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LOCAL LICENSING FORUM TUESDAY, 22 MARCH, 2016

A MEETING of the LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS. on TUESDAY, 22 MARCH, 2016 at 4.00 PM

J. J. WILKINSON,
Clerk to the Council,

15 March 2016

| BUSINESS | | |
|-----------------|---|---------|
| 1. | Apologies for Absence. | |
| 2. | Order of Business. | |
| 3. | Declarations of Interest. | |
| 4. | Minute. (Pages 1 - 8) Minute of Meeting of the Local Licensing Forum of 26 January 2016 to be approved (copy attached). | 2 mins |
| 5. | Pub is the Hub. Presentation. | 20 mins |
| 6. | Alcohol Focus Scotland Community Toolkit. (Pages 9 - 36) (Copy of Resource Toolkit attached). | 10 mins |
| 7. | Action Plan. Update (copy of action plan attached to Minute of 26 January 2016). | 10 mins |
| 8. | Evaluation of Licensing Scotland Act March 2016 (MESAS). (Pages 37 - 40) (Copy of summary attached which includes link to full report). | 10 mins |
| 9. | Scottish Borders Licensing Board Minute. (Pages 41 - 44) (Copy of Minute of 19 February 2016 attached). | 5 mins |
| 10. | Licensing Board Late Night Premises Visits. | 5 mins |
| 11. | Any Other Items Previously Circulated. | |
| 12. | Any Other Items which the Convener Decides are Urgent. | |

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NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- I Tunnah (Chairman), S. Bell, N. W. Gillies, M. W. Hay, Inspector A. Hodges, R. Mackay, A. Maybury, Dr T. Patterson, C. Penny, J Taylor, G. Todd, S. Walker.

Please direct any enquiries to Fiona Walling. Tel: 01835826504
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SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL LICENSING FORUM held in Committee Room 1, Council Headquarters, Newtown St Boswells. on Tuesday, 26 January 2016 at 4.00 pm

Present: I. Tunnah (Convener), S. Bell, N.W. Gillies, M. W. Hay, R. Mackay, A. Maybury, J. Taylor, G. Todd, S. Walker.

Apology: C. Penny.

In Attendance: M. Wynne (Licensing Standards and Enforcement Officer), PC Robertson (Police Scotland), K. Mason (Democratic Services Officer).

1 APPOINTMENT OF CONVENER

The Convener advised that the appointment of Convener was an annual item on the agenda. No members of the Forum expressed an interest in being appointed Convener for the forthcoming year, and the Chairman advised he would carry on with this duty for another 12 months, but someone else would have to take on this duty as from January 2017 because it was his intention to retire. Mr R. Mackay, seconded by Mr M. Hay, moved that Mr I. Tunnah be re-appointed as Convener and this was unanimously agreed.

DECISION

AGREED that Mr I. Tunnah be appointed Convener of the Local Licensing Forum.

2 MINUTE

There had been circulated copies of the Minute of the meeting held on 5 October 2015.

DECISION

APPROVED the Minute for signature by the Convener.

3 MATTERS ARISING FROM THE MINUTE

3.1 With reference to paragraph 4.2 (b) of the Minute, it was noted that the issue of training of licence applicants from voluntary bodies would be considered later in the meeting.

DECISION

NOTED.

3.2 With reference to paragraph 6.2(b) of the Minute, the Convener advised that the ADP Alcohol Development Officer at Langlee (C. Penny) had accepted the invitation to become a member of the Scottish Borders Licensing Forum, for the duration of that post. However C. Penny had been unable to attend today's meeting.

DECISION

NOTED.

3.3 With reference to paragraph 8 of the Minute, the Convener confirmed that some Members of the Scottish Borders Licensing Forum had attended a special meeting on Tuesday 12 January 2016 to commence work on the review of the Licensing Board Policy Statement. A small Working Group had been established to progress matters, the members of which were:- N. Gillies, I. Tunnah, S. Walker, and M. Wynne. M. Hay also agreed to be a Member of the Working Group and this matter would be further considered

later in the meeting. IT explained in normal circumstances the Licensing Board Policy Statement would be in place by October but owing to certain changes because of the Air Weapons Act the new Policy Statement might run with the timescale of the new Licensing Board from May 2017 following on from the Local Government Election. S. Walker advised she would contact Alcohol Focus Scotland to ascertain if they had any feed-back regarding the timing of the issue of Licensing Board Policy Statements

DECISION

(a) **NOTED the position.**

(b) **AGREED that Ms Walker would contact Alcohol Focus Scotland to ascertain if they had any feed-back regarding the timing of the issue of Licensing Board Policy Statements.**

3.4 With reference to paragraph 9.2 of the Minute, Members noted that the 2014/15 Alcohol Profile had been finalised by the ADP Development Officer and sent to Licensing Board Members.

DECISION

NOTED that the 2014/15 Alcohol Profile had been finalised by the ADP Development Officer and sent to Licensing Board Members.

3.5 With reference to paragraph 10 of the Minute, the Convener advised that Chief Inspector Hodges had been unable to attend this meeting to allow a better understanding on the policy around Incidents in Licensed Premises (ILPs) and the reporting of these. Members discussed the categorisation of ILPs into positives and negatives and it was agreed that PC Robertson would look into this and report back at the next meeting.

DECISION

AGREED that PC Robertson would report back at the next meeting of the categorisation of ILPs into negatives and positives.

3.6 With reference to paragraph 12 of the Minute, in regard to future agenda items when a presentation on Best Bar None has been suggested. S. Walker advised she would contact Nick Walker for an update, possible venues for the presentation were discussed as were funding issues and it was noted that this was an issue which would have to be built into next year's action plan. M. Hay suggested the use of the venue for the presentation night to take place on the back of the Border Union Show.

DECISION

AGREED that S. Walker would liaise with Nick Walker regarding an update on Best Bar None.

4 POLICE REPORT

PC Robertson in his update advised that there had been several assaults during the festive season which had been outwith the control of licensed premises staff. Thefts of alcohol continued to be an issue but the individuals had now been caught and there would be severe consequences for them. A meeting had taken place with the lead Environmental Health Officer regarding noise complaints. Although there were not many issues regarding this type of complaint, one premises in Hawick was subject to tests. Ahead of the Melrose Sevens an exercise had taken place in the Council's Emergency Planning Control Room to test policies and procedures in place for events such as this. A letter would be sent out to licence holders in respect of test purchasing which was planned for early 2016. The matter of counterfeit vodka was discussed and the great harm this could have caused to anyone drinking it was noted. S Walker advised she had received no information about this and it would have been helpful to have been advised of the issue to ensure alcohol services to have been alerted. It was noted that the Chief

Constable's annual report had not been seen by Members of the Forum, and it was agreed that PC Robertson would forward this.

DECISION

AGREED that PC Robertson would email Forum Members a copy of the Chief Constable's Annual Report, for their information.

5 ACTION PLAN

Members considered the Action Plan and an up to date version is attached taking into account discussions relating to Police Licensing setting up a data base on whether decisions made by the Licensing Board had been made within or outwith the Board's Policy, which would provide the Forum with valuable information. Discussions took place relating to presentations being made by the Local Licensing Forum to the 5 Area Fora to inform the local community of the work of the Forum and what the community should know about licencing. It was anticipated that a 45 minute slot would be needed for such a presentation. I. Tunnah agreed to contact Area Fora administrators to identify dates and request 45 minute slot.

DECISION

AGREED that I. Tunnah would contact Area Fora administrators to request 45 minute slot at their next meeting and identify dates.

6 ALCOHOL PROFILE

S. Walker reminded Members that the draft Alcohol Profile had been discussed by Members of the Forum and the Licensing Board at their joint meeting held on 2 December 2015. The amended Alcohol Profile would be issued to Members of the Forum. Members agreed that Community Councils should be aware of the existence of the Alcohol Profile to support them in consideration of licence applications in their area. S. Walker would also ensure that the Alcohol Profile was updated on the LLF website.

DECISION

- (a) NOTED that the amended Alcohol Profile would be issued to Members of the Forum.**
- (b) AGREED that the Alcohol Profile should be circulated to Community Councils for their information.**
- (c) AGREED that S. Walker would ensure the Alcohol Profile was updated on the LLF website.**

7 PUB IS THE HUB

The Convener advised that Pub is the Hub (a not-for-profit) organisation had been encouraged in England and Wales since 2003, the initiative was supported by HRH The Prince of Wales and the idea was that community pubs be encouraged to diversify into more than just a pub. Examples of such schemes included siting post offices, shops, libraries, internet cafes, allotment schemes, school dinners, cash point machines, IT training and community cinemas in pubs. The scheme had recently been launched in the Scottish Borders. Scottish pub owners and operators in the Borders would be able to apply for grants of up to £4,000 towards diversification schemes to improve local services. The Scottish Government would also back the scheme with a £30,000 funding boost. S. Walker was surprised that the Local Licensing Forum had not been advised of this new initiative and she suggested that a representative of Pub is the Hub be invited to the meeting of the Forum on 22 March 2016 to provide an overview of the initiative.

