

**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 17 October 2012 at 4.00 p.m.

Present: M. Ballantyne (Convener) Dr E Bajjal, S. Bell, A. Craig, J. Swanson, Chief Inspector K Simpson, G. Todd, I. Tunnah, A. Vickery, S. Walker.  
Apology: E. Whitehead.  
In Attendance: Legal and Licensing Services Manager (A. Isles), Business Consultant (E. Murray), Committee and Elections Officer (V. MacMillan).

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**MINUTE**

1. A Note of Meeting of 26 June 2012 had been circulated. With reference to paragraphs 4, 5(a), (b), (c), (d) and (e) of the Note, Chief Inspector Simpson advised that he should have been referred to as 'Chief Inspector Simpson' and not 'Inspector Simpson'. With reference to paragraph 7 and 7(a)(iii) of the Note, the Convener advised that 'illegible' should be replaced with 'eligible'. With reference to paragraph 7(b) of the Note, Mr Swanson advised he should have been referred to as 'Mr Swanson' instead of 'Mr Swanston'.

**DECISION**

**APPROVED, subject to the above amendments.**

**MATTERS ARISING**

2. With reference to paragraph 9 of the Note of 26 June 2012, the Legal and Licensing Services Manager agreed that she would investigate when it would be possible to deliver joint Licensing Board and Local Licensing Forum training and would report back to the Forum.

**DECISION**

**NOTED.**

3. With reference to paragraph 5(b)(i) and (ii) of the Note of 26 June 2012, the Convener referred to the decision that she would liaise with supermarkets in Galashiels regarding the implementation of a scheme whereby other shops/supermarkets could be informed when the sale of drinks of had been refused to underage persons, and that the Convener would contact Borders Alcohol and Drugs Partnership(BADP) regarding presentations. The Convener had not taken these items forward but agreed to do so.

**DECISION**

**NOTED.**

4. With reference to paragraph 9 of the Note of 26 June 2012, Ms Walker advised that she would deliver a presentation on the background and function of the BADP to the joint meeting of the Licensing Board and Local Licensing Forum.

**DECISION**

**NOTED.**

5. With reference to paragraph 7(a)(iii) of the Note of 26 June 2012, the Legal and Licensing Manager advised that the management of the budget was carried out by Legal and Democratic Services (LDS) and the Head of Legal and Democratic Services had overall responsibility. There

was a budget for the Forum to cover training and other supply expenses of £1250. There was no allocated budget for travelling expenses but funds could be vired over from the training budget to allow Forum Members observing Licensing Board meetings to claim. The Legal and Licensing Manager agreed to advise the Forum at the next meeting of their eligibility to claim travelling expenses and would advise the Forum how much of the budget had been spent so far.

## **DECISION**

### **AGREED:-**

- (a) that the Legal and Licensing Manager would advise the Forum at the next meeting of their eligibility to claim travelling expenses; and**
- (b) the Legal and Licensing Manager would advise the Forum at the next meeting how much of the budget had been spent so far.**

### **ALCOHOL DATA CAPTURE FOR JUNE 2012**

6. There had been circulated a report by Ms Erin Murray, Business Consultant, Scottish Borders Council (SBC) and Ms Susan Walker, Development Officer, Borders Alcohol and Drug Partnership (BADP) reporting the Alcohol Data Capture for June 2012. Ms Walker reminded members of the work of the Data Project sub group and gave a further update of their work since the last Forum meeting which had given rise to this interim report.
7. Ms Walker confirmed that since 1 June 2012, Police, Ambulance Service, Fire Service and Emergency Department within the Borders General Hospital (BGH) had recorded data whenever an individual presented to their service and alcohol had been a contributory factor. It was anticipated that the evidence in the final report would assist the Licensing Board in considering the Statement on Licensing Policy with regard to the public health objective.
8. The main points were: Emergency Department (ED) attendances – 8% of the attendances within ED for the month of June had alcohol as a contributing factor; 51% of the patients with alcohol as a contributing factor who attended ED came into the department over the weekend (Saturday/Sunday); 40% of the attendances with alcohol as a contributing factor took place between 11pm – 5.00am; the incidents demonstrated that alcohol related harm affected all age groups and both genders; 37% of those attending with alcohol as a contributing factor required admission to an acute ward; and the estimated BGH running costs equalled £118,009. In terms of Lothian and Borders Police Incidents, 12.6% were flagged as alcohol related; 57% of the Police incidents that involved alcohol took place between 18:00 on Friday through to 03:00 on Monday; and the concentrations of incidents occurred in the main town centres and this might be influenced by the night time economy and the availability of alcohol and Police resources. In terms of the Fire Service, there was 1 incident where “impairment due to suspected drugs/alcohol” was a contributory factor in the fire on the Scottish Borders in June 2012; and the estimated cost for fire in a domestic dwelling was £5,363.20 for 4 hours of Fire Service time. Ms Walker confirmed that further data would be inputted to capture alcohol data in October 2012 and a final report drafted for consideration by the Forum.
9. Members of the Forum discussed the report. Members asked why it was not possible to report the costs for Police attending alcohol related incidents. Chief Inspector Simpson advised that it was difficult to measure the costs involved for Police attending alcohol-related incidents but could find out how much it would cost per hour. Members asked about the number of Fire Service related false alarms. Ms Walker explained that the number of false alarms for the Fire Service where “impairment due to suspected drugs/alcohol” was a contributory factor were not recorded, but would be captured in the October 2012 report. There were a number of alcohol related incidents at the Border Festivals that took place in June 2012, and over half of the incidents in Duns occurred over the weekend of the Jim Clark Rally, which would be targeted next year. The report recorded data on the location of the off sales in comparison to the locations of households within

