

## **SCOTTISH BORDERS COUNCIL** **LOCAL LICENSING FORUM**

MINUTE of MEETING of the SCOTTISH BORDERS  
LICENSING FORUM held in the Council Chamber, Council  
Headquarters, Newtown St Boswells on 11 June 2013 at  
4.00 p.m.

Present: M. Ballantyne (Convener) S. Bell, A. Craig, Chief Inspector K. Simpson, G. Todd, S. Walker, E Whitehead.  
Apologies: Dr E. Baijal, J. Swanson,  
In Attendance: Legal and Licensing Services Manager, Democratic Services Officers (K. Mason, J. Turnbull).

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### **MINUTE**

1. The Minute of Meeting of 23 January 2013 had been circulated.

With reference to the heading of paragraph 4 of the Minute of 23 January, it was noted that "Alcohol" should be amended to read "Alcohol", and in paragraph 5(d) "client" should be amended to read "climate".

### **DECISION**

**NOTED subject to the above amendments.**

### **SCOTTISH BORDERS ALCOHOL PROFILE**

2. S Walker reported on the draft Scottish Borders Alcohol Profile 2012/13. The Profile had been circulated to the Licensing Board, Council, NHS and Alcohol Focus Scotland. Feedback received from the Profile included the appropriateness of selling alcohol in council owned buildings; and whether interventions should be taken in relation to patients with alcohol related health issues being discharged from the NHS at the weekend. The final Profile would be published in June 2014 with annual updates thereafter. The Forum discussed the Profile and the Convenor informed the Forum that in the main it had been well received. However, it had been noted that the trade were concerned with their portrayal in certain areas. S. Walker also reported that a public engagement process asking for views on the proposed Byelaws Prohibiting the Consumption of Alcohol in Designated Public Place, would take place from 17 June 2013 to 29 November 2013 with a report thereafter going to full Council. Scottish Borders Council was the only area in Scotland that did not have byelaws in place.
3. The Forum discussed their concerns at the lack of support from the Licensing Board in Edinburgh and the situation of over provision. It was considered that the situation in Edinburgh should not impact here as the Scottish Borders was considerably different, e.g. the Borders did not suffer the bombardment from large retailers. Moreover, the Licensing Board always made sure that each and every application was considered on its own merits and the majority of applications were from imaginative, holistic businesses.

### **DECISION**

**AGREED to discuss policy review at the next meeting of the Forum to include a discussion on over provision.**

## **LICENSING OBJECTIVES**

4. (a) Preventing Crime and Disorder  
Chief Inspector Simpson advised that the Police would welcome the implementation of the byelaws prohibiting the Consumption of Alcohol in Designated Public Places.

**DECISION  
NOTED.**

- (b) Securing Public Safety  
I. Tunnah had engaged with licensees at the Rugby Sevens circuit, to implement the Challenge 25 policy and promote the responsible drinking campaign. This year the focus of the campaign had been directed at staff. Licensees had been asked to maintain a Refusal Book which would assist in determining if the campaign had had an effect. The Sevens events, in respect of the licence trade, had been well run. The campaign would continue at the Common Riding events. However, 15 -17 year olds were still an issue; there had been an incident in Melrose with a 14 year old being found drunk with an empty bottle of vodka in her handbag. The Forum considered that the £50.00 fine for selling alcohol to children should be increased to £300- £500 and employees should be prosecuted through the courts. Incidents were usually from random employees for whom the consequences were small. The Police advised that first time failure was not taken to full review; however they would liaise with the Procurator Fiscal.

The Co-op organisation was held up as a good example, the company made it clear to employees that their jobs were on the line if they did not comply with the law. E Whitehead explained the process for selling alcohol in their stores: as soon as an employee scanned the alcohol sale they were asked to input their estimate of the age of the buyer; if age 23 or under was flagged up they were required to ask for ID. The age recognition reports were checked every week by the manager of the premises to flag up any anomalies, i.e. that the employee was not entering the same age for every customer. This system was in place to protect the employee as well as the business.

The Forum asked for clarification if it was acceptable for a parent to purchase alcohol for children to consume in their own home. Chief Inspector Simpson explained that it depended on the individual consumption and whether the parent was culpable. I. Tunnah added that if a person purchased a bottle of vodka and then gave to a child this would be considered a proxy sale. The most appropriate way to deal with the situation was to refuse to sell alcohol if there was any uncertainty about the intention of the purchaser.

**DECISION  
NOTED.**

- (c) Preventing Public Nuisance  
Chief Inspector Simpson advised that Test Purchasing operations had taken place with one premises failing.