DECISION

AGREED that the Convener invite a representative of Pub is the Hub to the meeting of the Forum to be held on 22 March 2016 to provide an overview of the initiative.

8 BEST BAR NONE

The Convener advised that he had been impressed by all those who had taken part in Best Bar None and it was noted that if a premises displayed "Best Bar None" plaque members of the public could see that the establishment had been assessed and was well run. It was agreed that the presentations being made to local Area Fora should incorporate information on Best Bar None.

DECISION

AGREED that presentations made to local Area Fora should incorporate information on Best Bar None.

9 LICENSING BOARD POLICY REVIEW

The Convener advised that the Working Group established to discuss the Licensing Board Policy Review would be held on 3 February at 1.00 p.m. It was agreed that the meeting be held in the Queen's Head, Kelso.

DECISION

AGREED that the meeting of the Working Group be held on 3 February at 1.00 p.m. in the Queen's Head, Kelso.

10 DATE OF NEXT MEETING

The next meeting of the Local Licensing Forum would be held on 22 March 2016.

DECISION

NOTED.

11 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.

12 TRAINING

Mr R Mackay advised that a training company from England – Bar Code Training – was trying to bring their training business into Scotland and discussions took place over the costs of this and where an applicant had to sit the examination. Stephanie Bell undertook to find out more information about this company and explained that funding was available for training if the applicant earned less than £22,000 per annum.

DECISION

AGREED that Stephanie Bell would make enquires about Bar Code Training and report back.

The meeting concluded at 5.45 p.m.

| What we need to do | Action | Lead | Timescales | Outcome | Status |
|---|---|---|-------------------|--|-------------|
| Gain a better understanding of decisions made by Licensing Board (LB). | Develop and maintain database with outcomes of decisions made in LB where objections have been supplies. | Clayton Lackenby | March 16 | LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders. | |
| Ensure Communities are better able to respond to applications and views will be considered by Licensing Board | Review AFS Community Toolkit and plan visits to 5 Area Forums to increase community's awareness of Licensing Board Policy and how they can submit appropriate representations on applications and variations. | Ian Tunnah, Mark Hay, Susan Walker, Other rep from Legal Team | End December 2016 | Improved community engagement and appropriate responses made. | Ongoing |
| Improve engagement with Licensing Board | Liaise with Clerk to Board about joint CPD sessions (suggest first one on Air Weapons and Licensing (Scotland) Bill | Ian Tunnah | March 2016 | Improved knowledge and awareness of Licensing legislation | Ongoing |
| Improve membership to capture Education/Social Work/Young People representation | Discuss with Community Learning & Development/Borders College/University | Susan Walker | Summer 2016 | Improve representation on LLF. | Not started |
| Review Licensing Board Statement of Policy 2013 – 2016 | Short life working group identified. To meet after Summer 2016 | Ian Tunnah, Susan Walker, Mark Hay, Neil Gillies | Summer 2017 | Increased understanding of Board Policy | Not started |

| COMPLETED ACTIONS | | | | | |
|--|--|--|---------------------------------------|--|----------|
| Develop 3 rd Edition of Alcohol Profile | Data being collated, analysed and report drafted. | Susan Walker/Erin Murray/Ian Tunnah | First draft to joint meeting 02.12.15 | Evidence to support Board Policy Statement and decision making is available for Board members | Complete |
| | Carry out survey of Licensing Board to find out how helpful the Alcohol Profile is and any further requirements. | Susan Walker | 15.10.15 | | Complete |
| Improve communication with LLF | <ul style="list-style-type: none"> • If any large documents are required in hard copy, LLF members to request from Committee Officers • Ensure distribution list kept up to date • Have 'email receipt' as routine • Ensure webpage kept up to date with access to minutes/agendas | LLF Members Chair to liaise with Committee Officers | End October 2015 | Improved communication with all LLF members. | Complete |
| Gain a better understanding of decisions made by Licensing Board (LB). | Have LB minutes as standing item on LLF agenda for review and discussion. | Committee Officers | First meeting 2016 | LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders. | Complete |

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| | | | | | |
|--|--|-------------------------|-------------------------------|--|------------------|
| Gain a better understanding of decisions made by Licensing Board (LB). | Request annual report for joint meeting in December 2015 to be circulated prior to the event. | Chair | ASAP | | Complete |
| Send out LB minutes of meetings held between LLF meetings. | Committee Officers | ASAP | | LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders. | Complete |
| Ensure communities are better able to respond to applications and views will be considered by Licensing Board. | Find out how to access Area Forums | Fiona Walling | End October | Improved community engagement and appropriate responses made. | Complete |
| Reflect On-trade views more effectively in 'Alcohol Profile | Gather snap shot of views from customers on consumption patterns prior to attending their venue. | Neil Gillies/Mark Hay | 16.11.15 | Licensing Board better informed about consumption patterns | |
| Inform Licensing Board of work undertaken in Forum over past year | Draft LLF Annual Report in partnership with all LLF members. | Ian Tunnah/Susan Walker | 4 th November 2015 | Increase LB understanding of LLF | Completed |

Report



Alcohol licensing in your community

How you can get involved



About this toolkit

This toolkit is designed to help anyone who would like to have a say on how alcohol impacts on their community.

It explains how the licensing process works in Scotland, and provides some practical tips to help people who want to get involved.

SECTION 1

1

Introduction to alcohol licensing.

SECTION 2

2

Raising concerns about alcohol in your community.

SECTION 3

3

Raising concerns about an existing alcohol licence.

SECTION 4

4

Commenting on an alcohol licence application.

SECTION 5

5

Attending a licensing board hearing.

SECTION 6

6

Alcohol licensing explained.

Using this toolkit:

To find out which section of the toolkit is relevant to you, use the chart below:



Introduction to alcohol licensing

Why is alcohol licensed?

- Alcohol is not an ordinary product, it is a legal drug that causes a range of harms.
- Alcohol plays a part in many health and social problems - not just to the drinker but also to those around them, including families, neighbours and the wider community.
- Evidence shows that the easier it is to buy alcohol, the more people will drink.
- That is why controls are needed on how, where and when alcohol is sold.

What is licensed and why?

- Places (for example supermarkets, convenience stores, pubs, restaurants) that sell or serve alcohol must be licensed. These are either permanent licences (premises licences) or temporary licences for specific events (occasional licences).
- People (for example managers or supervisors in licensed premises) that manage the sale of alcohol must have a personal licence.

What are the licensing objectives?

- There are five licensing objectives, set out in law, that underpin the licensing system in Scotland. These are:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children from harm

Who decides who can sell alcohol?

- The local licensing board decides who can sell alcohol, and where and when it can be sold. There are 40 licensing boards across Scotland. Only elected councillors can be members of a licensing board.

Who else is involved?

Other people who get involved in licensing include:

- Licensing Standards Officers (LSOs)
- Police
- Health board
- Community councils
- Local licensing forum
- Members of the community

What can I do?

There are a number of things you can do if you have concerns about alcohol in your community.

See “Raising concerns about alcohol in your community” on [page 4](#).

Other sections you may find useful:

SECTION 2 **Page 4**
Raising concerns about alcohol in your community.

SECTION 3 **Page 8**
Raising concerns about an existing alcohol licence.

SECTION 4 **Page 9**
Commenting on an alcohol licence application.

SECTION 5 **Page 14**
Attending a licensing board hearing.

Raising concerns about alcohol in your community

There are a number of ways you can have a say on the impact of alcohol in your local community.

Get in touch with your local councillors

If you have concerns, for example about alcohol-fuelled noisy house parties or litter or vandalism, then speak to your local councillors. They may be on the licensing board, or can speak to other councillors who are. They can also report the problems in your community to the appropriate departments in the council.

You will be able to get the contact details for your local councillor from the council.

TOP TIP

If your neighbours also have concerns, suggest they contact their local councillors too. It will be important for councillors to know the scale of concern about problems in the community.

TOP TIP

If a councillor is a member of the licensing board they are unlikely to be able to talk to you about specific licence applications. However there may be other councillors for that local area that you could speak to.