the Scottish Borders. The Legal and Licensing Manager advised that it was important to define which “off-sales” were recorded in order to capture all the relevant data.

10. Forum members then went on to discuss the article in the local press in response to the report. The Convener felt that this had been a missed opportunity in terms of delivering key messages to the public about improving public health in the Scottish Borders. The Legal and Licensing Manager suggested that Corporate Communications could be involved in terms of the presenting and handling of information from future reports. Several members of the Forum suggested that data that would be captured in the report from October 2012 could be considered at an informal meeting to refine the report before the formal meeting took place. Mr Swanson felt uncomfortable with the idea of managing information before it goes out to the press and referred to the Forum as a public body with a duty to meet in public. Dr Baijal explained that it was not a good thing to read an article on a report in the press before it had been discussed at the Forum, and that it was important that the correct information was reported in the press. Ms Murray advised that she would rather discuss a draft version of the next report before it was available to the public. Ms Walker agreed that lessons had been learnt. Forum Members congratulated Ms Walker on the report and agreed that important data had been captured in terms of alcohol related incidents in the Scottish Borders and it was a step towards improving public health and raising awareness. The Forum agreed it would be useful to write to The Border Telegraph to inform them of the purpose of the report.

#### **DECISION**

**AGREED that the Convener would write a letter to The Border Telegraph to highlight the purpose of the Alcohol Data Capture Report for June 2012.**

#### **MEMBER**

Ms Murray left the meeting during discussion of the above item of business.

11. Mr Tunnah informed the Forum that there were a series of Licensing Road Shows taking place in the Borders over the next two weeks, and the first road show was being held tonight in Galashiels. These were presented in a joint initiative with the Council’s Licensing Unit staff and the Police Licensing Officers and an objective of the road shows was to remind licence holders of the requirements of the relevant licensing conditions and their implementation and inform licensees of the recent changes in licensing legislation. Mr Tunnah was asked if data would be captured from the road shows. Mr Tunnah confirmed that data would not be captured but he intended to provide feedback at the next meeting.

#### **DECISION**

**NOTED the position.**

#### **MEMBER**

Mr Tunnah left the meeting during discussion of the following item of business.

#### **ALCOHOL FOCUS SCOTLAND – LICENSING RESOURCE TOOLKIT: FACTSHEET 1**

12. There had been circulated a letter dated 4 October 2012 with Factsheet 1 from the Chief Executive, Alcohol Focus Scotland on the Licensing Resource Toolkit. The resource was intended to provide more guidance on public health and licensing and to build on the *Rethinking Alcohol Licensing* report launched last year. The first part of the toolkit comprised of three sections: the *Changing Times* booklet, the *Licensing Process Who’s Involved* sheet and the *Licensing Policy Statement Timeline*. Ms Walker commented that she thought the resource was useful in terms of reporting licensing practice in local areas and examining the overall effect of alcohol on public health. All materials were available on the website to download.

#### **DECISION**

**NOTED the materials.**

### **LICENSING OBJECTIVES**

13. (a) Preventing Crime and Disorder  
Chief Inspector Simpson advised that one premises licence had been suspended for 4 months and a revocation was being considered.
- (b) Preventing Public Nuisance  
Chief Inspector Simpson advised that 2 nightclubs had closed in Hawick and Galashiels. There had been an issue with another nightclub with regard to anti-social behaviour complaints and positive work had been carried out with the nightclub owners and the Police based on best practice to resolve the issue.
- (c) Protecting and Improving Public Health  
Chief Inspector Simpson advised that the responsible drinking campaign that was delivered during the summer had been very positive. Police had worked with organisers of the festivals to try to target festival goers and freshers' week at Heriot Watt University had also been targeted.
- (d) Protecting Children From Harm  
Chief Inspector Simpson advised that there had been a rise in the number of youths that were engaging in underage drinking. Alcohol had been confiscated from youths and work by the Police was ongoing. Agents who had purchased alcohol for youths were being pursued. Ms Todd referred to the recent consideration by the Board for an occasional licence for an outdoor event where the police had raised objections as children were likely to be in attendance. Chief Inspector Simpson advised that the Licensing Board could apply conditions when granting an occasional licence for such events.

