

# **SCOTTISH BORDERS LOCAL LICENSING FORUM**

MINUTES of Meeting of the SCOTTISH BORDERS LOCAL LICENSING FORUM held in Committee Room 1, Council Headquarters, Newtown St Boswells on Tuesday, 24 March, 2015 at 4.00 pm

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Present:- S. Bell, N. Gillies, J. Taylor, G. Todd, I. Tunnah, J Scott, S. Walker.

Apologies:- Dr E. Bajjal, S. Craig, M. Hay, E. Whitehead.

In Attendance:- Legal and Licensing Services Manager (A. Isles), Democratic Services Officer (F. Walling); L. Bowie (Co-ordinator Alcohol Focus Scotland).

## 1. **APPOINTMENT OF CONVENER**

In the absence of any nominations, Ian Tunnah volunteered to take the position of Convener to the Local Licensing Forum.

### **DECISION**

**AGREED to appoint Ian Tunnah as Convener to the Local Licensing Forum.**

## 1.2 **WELCOME**

Linda Bowie, Co-ordinator for Alcohol Focus Scotland, was welcomed to the meeting.

## 1.3 **RESIGNATION**

An email from Elaine Whitehead was read to members in which Elaine explained that due to work commitments and the difficulty of attending meetings in working hours, she had decided to step down from the Forum. This was reluctantly accepted and the Convener was asked to write a letter of thanks to Elaine. There followed a discussion about how to recruit more members to the Forum.

### **DECISION**

**NOTED**

## 2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 27 January 2015.

### **DECISION**

**APPROVED the Minute for signature by the Convener.**

## 3. **MATTERS ARISING FROM THE MINUTE**

With reference to paragraph 2 (c) of the Minute, the notes from a recent Police Scotland licensing seminar were now available. These would be scanned and circulated to members of the Forum.

### **DECISION**

**NOTED that the notes from the seminar on Licensing Law would be circulated.**

## 4. **TRAINING SURVEY**

- 4.1 There had been circulated the results of a Scottish Borders Local Licensing Forum Survey which had been produced by ADP Development Officer and Forum member, Susan Walker. The Forum had agreed at the meeting on 27 January 2015 to carry out a self-assessment questionnaire to help identify any development needs. Each member of the Forum was asked to complete the survey online to help identify how they felt the Forum was currently performing and where more information and support would enable the Forum to function better. A total of 8 responses were received which was a 50% response rate and the majority were from those who had been members for over 2 years. The report collated the responses and was being presented to the Forum to enable members to reflect on these and to identify areas for improvement and action. With regard to communication with members of the community, respondents were unclear about whether members of the community were aware of the Forum and its role. Comments from the community were not actively sought although respondents highlighted various previous attempts to do this via website, articles in local media, local conference and community council attendance. The majority of respondents felt that the Forum was effective in communicating with the Licensing Board, the joint meeting between the Licensing Board and Forum being highlighted as a helpful process to inform each other of work undertaken in the previous year. With regard to training needs the majority of respondents felt they had sufficient knowledge, understanding and experience of current licensing law and alcohol issues in Scotland. However on being asked to indicate the specific topics about which training would be of most benefit they identified the following: the Impact of Licensing (Scotland) Act 2005; developing a statement of licensing policy; how licensing decisions should be made; alcohol and public disorder; alcohol and social harm; and strategies to reduce alcohol harm. Face to face training with inputs from different speakers was the favoured method of delivery. However online training and shadowing was also acceptable to some respondents. In conclusion a list of 32 improvement suggestions had been produced as a summary of the results of the survey and this list was circulated at the meeting.
- 4.2 Members of the Forum recognised the value of the survey although there was some disappointment that the response was only 50 %. The positives which were evident in the responses to the self-assessment were referred to. With regard to engagement with the community, Inspector Scott suggested requesting a question in the next Scottish Borders Council Household Survey about the sale and control of alcohol. There followed a discussion about the next steps and how best to take forward the results of the survey in terms of further development of the Forum. The most favoured suggestion was to have a day-time training session from 10 am – 3 pm and there was discussion in particular about what members wanted to achieve and how to engage with the Licensing Board. It was agreed that the Board could join in with part of the training with the aim of developing a statement of licensing policy and for the Forum to understand how Licensing Decisions can be made. It was agreed it would be helpful to include case studies, providing these were not local in origin. The aim would be to strengthen the Forum's position in its ability to advise the Board and the 32 improvement suggestions would be looked at as part of the training. Mr Gillies commented that he would like the Board to be more involved with the Trade and that a shadowing arrangement may be to the benefit of both parties. However the Legal and Licensing Services Manager advised caution with regard to the setting up of individual shadowing arrangements due to potential conflict of interest in respect of future licence applications. In conclusion it was agreed that the training take place between 10 am and 3 pm on a Monday or Tuesday late May/early June. The event would be organised by a sub group made up of the Convener, Ms Walker, Ms Bowie, Mrs Isles (followed by her successor who would be providing legal input to the Forum) and a representative from outside the group. The training would be delivered by Alcohol Focus Scotland, co-ordinated by Ms Bowie.