Report any problems with a licensed premises to the police and Licensing Standards Officer

If you are concerned about the way a licensed premises is running, the police and Licensing Standards Officer (LSO) may be able to take action to sort out these problems. If things don't get better, you can ask the licensing board to review the licence.

The LSO works for the local council and you will be find their contact details on the council's website or by phoning them.

For more information on action that can be taken if you have concerns about a particular business, see "Raising concerns about an existing alcohol licence" on [page 8](#).

Comment on alcohol licence applications

When a business is applying for a new alcohol licence, a change to an existing licence, or for an occasional licence, any person has the opportunity to object to this application. You don't have to live nearby to raise concerns about the application.

For more information on objecting to alcohol licence applications, see "Commenting on an alcohol licence application" on [page 9](#) and Top Tips on [page 11](#).

TOP TIP

An application can only be refused on specific grounds. Your comments should therefore relate to these grounds for objection. The most common grounds for objection are:

- inconsistency with the licensing objectives
- the premises being unsuitable for the sale of alcohol; and
- there being too many premises in that area (overprovision).

Input to the planning process

New licensed premises that are being built, or that are converting a building that was used for a different purpose, will normally have to apply for planning permission. This will usually happen before it applies for its alcohol licence.

If you have concerns about such a new business opening, you could submit an objection to its planning application.

Your council's website should have information on new planning applications and how to object.

Contact your local community council

Many areas have a local community council, which represents the views of residents in that community. Community councils must be consulted if a business wants to start selling alcohol, and representatives are sometimes involved in the local licensing forum. Community councils often get involved in other local decisions such as planning or development of local government policies. You might want to highlight your concerns to the community council, or even become a member.

You can find out if your area has a local community council by going to www.communitycouncils.org.uk

Get involved with the local licensing forum

In every licensing board area there is a local licensing forum. The forum monitors licensing in the local area and can offer advice and recommendations to the licensing board. The licensing forum is made up of different people with an interest in licensing, including community members.

You can take concerns about alcohol in your area to the local licensing forum. The forum cannot comment on individual licensed premises, but they can highlight to the board community issues or concerns, such as the number of licensed premises in the area.

TOP TIP

Anyone can attend a forum meeting, but check in advance what the rules are for members of the public speaking or raising issues at the meeting.

TOP TIP

Find out if there is a community representative on your local forum that you can contact to express opinions on your behalf.

TOP TIP

If you have a particular interest in licensing issues you can apply to join the licensing forum. Forum members are appointed by the local council.

TOP TIP

Contact your local licensing forum through the council's website or via the LSO.

Respond to alcohol licensing consultations

Each local licensing board has to develop a statement of licensing policy. This policy sets out how the licensing board will carry out its work including how it will promote the five licensing objectives, how it will make decisions and also if the board thinks there are enough, or too many, licensed premises in any areas.

Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

A licensing board must consult various groups when it is developing its policy, including the local licensing forum and the local health board. Some will send it to community councils or organisations representing the interests of the licensed trade.

Most licensing boards also put the consultation on the council's website and anyone can respond. Most consultations will begin around six to nine months before the statement is due to be produced.

TOP TIP

You can contact your local licensing board to find out when it will be updating its policy and how you can give your views.

TOP TIP

If you are contributing your opinion it can help to speak to your neighbours - the feelings of a large group of people often carry more weight in policy consultations.

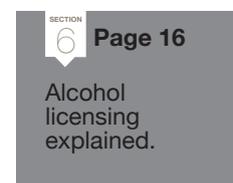
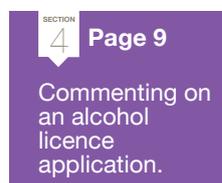
TOP TIP

It helps if contributions reflect the views of the wider community. Think about how you could gather the views of people living in your local area, such as surveys or public meetings. Alternatively, other local groups such as community councils might be gathering evidence and you might be able to take part in their work.

TOP TIP

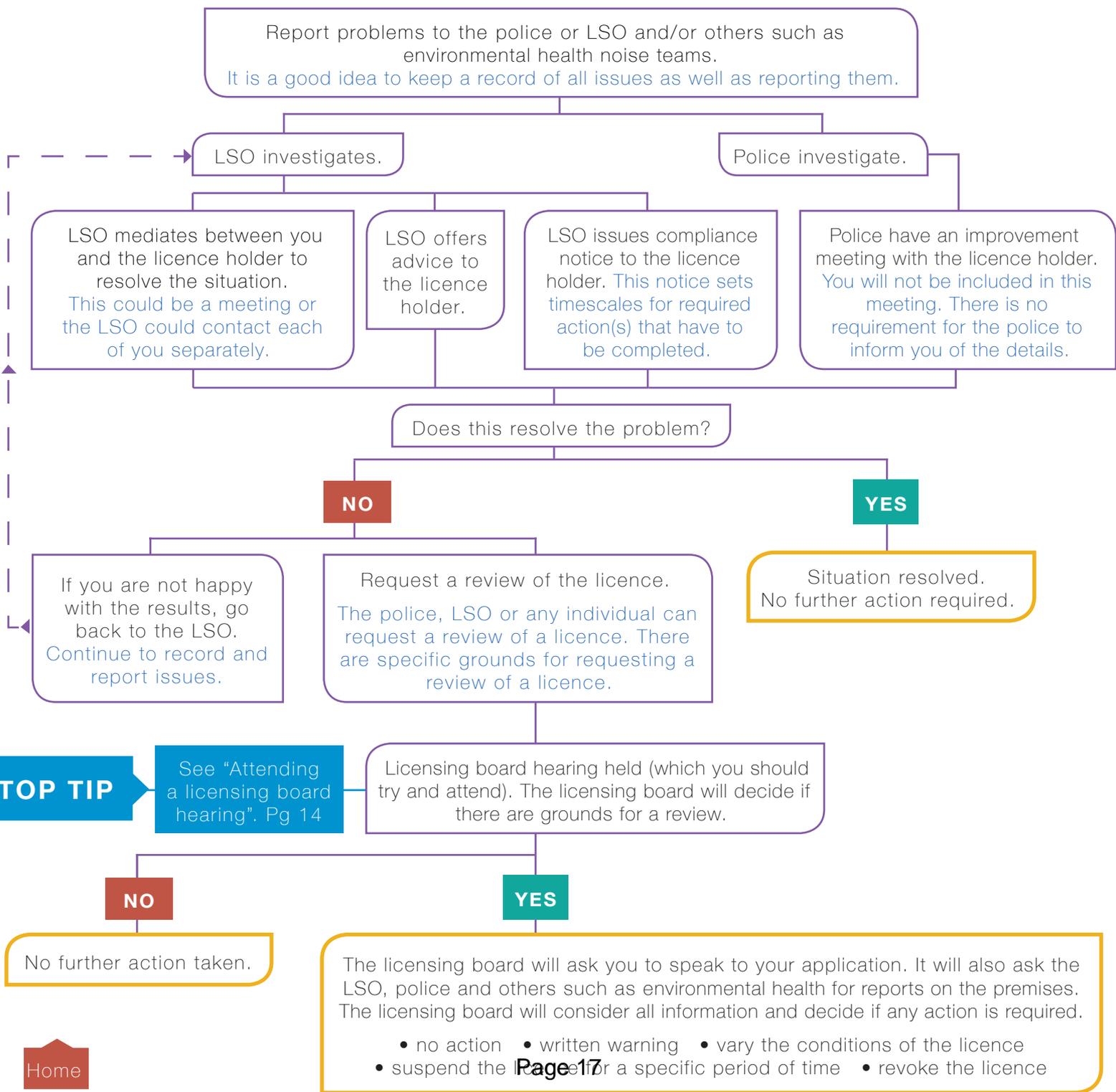
Try to include evidence to support your opinions, such as times you've reported noise disturbances to the police or environmental health noise teams. Reporting such problems also means that these incidents will be included in official statistics.

Other sections you may find useful:



Raising concerns about an existing alcohol licence

If you are concerned about how a place that sells alcohol is operating, there are processes you can use to address this (see below). The police or LSO may be able to resolve any problems or the licensing board can review the licence. The licensing board is unlikely to uphold a licence review unless the police or LSO also have concerns so you should contact them as a first step.