**DECISION  
NOTED.**

### **STREET PASTORS**

14. There had been circulated a letter from Mr Duncan Cameron, Galashiels Fellowship of Churches relating to Street Pastors. The Convener advised that that Mr Cameron had telephoned her to discuss his request, but the Convener had been unable to speak with Mr Cameron and he was due to call back. The letter explained that the Galashiels Fellowship of Churches had been investigating a project called Street Pastors which had originally started in London in 2003 and had spread rapidly throughout the UK. The main role of a Street Pastor was to make themselves available to care, listen and support vulnerable people on the streets on a Friday or Saturday night. The Fellowship welcomed the Licensing Forum's views on their proposals. The Convener advised that the letter referred to Street Pastors working in partnership with the Police, but there was no evidence to support this assertion as there was no partnership agreement in place between them. This was confirmed by Chief Inspector Simpson. The Forum discussed the likely need for such a service but felt on balance that it was not part of their remit to advise on the appropriateness of individual services. Ms Walker advised that a study had been carried out two years ago which examined the need for a "drunk tank" in town centres in the Borders and it was confirmed then that there was no requirement for it. That was at a time when the footfall was higher than it was presently. It was agreed that the Convener would speak to Mr Cameron and also write formally advising that the content of the letter was noted but it was outside the remit of the Local Licensing Forum to comment on the appropriateness of individual services.

### **DECISION**

**AGREED that the Convener would telephone Mr Cameron from the Galashiels Fellowship of Churches to inform him that a letter would be sent on behalf of the Local Licensing Forum to advise that the content of the letter was noted but it was outside the remit of the Local Licensing Forum to comment of the appropriateness of individual services.**

### **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item(s) dealt with in the following paragraph(s) should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed / make an early decision.

### **FEEDBACK FORMS FOR OBSERVATION OF LICENCING BOARD MEETINGS**

15. Ms Todd advised the Forum that she had attended the latest Licensing Board meeting that had taken place at Council Headquarters, Newtown St Boswells. Ms Todd advised that the layout of the meeting was better than the layout of previous meetings that had been held in Galashiels, and observation had been easier. Licensees had reported that they preferred that Licensing Board meetings were held in one place, and the Legal and Licensing Manager confirmed that future Licensing Board meetings would normally be held at Council Headquarters. The Convener suggested that this information should be reported to Licensees attending the Licensing Road Shows. Ms Bell and Mr Craig advised they would be attending the road show this evening and would pass this information on to Mr Tunnah. Ms Todd reported that 9 Members of the Board had been present and that the Board had conducted the meeting in line with the 5 Licensing Objectives and the expectations of the Licensing Forum. It was noted by Ms Todd that discussion at the meeting had been limited to a proportion of people. All of Ms Todd's observations of the meeting had been recorded on the Local Licensing Forum Feedback and Observation sheets and were all positive. The Convener requested that the Legal and Licensing Manager did not feedback this information to Licensing Board, as this would be done at the joint meeting of the LLF and LB. Feedback sheets would be discussed at this meeting, including feedback from Ms Whitehead. The Legal and Licensing Manager informed the Forum that Mr Vickery had tendered his resignation and that Mr Roddy Mackay, Licensee of The Keg Public House in Peebles had expressed an interest in joining the Forum and had been advised to submit an application. It was noted that there could be interest generated in joining the Forum from Licensees attending the Licensing road shows.

### **DECISION**

#### **AGREED:-**

- (a) **that Ms Bell and Mr Craig would inform Mr Tunnah at the Licensing Road Show this evening that Licensees preferred that Licensing Board meetings were held in one location and that all future meetings of the Licensing Board would be held at Council Headquarters. This would allow Mr Tunnah to inform Licensees in attendance at the Road Shows; and**
- (b) **that the observations noted by the Local Licensing Forum at the latest meeting of the Licensing Board would be reported at the joint meeting of the Local Licensing Forum and Licensing Board scheduled to take place on Wednesday 7 November 2012.**

*The meeting concluded at 6.25 p.m.*