

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING FORUM held in Committee Room 1, Council Headquarters, Newtown St Boswells on 19 October 2011 at 4.10 p.m.

Present: M. Ballantyne (Convener) (during paragraph 5), Inspector K. Simpson, A. Craig, G. Todd, I. Tunnah. A. Vickery, E. Whitehead.
Apologies: S. Bell, H. Davies, J. Swanson, S. Walker,
In Attendance: Legal and Licensing Services Manager (Paragraphs 1 - 6), Committee & Elections Officer (K. Mason).

QUORUM

1. The meeting was inquorate. The Convener had advised she would be late in arriving and it was agreed to continue with the business in her absence and any decisions made in her absence would be subject to ratification when she joined the meeting.

**DECISION
NOTED.**

MINUTE

2. A Note of Meeting of 24 August 2011, which had been inquorate, had been circulated.

**DECISION
Recommend to be APPROVED on arrival of Convener.**

MATTERS ARISING

3. With reference to paragraph 5 in the absence of H. Davies it was not known whether he had contacted Peebles Life relating to publicity about the forum. A. Vickery advised that there had been nothing relating to the Forum in the October edition of the publication.

**DECISION
NOTED.**

4. With reference to paragraph 5(b) of the Minute, agreed subject to ratification by the Convener that the Clerk to the Licensing Board be asked as an interim measure to attach the document on corporate hospitality, which forms Appendix 1 to this Minute, as an appendix to the Board's Policy Statement.

**DECISION
AGREED subject to the ratification of the Convener.**

MEMBER

The Convener joined the meeting during discussion of the following item of business.

5. With reference to paragraph 5(b), in presenting feedback on her attendance at the meeting of the Licensing Board held on 26 August 2011, E. Whitehead advised Members were not consistent in referring to the relevant Licensing Objectives when they were making decisions. Decisions remained along similar lines to those which were taken before 1 September 2009. She queried whether Members understood what they were doing and considered that they seemed unprepared in determining applications, and this did not look good to applicants and their agents in attendance at the meeting. She questioned how

sustainable the decisions arrived at might be in the event of an appeal. Decisions taken by members needed to be transparent. E. Whitehead had previously circulated an evaluation document template for use by Forum Members at Board meetings and further copies were issued at the meeting. Members welcomed the form and expressed the need to keep the completed documents as they would form evidenced based documents which could be used at the joint meetings of the Forum/Board. K. Mason would keep paper copies of the evaluation sheet and scanned copies of the documents would also be kept. It would not be necessary to complete the evaluation sheet when there were no objections/observations submitted in respect of applications. The Legal and Licensing Services Manager advised that the Board would welcome this unbiased feedback but queried the part in the form which asked how many board members took part asking if this was necessary. E. Whitehead would confirm whether or not she would be able to attend the meeting of the Licensing Board on 28 October 2011. Members were reminded that there should be no identification of the premises on the forms

**DECISION
AGREED**

- (a) to adopt the evaluation document template, which forms appendix 2 to this Minute, with the addition of the words "Case No." at the top of the page;
- (b) that K. Mason would make the appropriate arrangements for the retention of the completed evaluation forms;
- (c) that the Legal and Licensing Services Manager would take forward with Members of the Licensing Board issues arising from this discussion.
- (d) that E. Whitehead would advise K. Mason whether or not she would be able to attend the next meeting of the Licensing Board.

**RATIFICATION OF NOTES OF MEETING OF 24 AUGUST 2011 AND EARLIER
DECISION**

6. AGREED

- (i) that the note of meeting held on 24 August 2011 at paragraph 2 above be approved.
- (ii) that the decision at paragraph 4 above be ratified.

JOINT MEETING – LICENSING BOARD/LICENSING FORUM

7. Discussions took place regarding the forthcoming joint meeting of the Licensing Board and Licensing Forum to be held on 2 November 2011. The Forum agreed that the Board needed to be aware of what the Forum had achieved and the purpose of the attendance of Forum members at the Board meetings. It was agreed that the evaluation template be tabled for comment. As this would be the last joint meeting before the forthcoming May 2012 elections, Members should be asked for feedback regarding any difficulties they might have experienced, the challenges they had faced, what had worked well, whether they had sufficient training and any other relevant issues, etc.