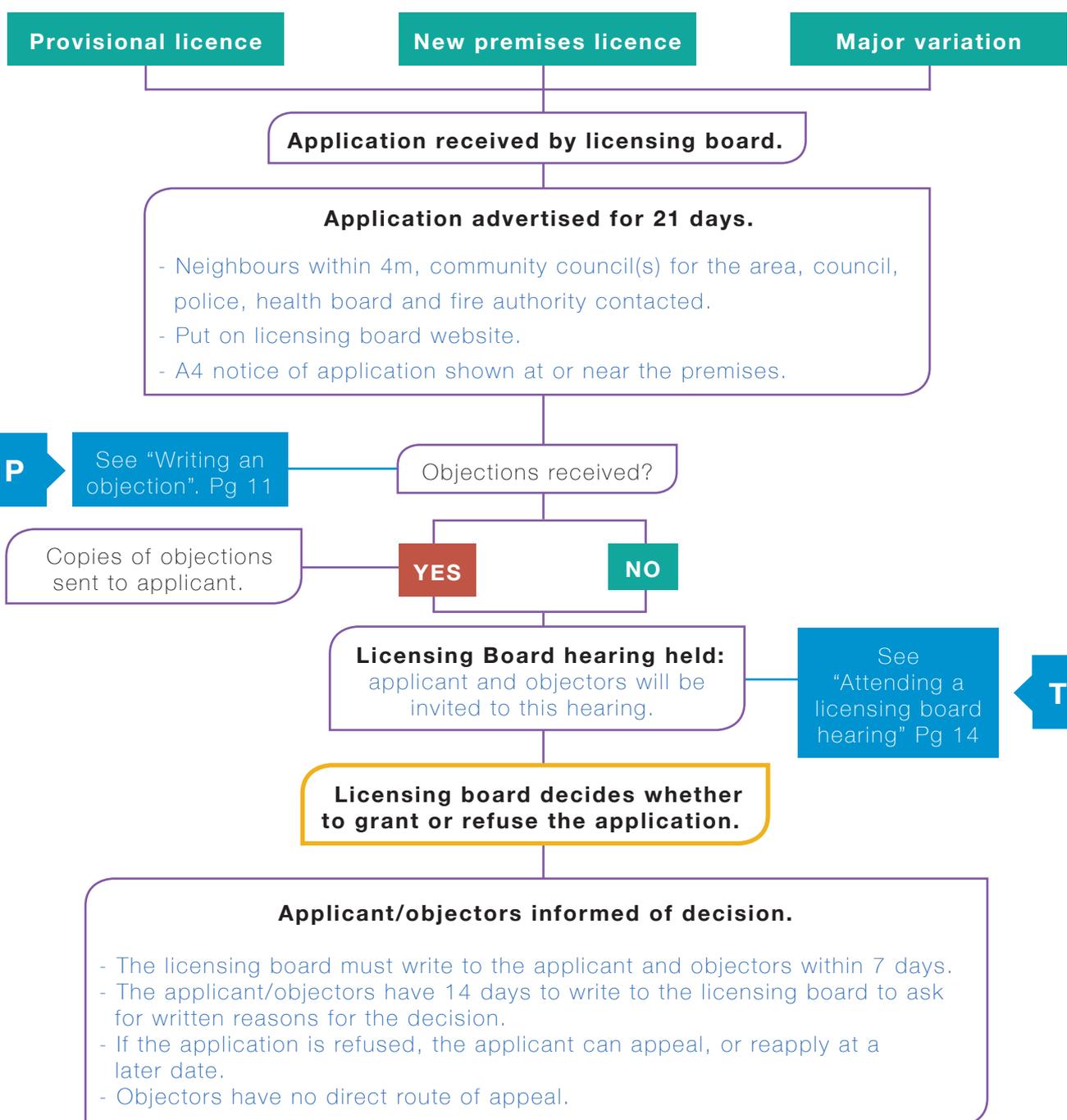


TOP TIP See "Attending a licensing board hearing". Pg 14

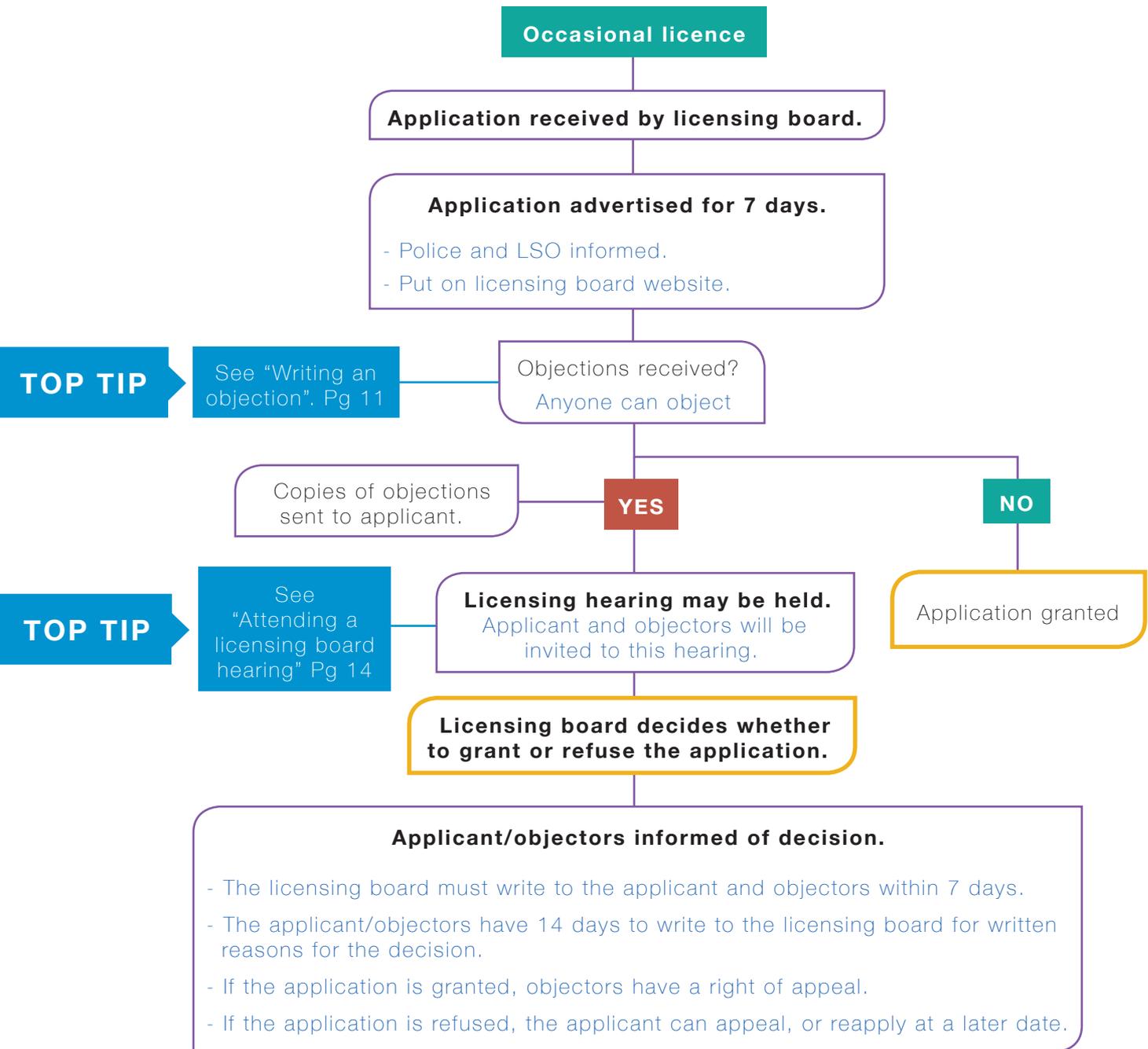
Commenting on an alcohol licence application

Licensing boards have to follow strict procedures when considering alcohol licence applications. These procedures are different depending on the type of licence application.

The applications that people will most commonly encounter are for provisional licences, new premises licences or major variations of existing licences. The process for these applications is set out below:



There are also opportunities for communities to comment on occasional licence applications. The application procedure is slightly different, with a more limited opportunity for the public to be notified and comment.



Other sections you may find useful:

SECTION 5 **Page 14**
Attending a licensing board hearing.

SECTION 6 **Page 16**
Licensing explained

Writing an objection

Here are some practical tips for commenting on alcohol licence applications. These tips might also be helpful if you are requesting a review of a licence.



Look at your licensing board's statement of licensing policy.

This policy sets out what the licensing board is likely to allow premises to do and what standards they expect. It will also show any areas of concern - such as overprovision - the licensing board has. It can be helpful to refer to what the policy says in your objection / representation.



Look at the layout plan and operating plan for the application.

These plans detail how the premises will be laid out and how it will be run. You will need to contact the licensing board to get copies of these. Some licensing boards will only let you see the plans at their offices. Others may allow you to take copies or might email them to you.



Look at useful sources of information.

The licensing board has a register of all licensed premises in its area and you may be able to access this online or by going to the licensing office. You can also access information about local areas by looking at www.cresh.org.uk/webmap.