**DECISION  
NOTED.**

- (d) Protecting and Improving Public Health  
Chief Inspector Simpson advised that shoplifting with the theft of alcohol, continued to be an ongoing issue, there was no specific age demographic.

**DECISION  
NOTED.**

#### Protecting Children from Harm

- (e) G. Todd reported on a proposed Bike Run event in Melrose. The posters for the event stated that alcohol would be available at the event, which children would attend. I. Tunnah advised that to object to occasional licences there had to be appropriate grounds. Part of the problem was the low £10.00 fee for an occasional licence. However, there was a balance to strike at these events and it was important to allow children to observe how to treat alcohol respectfully. Chief Inspector Simpson informed the Forum that it was an offence to be over the limit and in charge of a bicycle – or a horse. The Police would investigate raising awareness of these issues.

**DECISION  
NOTED.**

#### ALCHOL FOCUS SCOTLAND FACT SHEET

5. The Alcohol Focus Scotland factsheet had been circulated to members.

**DECISION  
Noted.**

#### LICENSING CONFERENCE

6. The Licensing Conference was scheduled for 3 September 2014. S. Walker would be attending and would report back at the next meeting.

**DECISION  
NOTED.**

#### TRAINING

7. The Forum discussed training requirements and considered if it would be useful to incorporate any training at Forum meetings. A. Isles stated that she would circulate any case updates to Members and any training that was open to the Licensing Board could be brought to the Forum.

**DECISION  
NOTED.**

#### MEMBERSHIP

8. The Chairman informed the Forum that there had been four expressions of interest to join the Forum. The interested persons were:

Mr A J McTeir (Glenross Whiskies Ltd., Peebles)  
Mr M Hay (Cheers Group Ltd., Kelso and Selkirk)  
Mr L Becattelli (Cross Keys Hotel, Kelso)  
Mr N Gillies (Base Nightclub, Hawick)

9. Mr Gilles was keen to join the Forum to ensure that the views of licensees were taken into consideration. The Chairman informed the Forum that the extra membership would balance the Forum and allow the perspectives of the licensees to be discussed. The Forum also discussed inviting 5<sup>th</sup> or 6<sup>th</sup> year pupils to join the Forum. This had been tried in the past but had not been successful. It was noted that the Youth Development Worker was invited to attend Forum meetings. Members were also reminded that the meeting was open to the public.

**DECISION  
AGREED**

- (a) to recommend to the Head of Legal and Democratic Services that the delegates above be appointed to the Local Licensing Forum; and
- (b) to request that the Legal and Licensing Services Manager request four training disks from Alcohol Focus.

#### **LOCAL LICENSING CONFERENCE**

10. The Chairman suggested that the Local Licensing Forum hold a Local Licensing Conference which would be run and delivered by Forum Members. There would be a budget for the Conference and the ADP support team would be able to assist with arrangements. The Forum discussed the idea and considered that it would have to be properly managed, with a clearly defined theme and objectives. Guest speakers would be invited to attend. e.g. a lawyer who could give the licensees' views. It was agreed that the event would take place in November and be held in the Volunteer Hall, Galashiels. A Working Group of Forum Members would organise the conference. The members would be:-

Councillor M Ballantyne.  
Stephanie Bell  
Neil Gillies (co-opted)  
Susan Walker  
Elaine Whitehead  
Legal and Licensing Services Manager  
Representative from Lothian and Borders Police.

11. The first meeting of the Working Group would be held on Thursday, 27 June at 1.00 pm. The meeting would be held in the Council Headquarters, the clerk would inform Working Group Members of the meeting room. Minutes from the meetings would be circulated to all Members of the Forum for information.

#### **DECISION**

**AGREED to hold a local Licensing Conference.**

#### **FUTURE MEETING DATES**

12. The Forum agreed that future meetings would be held on Tuesday, 8 October 2013 at 4.00 p.m. Tuesday, 25 March 2014 at 4.00 p.m; and Tuesday, 10 June 2014 at 4.00 p.m. Members asked that the Clerk send out a notice of the meeting two weeks beforehand and Members should inform the Clerk of their availability.

#### **DECISION**

#### **AGREED**

- (a) that future meetings would be held on Tuesday, 8 October 2013 at 4.00 p.m. Tuesday, 25 March 2014 at 4.00 p.m; and Tuesday, 10 June 2014 at 4.00 p.m
- (b) to request that the Clerk send out a notice of the meeting two weeks beforehand, members to inform the clerk of their availability.

The meeting concluded at 6.20 p.m.

