicants to the applications before the board. The geographical area of the council area needs local representation. We see far to many of the local services in this area disappearing into the central belt where those making decisions have little understanding to the nature of the area. As an example on one occasion I was asked to deal with a licensing matter in Stranraer before on line meetings. I pointed out that it was further for me to attend the meeting than it was for the instructor himself to drive down from Glasgow. Local knowledge in Licensing matters is fundamental so to restrict the decisions to a small group of councillors who have limited knowledge of the whole area does not serve to represent the public interest.</li> </ul>
<ul style="list-style-type: none"> <li>• You provide no knowledge of how many hearings there are in this region, whether they are dealt with efficiently or whether reducing the licensing boards to one will make any positive impact for applicants.</li> </ul>
<ul style="list-style-type: none"> <li>• Local authorities are there to serve their local communities so centralisation is a backward step, obviously just to save money. I'm sure there many examples of wastage that would achieve the same goal. Thank you.</li> </ul>

<ul style="list-style-type: none"> <li>• Would be nice to see some changes possibly leading to a more progressive approach to benefit the local economy</li> </ul>
<ul style="list-style-type: none"> <li>• As with the rest of the uk the 5 year refresher course should be scrapped and instead a ten year full course should be the required training level.</li> </ul>
<ul style="list-style-type: none"> <li>• Whilst I note the comment that a single board would still be made up of members representing the different areas I would urge the board to ensure the licensing policy retains the nuance of locality; if an updated policy becomes too homogenous, that would impact negatively on the flexibility to have long standing variance for local areas (eg licensed hours)</li> </ul>
<ul style="list-style-type: none"> <li>• Young adults now resort to drugs such as Cocaine, where 15-20 years ago they would have gone to a local night club and had a few drinks. There were a small minority fighting and causing trouble, but the night clubs should still be seen as a preference to the casual drug taking that is now rife in the area. It is difficult to say where the cause and effects may lie, but pubs in Newton Stewart would say the fact that they had to close earlier than Stranraer contributed to their unviability. This in turn led to the closure or near disappearance of taxi firms at the weekend, which further contributed to an inability for people, young or old to enjoy a night out at the weekend and be sure that they could get home. Less restrictions on licensing would be preferable, to give the ability for people to socialise and meet would help in the fight against miserable young people with no friends because they don't get a chance to meet people.</li> </ul>
<ul style="list-style-type: none"> <li>• 2 boards, more staff in both and therefore mire visits to ensure compliance.</li> </ul>
<ul style="list-style-type: none"> <li>• Licensing need to look at members clubs ,they are operating as pubs , just let anyone in , no signing in . Can't compete with club . Happens every week nobody checks at weekends</li> </ul>
<ul style="list-style-type: none"> <li>• I would love to see a shake up in licensing boards. Get the mundane stuff online and have time to do the important jobs. I waited 8 months for someone to look at a change I needed and tell me I hadn't filled firm in properly. It is ridiculous in this day and age to be so incompetent.</li> </ul>
<ul style="list-style-type: none"> <li>• Without knowing how busy each of the licensing boards are it's difficult to be certain as to the impact of the proposed changes.</li> </ul>
<ul style="list-style-type: none"> <li>• All correspondence should be sent and received electronically which would save a lot of time and resources</li> </ul>
<ul style="list-style-type: none"> <li>• I think the improvements in efficiency and cost savings are important but it is really important to try and retain local knowledge and the board should have the power to be able to react to the demands of different areas</li> </ul>
<ul style="list-style-type: none"> <li>• I think this is a very positive modern step and removes unfairness and potentially discriminatory decisions for the same applications depending on where your premises are situated. This more dynamic way of working could attract new business to the area and seen as a wholly positive move.</li> </ul>
<ul style="list-style-type: none"> <li>• My only concern would be time taken to conduct these meetings and how long it would take to get a decision round the table but I believe that this would be manageable and cost effective.</li> </ul>

***DUMFRIES & GALLOWAY LICENSING BOARDS  
LICENSING STANDARDS OFFICER REPORT***

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**LICENSING BOARD STRUCTURE REVIEW**

1. The Licensing Standards Officers have been asked for a response as part of the engagement process for the Licensing Board structure review.
2. It is noted four divisional Licensing Boards have been in operation since 1996, following re-organisation of local government in Scotland. Up until 2020, all Board meetings were in person, held in the respective Board areas.
3. As Board meetings are now mainly held remotely and given the proposal that local representation of at least 2 Members from each current Board would be maintained, we would be supportive of a move to one Board.
4. We feel that there would be no change in the practice of local officers dealing with local applications and bringing local knowledge to the Board and the current working system will remain whereby officers will retain their current interaction with licence holders.
5. It is reassuring to note that applicants will continue to be accommodated should they wish to attend meetings in person at a local level.
6. The way licensing is delivered has evolved and changed so much in the last few years that the move to one Board would be a natural progression, increasing efficiency and resources.
7. It may be that multiple officers will attend the meetings depending on the agenda but this will not add to the workload due to the decrease in number of meetings.

HMO Landlord Registration & Licensing Standards Officers  
7 February 2024