DECISION

AGREED that at the joint meeting of the Licensing Board/Forum:-

- (a) Board Members should be appraised regarding the work of the Forum;

- (b) **Board Members should be given the opportunity of reporting on any difficulties experienced, challenges facing them, what had worked well, whether they had sufficient training etc.**

ALCOHOL FOCUS REPORT

8. Members were reminded that copies of the Alcohol Focus report entitled "Re-thinking Alcohol Licensing" had been circulated to them for their information. The Convener advised that the Southern Reporter did print an article she had written following this publication however they had not included the full breadth of contributions about the Forum and the changes to the licensing act that had been submitted. Consequently this would be revisited at the January meeting of the Forum to discuss how the information could be presented in a way that the paper would find acceptable.

DECISION NOTED.

DATES OF FUTURE MEETINGS

9. Discussions took place relating to the dates of future meetings.

DECISION

AGREED that future meetings be held on Wednesday, 25 January, Wednesday 28 March, Tuesday 26 June and Wednesday 17 October 2012.

LICENSING OBJECTIVES

10. (a) Preventing Crime and Disorder
I. Tunnah advised that discussions had taken place with several licence holders relating to dispersal problems. Licensing Standards Officers had accompanied Officers from Trading Standards when licensed premises had been visited and tests had been undertaken to establish the accuracy of measures. The appropriate warnings had been issued to those premises who had failed the tests. Discussions had also taken place with licence holders about their written policy being in place and offers of help had been put forward by the Licensing Standards Officer. He also advised that Brian Cherry, Healthy Working Lives was willing to give advice to licence holders. K. Simpson referred to an application for a late licence to 2.00 a.m. which had been refused by the Board.
- (b) Securing Public Safety
K. Simpson advised that Police Officers were establishing a good rapport with Stewards and of improvements being made. In referring to dispersal he commented on the reduced numbers in Overhaugh Street.
- (c) Preventing Public Nuisance
I. Tunnah referred to complaints received about music in licensed premises, the majority of which had been resolved through mediation. There were two outstanding cases and these might be referred to the Board. K. Simpson referred to an isolated incident three weeks ago when people from outwith the Borders had congregated outside a premise in Galashiels and advised that the presence of Police Officers had quelled any nuisance which might have occurred.
- (d) Protecting and Improving Public Health
The Convener advised that following discussions with Dr Eric Baijal (Director of Public Health) it had been agreed that Dr Mike Kehoe would join the Forum as the Health Board representative supported by Susan Walker. I. Tunnah advised that a mail-shot had been sent out re changes effective from 1 October

enclosing a schedule of conditions. Visits to all licensed premises by Licensing Standards Officers would be carried out to ensure licence holders understood what they were doing. Three open meetings had been convened to which office bearers from members' clubs had been invited. He referred to the difficulties clubs were experiencing as a result of changes in office bearers. In response to a question raised about irresponsible promotions (5 shots for £5) I. Tunnah advised this was being investigated at the moment. K. Simpson advised that there was an increase in patrons being refused entry into licensed premises if they appeared to be drunk, he commented that this reflected well on licensees and advised that the situation would be monitored.

(e)

Protecting Children from Harm

The Convener advised that the Scrutiny committee of Scottish Borders Council had discussed the Council's Policy on youth and drugs and alcohol and whether it could be improved and the recommendations of Scrutiny had been accepted by the Executive at a meeting held on 4 October 2011. I. Tunnah advised on forthcoming Test Purchase reviews which would be dealt with by the Board. Licence holders were asked to ensure that the Challenge 25 Policy notice was clearly displayed within their premises. K. Simpson advised that since April 2011, eight Test Purchase operations had taken place across the Borders. In the most recent operation seven premises had failed, six had passed the second test and one remained to be retested. He further commented on under 18's being found in possession of alcohol, the agent acting for them had been traced and it would be interesting to see how these were dealt with by the Court. In response to a question raised by the Convener about parties in village halls, K. Simpson advised that Police had been invited to a meeting by an association of village halls committee at which Officers had presented information relating to the legal and safe use of their premises.

MEMBER

G. Todd left the meeting.

TRAINING

11. Training was deferred to a future meeting.

DECISION

NOTED.

The meeting concluded at 6.15 p.m.

Appendix 1
Corporate Hospitality
Document to be obtained from I Tunnah.

SCOTTISH BORDERS LOCAL LICENSING FORUM

FEEDBACK/OBSERVATION

Case Number:
Completed By:

Date

No. Board Members

	Yes	No
Are 5 Licensing Objectives mentioned?		

Are the Boards questions based on 5 Objectives?		
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Are the Boards decisions based on 5 Objectives?		
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Comments

	Yes	No
Are all members of the Board prepared for the meeting? If No, how many were?		

Do the Board refer to relevant reports when making decisions?		
Comments		

Do the Board refer to relevant Objectives when making decisions?		
Comments		

How many Board members take part in the discussion?		
Comments		

How many times are Board given legal advice?		
Comments		