Refer to the grounds for objecting in your submission.

A licence can only be refused, or conditions attached, on specific grounds. It is important that your comments make clear:

- on what ground you are objecting/making a representation;
- how the grounds apply to the specific application/premises.

If you are objecting on more than one ground, then address these separately.



Check how you should submit your objection.

Objections must be in writing. Some licensing boards may accept objections by email but you should check this with them. Some licensing boards have a form for objectors to use to help them stick to the relevant grounds for objection. This will usually be on the licensing board's website, so look there or phone and ask whether there is a form for you to use.



Be specific with your comments.

Try and focus your comments on how the application impacts on you, or how the premises impacts on the grounds for objections. Try and avoid making general statements in case they are considered to be irrelevant to the application.

Writing an objection (continued)



Provide any evidence you have.

If you have evidence to support the points you are making, for example records of phone calls to the police or LSO, you should give details to the licensing board. Evidence will have more weight than speculation. If you report incidents to the police you should ask for an incident number and include this in your objection.



Submit the objection in the name of an individual.

The law states that “any person” may object. To avoid any problems, if you are submitting comments on behalf of an organisation such as a community council, it is better for any letter to be signed by an individual. However, you should make clear that the comments represent the views of the organisation. It is also possible for individual members of an organisation to submit their own comments.



Make sure you submit your comments on time.

The notice of the application will give the deadline for submitting comments to the licensing board. It is important that you send your comments to the licensing board by this date, because late objections may not be taken into account. If you miss the deadline, include reasons why this has happened. Depending on the reason, the licensing board might consider your comments.



Include photos if they would add to your point.

Not all licensing board members will know your particular area. Photographs can help to make your point. (Applicants will bring photographs and other information to a licensing board hearing to illustrate what they are aiming to offer.)



Ask the Licensing Standards Officer (LSO) for advice.

Part of the LSO’s job is to give advice. They can give general guidance about what you need to do to object or make a representation, and explain what happens at the licensing board hearing. Your local council will be able to give you information about how to contact the LSO.



Would you support the application if changes were made to it?

In your written comments you can make suggestions for changes you would like the applicant to make to address your concerns. This gives them the opportunity to consider your ideas in advance of the hearing. Commonly suggested changes are things like a smaller alcohol display area, shorter licensed hours, CCTV to be installed, or restrictions on noise levels.

Writing an objection: Things to watch out for



The licensing board cannot consider any information about the application that doesn't relate to alcohol licensing (for example traffic, planning.)

- Stick to alcohol licensing.
- Make sure you clearly state which ground for objection you are using.



In an application to change how a business is run, the licensing board does not have the ability to remove the licence, only to agree or refuse the proposed licence variation.

- Your objections must be about the changes proposed in the application.



Some licensing boards may treat identical/similar letters as one objection rather than different objections.

- It would be better for each person to write their own letter of objection, and these should try to avoid being too similar.
- If you object regularly to applications, tailor each objection to the specific application/premises rather than sending in the same letter.



Petitions opposing licences are often not accepted by the licensing board because of basic mistakes. Some common problems with petitions are names not being readable, names or signatures looking like they were written by the same person, problems with the wording of the petition, and it not being clear whether people have meant to sign to each of the relevant points.

- Make sure that all signatories can see exactly what points they are agreeing to - for example, list the points on each page.
- Avoid multiple points in a phrase, for example "it would be a public nuisance and affect vulnerable people." List the points separately and ask people to tick which ones they agree with.
- Ensure each person only puts their own name and that they sign it.



Objections from members of the licensed trade can be given less weight because they are seen as protecting their own business.

- The licensing board has the discretion to attach whatever importance they think appropriate to each piece of information before them.



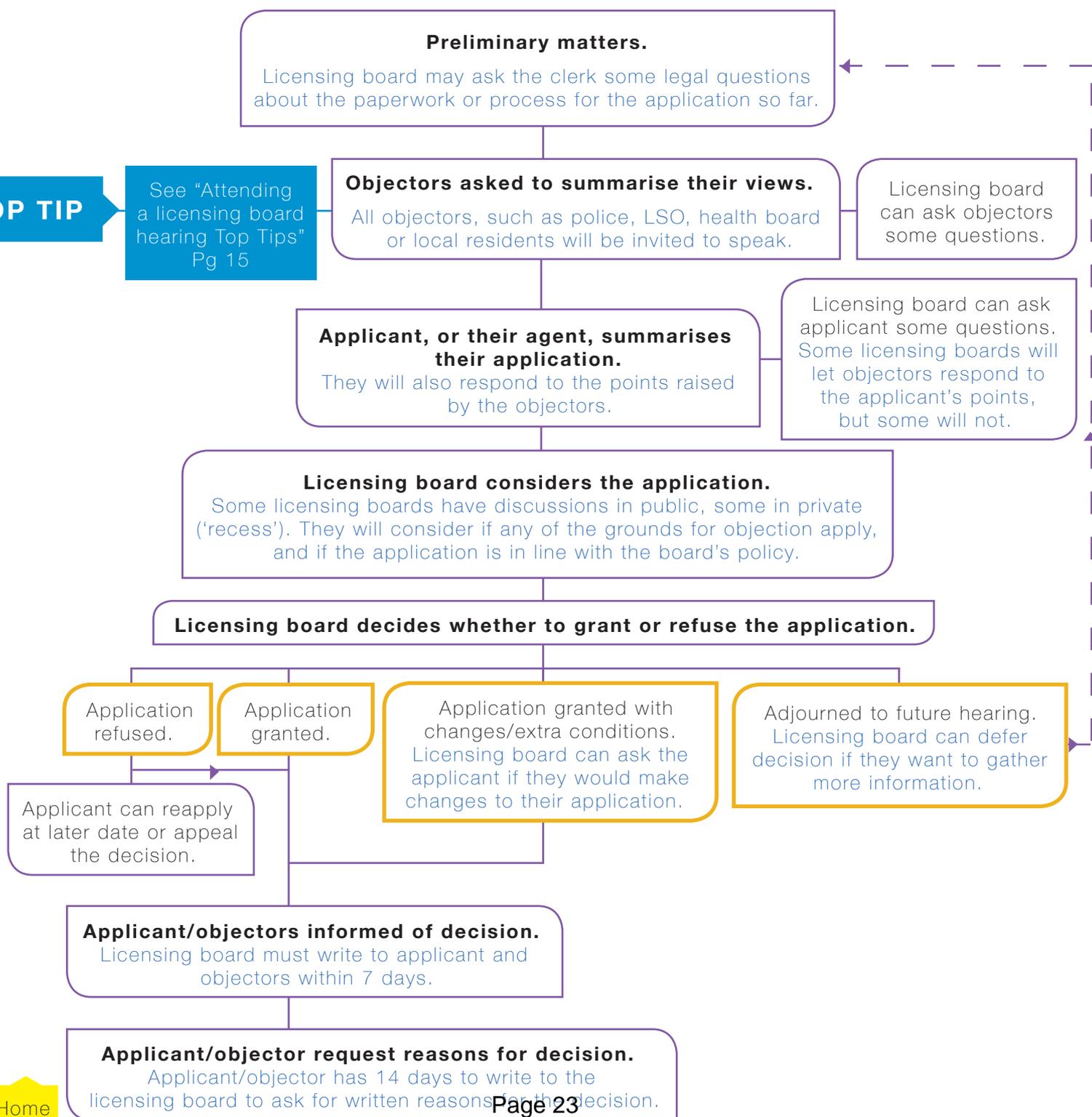
The onus is on objectors to say why the licence should be refused, rather than on applicants to provide evidence for why their application should be granted.

- Think about what the applicant might say about their application. Raise your concerns about the applicant's likely arguments as questions in your submission.
- If you have evidence to back up your concerns - for example from a similar situation somewhere else - then include this in your written objection.

Attending a licensing board hearing

If you have put in an objection or made representations on an application, the licensing board will invite you to attend the hearing where they will be considering the application.

The diagram below shows the process the hearing is likely to follow. A similar process will be followed in licence review hearings.



Attending a licensing board hearing



Check the website in advance for the agenda.

Some licensing boards make the papers available up to one week in advance of the hearing. (Many do not, but if you ask a member of council staff on the day, they should be able to give you a copy.) It is difficult to say how long each case will take or when yours will be heard but the agenda will give you an idea of the running order for the hearing.



Try and see a licensing board hearing in advance.

It might help to go along to a licensing board hearing before the one you'll be speaking at. This will let you see the layout of the room, and how the hearings are run.



