

SPSO decision report

Case: 201607918, Perth and Kinross Council
Sector: local government
Subject: licensing - liquor
Decision: some upheld, recommendations

Summary

Mr and Mrs C complained about the licensing arrangements for licensed premises adjacent to their property. They requested a Licensed Premises Review hearing as they felt that the level of late night noise coming from the premises contravened a condition of the premises license. This review was considered by the licensing board. Mr and Mrs C complained about the actions of the licensing standards officer and the clerk to the licensing board prior to a licensing board meeting to consider the review. This meeting related to changes to the operation of the premises. We found that the council were unable to provide documentation to evidence that the administrative process of approval for these changes of operation had been followed. We upheld this aspect of the complaint.

Mr and Mrs C also complained about the Licensing Premises Review hearing and the information that had been considered during the review hearing. We found that Mr and Mrs C had been represented at the hearing and found no evidence that council officers had acted unreasonably in relation to the information presented to the review hearing. We did not uphold this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr and Mrs C that the administrative process of approval for changes to the operation of the premises adjacent to their property had not been appropriately followed. The apology should comply with the SPSO guidelines on making an apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- Licensing Standard Officers should document the administrative process of approval for applications for minor variations and the reasoning behind decisions.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.