

**SCOTTISH BORDERS LOCAL LICENSING FORUM**

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING FORUM held in Committee Room 2, Council Headquarters, Newtown St Boswells on 10 June 2014 at 4.00pm.

Present: Councillor M Ballantyne (Chairman), Chief Inspector K Simpson, S Bell, A Craig, G Todd, I Tunnah, E Whitehead.  
Apologies: A Isles, R Mackay, S Walker.  
In Attendance: Democratic Services Officer (J Turnbull).  
Members of the Public (1)

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**ORDER OF BUSINESS**

1. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

**MEMBERSHIP OF THE FORUM**

2. The Chairman welcomed Mr John Taylor, Jedburgh Community Councillor, to the Forum Mr Taylor hoped that he would be able to contribute to the Forum and make the Borders a safer, healthier place to live.

**DECISION**

**AGREED:-**

- (a) TO welcome Mr Taylor as a new member of the Forum; and
- (b) TO request that the Clerk arrange a Conference pack for Mr Taylor.

**MINUTE**

3. A note of the Meeting of 25 March 2014 had been circulated.

**DECISION**

**NOTED.**

**PRESENTATION – BEST BAR NONE**

4. PC Walker, was in attendance and gave a presentation on the Best Bar None scheme. The scheme originated in Manchester by Greater Manchester Police to reduce anti social behaviour and violent crime. In 2005, Glasgow ran a pilot scheme which had been successful and was rolled out nationally in 2006 – last year 400 licensed premises had been accredited. PC Walker reported that the aims of the scheme were: prevention of crime and disorder, public safety, prevention of public nuisance, promotion of public health and protection of children from harm. The benefits of being part of the scheme for the licensed premises included: partnership working, enhanced customer care, well managed on-trade licensed premises and staff, promoting a vibrant night-time economy and producing safe and secure customer focused premises.
5. The Scottish Borders started a pilot scheme in 2001/12 in Galashiels where seven premises were accredited. In 2013/14 the scheme was extended to Hawick, Kelso and Galashiels and there were successful accreditations as follows:-

Gold Award	-	Base and Indigo Rooms (Hawick)
Silver Award	-	Coopers and Waverley Bar (Hawick), Waggon Inn (Kelso)
Bronze Award	-	Horse and Hound, Borders College Union, Hunters Hall (Galashiels)

6. Accredited premises received a plaque and press coverage. Premises were also listed in the Best Bar None guide and on the website. The Scoring Booklet and Good Practice

Guide were circulated at the meeting. The Forum felt that the scoring was probably geared to larger organisations. PC Walker agreed and explained that the criteria was to be adjusted to target smaller premises.

7. Chief Inspector Simpson added that the scheme gave licensed premises something back in terms of membership, promotion and marketing. It would be useful if the scheme could be promoted by Visit Scotland to ensure that hotels, bed & breakfasts had listings of the accredited premises for visitors. PC Walker explained that the information on the scheme was available on the website at [www.bbnsotland.co.uk](http://www.bbnsotland.co.uk) anyone interested in the scheme should contact the Safer Communities Team, Tel No. 01835 823204.

#### **DECISION**

**To thank PC Walker for the informative presentation.**

#### **POLICE LICENSING PRESENTATION**

8. The presentation would be deferred until the next meeting of the Forum.

#### **DECISION**

**Noted.**

#### **PRESENTATION – YOUNG PEOPLE**

9. The presentation would be deferred until the next meeting. The Forum discussed that young peoples' attitudes were changing, and they were now making value judgements and choosing not to drink alcohol. The Chairman stated that education in schools had a major impact and it was important that consistency was maintained.

#### **DECISION**

**Noted.**

#### **MEMBERSHIP OF FORUM**

10. Mr Orde was in attendance at the meeting and was interested in becoming a member of the Forum. He reported that he had employees aged 18 – 24 who might be interested in becoming members of the Forum. Although not in attendance at the meeting the clerk confirmed that Mr Goode, a Community Councillor from Earlston, was now a member of the Forum.