Give another person written authorisation to speak on your behalf if you can't attend.

If you go to the hearing, licensing boards usually welcome the chance to ask you some questions about your written comments. If you don't go to the hearing, they may give less weight to your objections.

If you are unable to make the hearing, ask someone else to attend on your behalf. You must give them written permission to speak for you, and they should show this to the clerk.



Know what you want to say and prepare.

It is helpful to think about what you want to say - bring notes. At the hearing, you might only get one chance to speak. You may not be given the opportunity to respond to comments made by the applicant, or to raise any new points.

- Try and address your points the first time you are invited to speak.
- If there are points you want to raise outwith the grounds for objection, word them as questions.
- Try and avoid repeating yourself.



Ask for any 'promises' made by the applicant to be added as conditions of the licence.

Applicants often give assurances to the licensing board that they will or will not do certain things, for example that all staff will be trained to personal licence holder level. To make sure this happens you could ask the licensing board to include the applicant's commitments as conditions of the licence.



If you are having problems hearing, let council staff know.

If you are struggling to hear the discussions, let a member of council staff at the hearing know. They might be able to tell you where you can sit that will help you hear better, or they may be able to ask the licensing board to speak up.

This section gives a more detailed explanation of some of the words and phrases you will find in the toolkit.

Who's who in alcohol licensing

Agent

- It is common for a person applying for a premises licence to have someone present their application and respond to any objections. This person is referred to as the applicant's agent. This is normally a solicitor.

Applicant

- This is the person or business applying for a licence.

Clerk of the licensing board

- The job of the clerk of the board, or deputy clerk, is to give legal advice to the licensing board. They are employed by the council and are legally qualified. During hearings, they often sit in front of the licensing board, or beside the convener.

Community councils

- Community councils are voluntary organisations made up of local residents that represent the interests of people living in their community. Community councils must be notified of new licence applications in their local area. The licensing board will often seek their views during the development of the statement of licensing policy. Representatives from community councils are often members of local licensing forums.

Convener (or 'Chair') of licensing board

- The convener of the licensing board is a councillor. He/she is often referred to as the chair of the licensing board as he/she chairs its hearings. He/she will have the casting vote if there is a split decision of the licensing board.

Health board

- The local health board for the area is sent all applications for new premises licences and licence variations, and has the right to object to applications.
- It must be part of the local licensing forum.
- The health board must provide the licensing board with information for the statement of licensing policy. The licensing board must consult them when the licensing board is developing its overprovision policy.

Licensing board

- Licensing boards decide all applications for licences to sell and serve alcohol in their area.
- There is one licensing board in each local authority. (Exceptions: South Lanarkshire, Dumfries and Galloway and Aberdeenshire have more than one, known as divisional licensing boards.)
- Licensing boards must publish a statement of licensing policy every three years, and must assess overprovision in the area they cover.
- Each licensing board will have between 5 and 10 members. Members are local councillors and must complete a course and exam before sitting on the board.
- Despite being made up of local councillors, the licensing board is separate from the council.

Licensing Standards Officers (LSOs)

- Licensing Standards Officers (LSOs) are council employees. Each council decides how many LSOs are needed in its area. LSOs have three roles:
 - Guidance – provide guidance on alcohol licensing to the public and licensed trade.
 - Mediation – mediate in low level disputes between the public and the licensed trade.
 - Compliance – check that licensed premises are complying with the law. If problems are not resolved, the LSO can ask the licensing board to review the premises licence.

Local licensing forum

- The local licensing forum reviews or scrutinises the operation of the Licensing (Scotland) Act 2005 in its area and gives advice and makes recommendations to the licensing board. The licensing board must have regard to this advice and recommendations.
- The licensing forum cannot comment on individual cases.
- There are between 5 and 21 members of each forum. It must include at least one LSO for the area and a representative of the health board. Other members commonly include licence holders; police; health, education or social work; young people; and residents.
- The licensing forum has at least one meeting with the licensing board every year.

Police

- The police are sent all applications for new licences and licence variations, and have the right to object to applications.
- They enforce the law, have the power of entry to licensed premises and authorise test purchasing of alcohol.
- If the police have concerns about a premises or a personal licence holder, they can ask the licensing board to review the licence.
- The police must provide the licensing board with information for the statement of licensing policy. The licensing board must consult the police when developing its overprovision policy.

Premises manager

- The premises manager is responsible for the day-to-day running of a licensed premises. They can only be the premises manager for one premises.
- The premises manager must be a personal licence holder.

Other organisations that might get involved:

Alcohol and Drug Partnerships (ADPs)

- An ADP includes members of the local health board, local authority, police, prison service and voluntary sector. ADPs are responsible for drawing up joint strategies for tackling alcohol and drug use in their communities.

Community Planning Partnerships (CPPs)

- CPPs are hosted by the local authority and are made up of representatives from health, police, education, fire, councillors and sometimes council departments. A CPP coordinates services for a particular area.

Community Safety Partnerships (CSPs)

- CSPs are local authority-led partnerships that bring together representatives from the local authority, police service and fire and rescue services. Health, education and other public sector interests may also be represented. CSPs work to reduce anti-social behaviour and fear of crime and to promote safer, more inclusive and healthier communities.

Health and Social Care Partnerships (HSCPs)

- A HSCP is a partnership managed by the health board and local authority, and includes voluntary sector and independent sector organisations. It plans the local delivery of integrated health and social care services.

Types of licences

Occasional licence

- If a premises is not licensed but wishes to sell alcohol for a particular event, an application can be made to the licensing board for an occasional licence.
- Similar national mandatory conditions to those applying to premises licences also apply to occasional licences.
- Premises and personal licence holders can apply for an occasional licence. Voluntary organisations can also apply if the event is linked to their activities. Members clubs need an occasional licence to allow the general public to buy and consume alcohol on their premises.
- There are rules about the number of occasional licences voluntary organisations and members clubs can have in a 12 month period.

Personal licence

- A personal licence allows a person to authorise or supervise the sale of alcohol, and to train staff to the required minimum.
- Personal licence holders must complete a course and exam, and then apply to the licensing board for their licence. They must complete refresher training within five years of gaining their licence.
- Every premises (with the exception of members clubs) must have at least one personal licence holder – the premises manager – but in practice most premises have several. It is common for managers and supervisors to hold personal licences.

Premises licence

- For a place to be allowed to sell alcohol, it must have a premises or occasional licence, or be an exempt premises.
- A premises licence allows alcohol to be sold. Any premises selling alcohol, whether on-sale or off-sale, must have a premises licence. A premises licence is granted by the licensing board of the area where the premises is situated.
- The premises licence includes an operating plan and layout plan and has various conditions attached to it. Breach of a condition will lead to a review of the premises licence.
- Premises licences last indefinitely but can be reviewed in certain circumstances.

Provisional licence

- A provisional licence will allow a business to be granted a premises licence once the premises are built or converted. It lasts for up to four years. It is counted for the purposes of overprovision, even though the premises is not trading.

Types of premises

Exempt premises

- Some premises do not need to have a licence to sell alcohol.
- Exempt premises are international airports, international ports, and trains, aeroplanes, ships, boats and ferries on journeys.

Licensed premises

- Any place selling alcohol to the general public must have a premises licence and is called a licensed premises. This could be a supermarket, convenience store, pub, club, restaurant, café etc.

Members clubs

- Members clubs are premises that are not open to the general public and can only be used by their members and their members' guests, such as a bowling club. Their business must not be conducted to make a profit.
- Because they do not sell alcohol to the general public, special rules apply to members clubs. While they need to have a premises licence, they do not need to have a premises manager nor for the sale of alcohol to be supervised by a personal licence holder.
- If a members club wanted to sell alcohol to the general public, it must apply for an occasional licence.
- The number of members clubs is not included when a licensing board assesses whether there is overprovision in an area.

Off-sales premises (also known as off-licence)

- This is a shop selling alcohol to be taken away and drunk off the premises. Examples are supermarkets, convenience stores, specialist off-licences and gift shops.

On-sales premises (also known as on-licence)

- These are premises selling alcohol to be drunk within the premises. Examples include pubs, clubs, and restaurants.

Licensing terms

Alcohol display area

- Off-sales are only allowed to display alcohol in one or two areas, known as the alcohol display areas. One of these areas must be 'alcohol only.'
- The alcohol display area is shown in the layout plan.

Conditions

- Certain rules about how alcohol can be sold and how businesses must be run are attached to all premises and occasional licences. These are called 'national mandatory conditions.'
- A licensing board can also attach 'local conditions' to some or all of the premises and occasional licences in their area. These local conditions will usually be listed in the board's statement of licensing policy.