## **DECISION**

- (a) NOTED the responses to the self-assessment survey.**

- (b) **AGREED:-**
- (i) **to organise a training-day for the Licensing Forum to take place 10 am – 3 pm on a Monday or Tuesday late May/early June, part of which would be held jointly with the Licensing Board;**
  - (ii) **that the training be organised by a sub group made up of the Convener, Ms Walker, Ms Bowie, Mrs Isles and an additional representative to be co-opted from outside the Forum and the training be delivered by Alcohol Focus Scotland.**

5. **ALCOHOL OUTLET DENSITY AND HARM RESEARCH**

Ms Walker referred to research carried out by Glasgow University and to the link given at item 8 on the agenda, to the Alcohol Focus Scotland campaign to control the availability of alcohol. The campaign noted that in Scotland the greater availability of alcohol through more and bigger capacity licensed outlets, longer licensing hours and increased affordability and marketing, had been associated with a substantial rise in alcohol consumption and harm. The campaign looked at the operation of Scotland's licensing system and how it could more effectively regulate the availability of alcohol to reduce high levels of alcohol-related harm. Ms Bowie added that a representative from Alcohol Scotland could attend a future meeting of the Forum to speak about the key messages of the campaign if requested.

**DECISION  
NOTED**

6. **POLICE REPORT**

In his report to the Forum, Inspector Scott advised that in recent months there had been a further escalation of theft by shoplifting of alcohol. There had been two incidents of serious assault in premises in Galashiels, one in January and one in February. On both occasions the victims suffered injuries requiring significant medical intervention. A test purchase operation had taken place in February when 13 off sale premises were tested. All premises were subsequently issued letters informing them that they had successfully passed the test. Inspector Scott reported that Police continued to be consulted on all license applications and where they considered these fell outwith the Licensing Board Policy or did not promote the Licensing Objectives, an objection would be submitted. With the approach of the Rugby 7's season and local festivals, work would be carried out by Police Scotland as part of the Responsible Drinking Campaign. Training had been organised through ADTAC to provide temporary staff with training on the law relating to the sale or supply of alcohol and in particular in relation to service of drunk people. Also the "Who Are You" presentation which the Forum had viewed last year would form part of this.

**DECISION  
NOTED the report**

7. **LICENSING STANDARDS OFFICER'S REPORT**

Mr Tunnah explained that work had been carried out to target the larger events in the Borders, including rugby clubs and outside caterers, in respect of information relating to the management and service of alcohol. This would include discussions about occasional licences and associated mandatory conditions. The campaign "Who Are You" would be taken to Jedburgh Rugby Club on 1 April. The larger Common Riding organisations would be targeted later in the Spring. Organisations were being encouraged to use 'due diligence' as the only effective defence to charges of selling to underage parties.

**DECISION  
NOTED the report**

8. **URGENT BUSINESS**

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

**AIR WEAPONS AND LICENSING (SCOTLAND) BILL**

Ms Walker explained that on 23 March 2015 the Local Government and Regeneration Committee of the Scottish Parliament had published its Stage 1 Report on the Air Weapons and Licensing (Scotland) Bill. Among other issues the Bill looked at strengthening the licensing regime for Scotland. It was explained that the Stage 1 debate must take place on or before 24 April 2015. If the bill was passed at Stage 1 it would move on to Stage 2 consideration (the amendment stage). Mrs Isles agreed to circulate a link to the full report.

**DECISION**

**AGREED that a link to the Stage 1 report for the Air Weapons and Licensing (Scotland) Bill be circulated for information to members of the Forum.**

9. **DATE OF NEXT MEETING**

The next scheduled meeting was Tuesday 9 June. However it was noted that this may be changed, depending on the date of the planned training day. Before closing the meeting the Convener thanked Ms Bowie for her attendance and contribution to the meeting.

**DECISION**

**NOTED that the date of the next meeting would be confirmed in due course.**

*The meeting concluded at 5.30 pm*