#### **DECISION**

- (a) **TO request that the Clerk send an application form to Mr Orde to complete; and**
- (b) **TO remove Ms Jardine from membership of the Forum.**

#### **ALCOHOL BYELAWS**

11. Inspector Simpson informed the Forum that he had presented to Council a report on the outcome of the Public Engagement Process regarding 'Byelaws to Prohibit the Consumption of Alcohol in Designated Public Places'. He had informed Council that the Scottish Borders was the only place in Scotland that did not have byelaws in place. He had explained that an extensive public engagement process had been carried out with 104 responses received over the nine month consultation period, the outcome indicated that there was public support for the introduction of such byelaws in the communities of Eyemouth, Coldingham, Galashiels (Town Centre) Hawick, Jedburgh and Newtown St Boswell. Dr Baijal, Director of Public Health, had attended the meeting and supported the introduction of the byelaws. Following much debate, Council gave their approval, by one vote, for the introduction of the byelaws to go out for further consultation in the six areas. Councillor Ballantyne had reminded Members at Council that common ridings, festivals, Hogmanay were exempt.

#### **DECISION**

- (a) **TO note the report**

- (b) **TO note that the Licensing Forum would continue to support the introduction of byelaws and were serious about addressing alcohol issues in our communities; and**
- (c) **TO request that Inspector Simpson circulate details of the further consultation process.**

#### **LOCAL LICENSING FORUM WEBSITE**

12. The Forum agreed that a link to the Best Bar None website should be added to the Forum's page. An update on the alcohol byelaws consultation, in terms of the Licensing Forum's position, with a Q & A section would be useful.

#### **DECISION**

##### **AGREED**

- (a) **TO ask the Clerk to arrange for the Best Bar None website address and contact details to be placed on the SBC's Local Licensing Forum's webpage; and**
- (b) **TO request that Inspector Simpson arrange for the further consultation on the Byelaws to 'Prohibit the Consumption of Alcohol in Designated Public Places' be placed on the website and to include a Q & A section.**

#### **LICENSING BOARD MEETINGS**

13. The Chairman advised that the Licensing Forum had a role in monitoring the Licensing Board, it was decided that where possible a member of the Forum attended one of the Board meetings. The Board met monthly on a Friday, the next meeting was scheduled to take place on 20 June. It was noted the Forum members attending the Board meetings had knowledge of the licensing objections which were used to inform the Board's decisions.

#### **DECISION**

- (a) **TO request that the Clerk circulate meeting dates of Licensing Board meetings for members' information; and**
- (b) **TO request that Licensing Forum members inform the Clerk of which Licensing Board meetings they would be attending.**

#### **FUTURE MEETINGS**

14. The next meeting of the Forum was scheduled to take place on Tuesday, 7 October. As this was the same day at the National Licensing Conference it was agreed to postpone the meeting until Tuesday, 21 October 2014. The future dates for meetings were: -

Tuesday 21 October 2014 at 4.00pm;  
Tuesday 27 January 2015 at 4.00pm;  
Tuesday 24 March 2015 at 4.00pm; and  
Tuesday 9 June 2015 at 4.00pm.

*The meeting concluded at 6.00 pm.*

## **Summary of Review of Statements of Licensing Policy 2013 – 16 and Scottish Borders Position**

### **Background**

This paper outlines findings from Alcohol Focus Scotland Review of Statements of Licensing Policy for the Scottish Borders Local Licensing Forum and Scottish Borders Licensing Board.

### **Duty to produce Statement of Licensing Policy**

Every three years Licensing Boards have a legal duty to produce a Statement of Licensing Policy. Policy statements for 2013 – 2016 are the third policy that Boards have produced. In producing these policies, Boards must consider:

- Consultation in preparation of licensing policy
- Measures contained in the licensing policy to seek to promote the licensing objectives
- A statement as to the extent to which the board considers there to be over provision of licensed premises in any locality within its area
- the content of its policy when making licensing decisions

Alcohol Focus Scotland recently carried out a review of the most recent statements of licensing policy for 2013 to 2016 with the aim of identifying to what extent the statements meet the legal purpose and any lessons to be learned to inform future policy statements.

25 of 36 policy statements were available at April 2014. Six of 25 published statements did not include a statement on overprovision.