Delegated powers

- Decision-making powers for certain applications can be delegated to a sub-committee of the licensing board, the convener, the clerk of the board and/or the clerk's staff, rather than being considered by the full licensing board.
- Examples of the types of applications that might be dealt with under delegated powers are the granting of occasional and personal licences and minor variations where there are no concerns or objections.

Grounds for objections

- An application for a new premises licence or licence variation can only be refused for specific reasons set out in law. These are:
 - Granting the licence/ variation would be inconsistent with one of the five licensing objectives.
 - The premises is 'excluded' in terms of the Licensing (Scotland) Act 2005 (a motorway service station or garage).
 - An application for the same premises was refused within one year.
 - Given the nature of the proposed activities, the likely customers and the premises themselves, the premises are unsuitable for the sale of alcohol.
 - If the application were to be granted it would result in overprovision (too many premises of a particular type in that area).

Hearing

- A hearing is the licensing board meeting where it undertakes its business, such as deciding on licence applications or reviewing licences.

Irresponsible promotions

- It is a condition of all premises and occasional licences that businesses must not run irresponsible promotions. Any premises running an irresponsible promotion could have its licence reviewed.
- Examples of irresponsible promotions are given in the Licensing (Scotland) Act 2005. These include deals that encourage, or seek to encourage, a person to buy or drink more alcohol than they had intended, for example 'buy one get one free' offers or 3 bottles for £10.
- In addition to the specific examples given in the 2005 Act, the licensing board may judge a particular promotion to be irresponsible.

Layout plan

- The layout plan shows how the premises is laid out. For off-sales, this will include the alcohol display area, and for on-sales this includes the bar and seating areas.
- The layout plan must be provided as part of a licence application. It forms part of the premises licence.
- If a licence holder wishes to make changes to the layout plan, they must apply for a 'licence variation.'

Licence review (premises licence review)

- If there are concerns about how a business is operating, the police, the LSO, the licensing board and any person can apply for a review of a premises licence. There are specified grounds for a review: breach of a licence condition, or something relevant to the licensing objectives.
- If the licensing board decides there are grounds for a review, they must hold a hearing. If the review is upheld, the board has the option of issuing a written warning, varying the licence, suspending the licence or revoking it.

Licence review (personal licence review)

- The licensing board can review a personal licence under certain circumstances: if the licence holder has acted inconsistently with the licensing objectives or has convictions.
- The licensing board can decide to revoke, suspend or endorse the licence.

Licence variations: minor and non-minor ('major')

- A variation is where an existing premises applies to the licensing board to change how it operates.
- Certain small changes, as detailed in legislation, are 'minor' variations. Minor variations would include things like reducing opening hours. These are granted automatically, often under delegated powers.
- Non-minor variations are commonly called 'major variations'. An example would be a business wanting to change from a restaurant to an off-sales. The process is very similar to an application for a new licence. The licence already exists and it cannot be taken away, but people can object to the changes.

Licensed hours

- These are the hours that alcohol can be sold and, for on-sales, when customers can drink it on the premises. The licensing board's approach to licensed hours are detailed in its statement of licensing policy.
- By law, off-sales premises cannot sell alcohol before 10am and after 10pm.
- There are no specific rules for on-sales, but there is a presumption against granting 24 hour licences.

Licensing objectives

- The Licensing (Scotland) Act 2005 is based on five licensing objectives. All licensing decisions must be made with reference to these five objectives. All five objectives are of equal importance. They are:
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children from harm.
- If an application is felt to be inconsistent with any of the five objectives, the licensing board can refuse the application.
- The licensing board must seek to promote the licensing objectives in its statement of licensing policy.
- If a premises or personal licence holder acts inconsistently with the licensing objectives, they could have their licence reviewed.

Licensing (Scotland) Act 2005 (the '2005 Act')

- This is the main legislation setting out the rules for the alcohol licensing system in Scotland.

Notice of application

- An application for a new premises licence must be advertised for 21 days, to give people the opportunity to send comments to the licensing board.
- The premises must display a notice advising that an application has been made. While these notices can be in legal language, they should provide the following information:
 - the name and address of the applicant
 - the date by which objections/representations must be received by the licensing board.
 - information on the nature of the business and proposed licensed hours (in the case of new premises licence applications.)
 - a brief overview of the proposed changes to the licence (in the case of licence variation applications.)
- The licensing board must also contact the following people with details of the application:
 - neighbours living within 4 metres of the premises;
 - the local community council(s) for the area;
 - the council;
 - the health board;
 - the police;
 - the fire authority.

Objections

- Anybody is able to object to applications for new premises or occasional licences, and to 'major' variations of existing licences. They do not need to live nearby the premises.
- There are strict requirements about timescales and the grounds for objections (see 'grounds for objections.')
- Objectors must be made in writing to the licensing board.
- Objectors can request a statement of reasons from the licensing board for its decision. Objectors have 14 days to write to the licensing boards to ask for written reasons for the decision. The licensing board should provide these reasons within 14 days.
- Objectors can only appeal against the granting of an occasional licence. They have no direct right of appeal against the granting of new premises licences, provisional licences or major variations, though there is the possibility of judicial review. Anyone considering this route may wish to seek independent legal advice.

Offences

- Licensing law creates a number of offences. Some of these apply to individuals, such as buying or drinking alcohol when drunk in licensed premises or buying alcohol for someone under the age of 18 (there is a small exception with meals). Other offences apply to licence holders, including selling alcohol to a drunk person or an underage person or failing to display certain important notices.

Operating plan

- The operating plan details how the premises will run. This includes things like licensed hours; whether it's on- or off-sales; if under 18s are allowed; and activities the premises will run, for example karaoke, functions, adult entertainment.
- The operating plan must be provided as part of a licence application and forms part of the premises licence. If a licence holder wishes to make changes to the operating plan, they must apply for a 'licence variation.'

Overprovision

- Overprovision is where the licensing board determines there are enough/too many premises in a particular locality.
- As part of its statement of licensing policy, a licensing board has to include an assessment of whether there is any overprovision in its area.
- It is for the licensing board to decide what a locality is. Localities can range from small areas such as a street, to larger areas such as towns or the whole local authority area.
- The licensing board can also specify the types of premises it considers to be overprovided in an area. For example, it could decide there are enough supermarkets or pubs in a particular area but that there is not overprovision of other types of premises such as restaurants or hotels.

Representations

- A representation can be made to the licensing board to either support an application or to ask the licensing board to modify it in some way, for example limit its opening hours. Anybody is able to make a representation to the licensing board.
- Making a representation is the same process as making an objection.

Statement of licensing policy (also known as licensing policy statement, licensing policy, board policy)

- The statement of licensing policy sets out the licensing board's general approach to making licensing decisions and how it will promote the five licensing objectives. Licensing board decisions should be in line with this policy, although they can make exceptions.
- As part of the statement of licensing policy, the licensing board must include a statement of overprovision and should also include the hours that licensed premises will be allowed to sell alcohol.
- The licensing board must gather sufficient information to ensure its policy is well considered. The police, health board and relevant council must provide information and it can be requested from anyone else. Ideally the statement of licensing policy should take account of other local strategies where alcohol is a factor, including crime prevention, community safety and health.
- Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

Useful contacts

You should find details of the licensing board, local licensing forum and Licensing Standards Officer on your local council's website. It would be helpful to search using the terms such as 'alcohol licensing,' 'liquor licensing,' 'licensing board,' 'Licensing Standards Officer,' and 'licensing forum'.

Alternatively, a list of licensing contacts can be found on Alcohol Focus Scotland's website www.alcohol-focus-scotland.org.uk



Alcohol Focus Scotland, 166 Buchanan Street, Glasgow G1 2LW

Tel: 0141 572 6700

email: enquiries@alcohol-focus-scotland.org.uk

www.alcohol-focus-scotland.org.uk



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Implementation of the Licensing (Scotland) Act 2005 - a document review of developments since 2012: A Summary

The following summarises the report originally published as part of the “*Monitoring and Evaluating Scotland’s Alcohol Strategy programme: Fifth Annual Report, March 2016*”. The full report can be found [here](#).

Background

The Licensing (Scotland) Act 2005 introduced two instruments - the statement of licensing policy and the overprovision statement - that allow strategic planning of alcohol availability for the purposes of pursuing the public interest purpose of alcohol licensing. The Act was implemented in 2009.

The Act was evaluated in 2012. In 2015 a document review was performed to determine *what developments have been made in the licensing regime since 2012, with respect to the six outstanding areas identified in the original evaluation?*

Trends in the availability of alcohol were also explored.