<b>Scottish Borders position:</b> Board had published its Policy by end of April 2014 and included a statement on over - provision .
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### **Presentation and readability**

Policy statements have been noted to vary considerably in structure and length. Most contain information on matters that cannot really be regarded as policy. Some are written in very legalistic language making them challenging to read and therefore could be seen as a barrier to community engagement.

### **Use of evidence**

Licensing Boards have a statutory duty to ensure the measures included in their policy seek to promote the licensing objectives. To enable this information needs to be sought by Boards including local licensing statistics, population size, and evidence relating to the licensing objectives. AFS noted that:

- In the majority of policy statements reviewed, the evidence base for the policy is not demonstrated. Little or no explanation is provided for why particular policy positions are adopted.
- Four policies stand out for presenting licensing policy in context: Glasgow City, Aberdeen City, Dumfries & Galloway, and Highland.
- More policy statements highlight the contribution of the licensed trade to the economy and tourism of a local area, than mention any adverse health and social consequences linked to alcohol, which the licensing system is there to address.

AFS is aware of evidence gathering exercises involving licensing board members or officials being undertaken as part of the policy development process. However, in the published policy statements the use of evidence is not well demonstrated. It is therefore not clear whether evidence gathered was applied to policy formation, or if so, in what way.

In the absence of supporting evidence, it is difficult to judge whether measures included within a policy statement are appropriate, proportionate, or sufficient for the purpose of achieving the licensing objectives.

NB: This is one of the issues presenting when licensing boards are taken to appeal over decisions.

**Scottish Borders position:** Boards policy included summary information from the Alcohol Profile which was developed to support the evidence required.

### Process of consultation

Licensing boards must consult with the Local Licensing Forum and any other people it thinks appropriate. Increasing community involvement in the licensing process was one of the aims of the Nicholson Committee. Consultation on a new policy statement gives local people an opportunity to participate in shaping the licensed environment in their area.

Consultation methods and the extent of engagement with stakeholders varied from board to board.

- Most of the policy statements refer to a consultation being carried out in preparation of the statements.
- Most policy statements make reference to the board giving 'due consideration', 'took account of', or 'had regard to' the views of consultees, but very few actually demonstrate how.
- Those boards that refer to the views of consultees include Glasgow City, North Ayrshire, Aberdeen City, Dumfries & Galloway, Highland and East Lothian.

Demonstrating and reflecting the views of consultees within the policy statement provides an indication to stakeholders that the consultation exercise is genuine, and that there is meaningful engagement with the community in the formulation of licensing policy. Simply stating that consultation views have been taken into account is not sufficient to demonstrate that they have.

**Scottish Borders position:** Boards policy includes list on consultees only.

### Overprovision

In deciding whether there is overprovision, licensing boards are required to consider the number, type and capacity of licensed premises in a locality. Overprovision in an area is one of the grounds for refusing to grant a new premises licence.

Statutory guidance states that licensing boards should ensure that their policy on overprovision is expressed in such a way that ***"interested parties are left in no doubt as to the reasons for its adoption, including the evidence upon which the board relied and the material considerations which were taken into account."***

- 10 licensing boards find overprovision of licensed premises to some extent within their area, four more than in 2010 (Aberdeen, Western Isles, D&G, Edinburgh, East Lothian, Glasgow, Highland, Inverclyde, North Ayrshire, West Dunbartonshire).
- 5 declare overprovision across a large part of their area (East Lothian, North Ayrshire, West Dunbartonshire (Aberdeen and Highland off-sales only)).
- 13 determine that there is no overprovision of licensed premises in their area. 17 had not published an overprovision statement by the end of April 2014.
- 8 licensing boards do not provide any explanation of how they reached their decision that there is no overprovision in their areas or the evidence that they took into account in formulating their position.
- 1 licensing policy statement expresses scepticism as to whether there is a causal link between the number of licensed premises and the incidence of alcohol-related health problems, crime, disorder and antisocial behaviour.

**Scottish Borders Position:** Boards Policy identified there is no overprovision but identified that any increase on nightclub premises in Hawick and Galashiels (2 in Hawick and 2 in Galashiels) may constitute overprovision.