Key findings: Impact of the Act on licensing practice

The original evaluation identified positive developments - such as the positive role of Licensing Standards Officers. This review and the original evaluation identified areas of the Act that continue to be less well implemented, including:

Public health provisions

The public health provisions are still in the “bedding in” phase. Relationships between licensing and public health actors are still in their infancy, with both needing to develop skills and confidence to allow these provisions to be effectively operationalised.

Transparency and accountability

Limited accountability and transparency in the licensing system has limited the transfer of good practice, compromises adherence to legislation and limits engagement of stakeholders. The requirement for licensing boards to annually report on their operation could potentially increase accountability and transparency.

Public access

There is limited involvement, and thus scrutiny, from the public in the licensing system. Further action to enable involvement from the public is required.

Local licensing forums

Six years after the implementation of the Act forums continue to have a limited role in terms of their oversight and advising function in relation to the public health provisions in the Act. Given forums have these key and unique roles in the licensing system further work is need to ensure forums function effectively.

The integrity of the system

Some argue that high profile challenges by supermarkets of licensing board decisions, has made licensing boards more cautious in utilising their discretionary powers in making licensing decisions, particularly where supermarkets are the applicant.

Impact on availability

At the national level it is not possible to monitor trends in alcohol availabilityⁱ, only data on the number of outlets is available (see below for these data). The large variation in the alcohol available by different types of outlets (e.g. large supermarkets compared to small corner shop grocers) means it is not possible to determine how changes in outlet numbers has affected alcohol availability.

Data availability

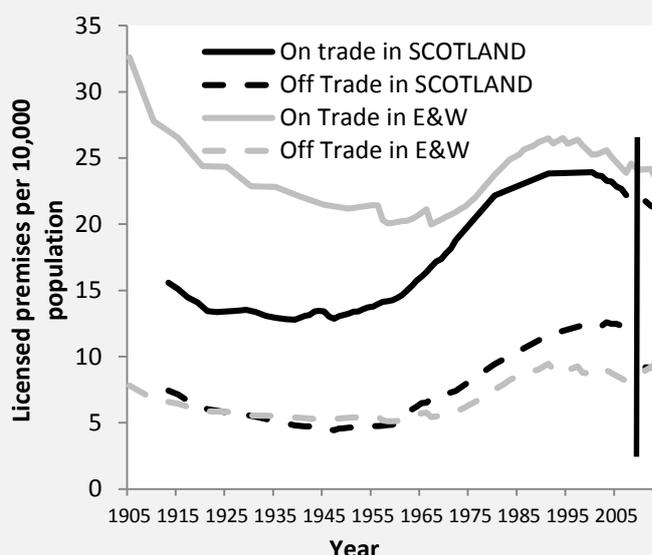
More rigorous and systematic information from the licensing regime is required to facilitate better engagement of stakeholders and to enable better monitoring and evaluation of the Act.

ⁱ Alcohol availability reflects not just the number of outlets selling alcohol but the opening times of outlets, the shelf space dedicated to alcohol (for off-trade) or the capacity (for on-trade).

Key findings: alcohol availability

At the national level it is not possible to monitor trends in alcohol availability, only data on the number of outlets is available – which provides only a partial picture.

Figure 1: Number of licensed premises per capita: Scotland and England & Wales, on- and off-trade premises, 1905 to 2013 (The year 2009 is identified by the solid horizontal line)



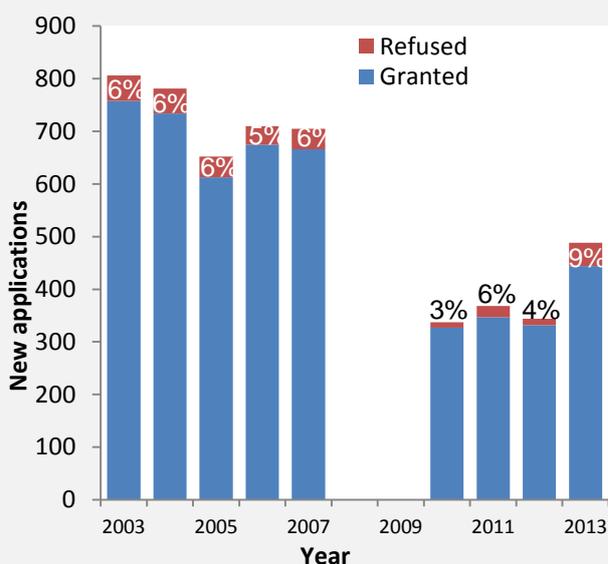
Outlet numbers increased from the 1960s, but more recently the number of outlets has decreased (Figure 1).

Since the new legislation there has been no change in the number of new licences refused, but there was a fall in the number of new applications (Figure 2).

The lower number of **new licence applications** after the Act could be because:

- Fewer premises were applying for licences because of the more stringent requirements of the new Act or because of the economic downturn
- There were fewer new applications in overprovided areas in response to robust overprovision statements

Figure 2: Number of new premises licence applications granted and refused in Scotland, 2003-2013 (Note: labels indicate % of applications refused and no data were available for 2008 and 2009)



The similar level of **refusals** before and after the Act could reflect that:

- New applications in overprovided areas were not being refused
- New applications in overprovided areas were being refused, but is not reflected in the national statistics (overprovided areas cover only a portion of Scotland)
- Licensing conditions are being used to ensure that granting a licenses is consistent with the licensing objectives (e.g. limited shelf space dedicated to alcohol)

Each explanation reflects very different operation of the Act, but because of the limited licensing data available it is not possible to distinguish between these explanations and therefore not possible to determine if the public health provisions of the Act have had an impact on licensing decisions.

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Agenda Item 9

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING BOARD held in Committee Rooms 2/3, Council Headquarters, Newtown St Boswells on Friday, 19 February 2016 at 10.00 a.m.

Present:- Councillors W. Archibald (Convener), J. Campbell, G. Logan, D. Paterson, R. Stewart, J. Torrance, B. White.
Apologies:- Councillors J. Greenwell, B. Herd, T. Weatherston.
In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M. Wynne), Democratic Services Officer (K. Mason), P.C. C. Lackenby, Inspector M. Bennett - Police Scotland.

1. **MINUTE**

The Minute of Meeting of 22 January 2016 had been circulated.

DECISION

APPROVED and signed by the Convener.

2. **LICENCES DEALT WITH UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of a list of licences dealt with under delegated powers for the period 14 January 2016 – to 10 February 2016.

DECISION

NOTED.

3. **LICENSING (SCOTLAND) ACT 2005:**

Section 20: Application for Premises Licence. The Board considered the following application for Provisional Grant of Licence:-

| | |
|--------------------------------|--|
| Adam Purves Galashiels Limited | Shop Premises 44 Tweed Road Galashiels |
|--------------------------------|--|

There had been circulated copies of a notice of objection/representation from Mr Alastair Lings advising that he supported the application in the hope that it would allow this shop to reopen and again provide a valuable service to the local community.

Mr Angus Towers, General Manager and Mr Richard Garrie, Operations Manager were present. It was noted that the premises which previously operated as a convenience store had been closed for some time and Mr Garrie advised that the opening of the premises was seen as an opportunity to provide a service to the local community.

DECISION

GRANTED.

4. **DATE OF NEXT MEETING**

The next meeting would be held on 18 March 2016.

DECISION

NOTED.

5. **URGENT BUSINESS**

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

6. **NIGHT ECONOMY VISITS**

The Convener referred to previous night time initiatives when Members of the Licensing Board accompanied by Police Officers had visited Galashiels, Hawick etc and emphasised it was important that Members had an oversight of what was happening in these areas. It would also give them an opportunity to view taxi ranks. He advised that the last night visit was not well supported by Members and submitted it was important that Members were committed to undertake such a visit. Inspector Bennett confirmed he would accompany Members and suggested that visits be arranged for 2 April 2016, with those attending meeting at Galashiels Police Station at 11.30 p.m. Councillors Archibald, Paterson, and White advised they were available on 2 April and confirmed their attendance. Councillor Torrance advised he would attend if free. Councillors Campbell and Logan advised they were unable to attend. The Convener also felt it worthwhile that the invitation should be extended to the Licensing Standards and Enforcement Officers and members of the Local Licensing Forum.

**DECISION
AGREED**

- (a) **that subject to adequate numbers able to attend, night economy visits would take place on 2 April 2016, meeting at Galashiels Police Station at 11.30 p.m.**
- (b) **that appropriate transport arrangements would be made; and**
- (c) **the Democratic Services Officer liaise with Councillors Greenwell, Herd and Weatherston, the Licensing Standards and Enforcement Officers and members of the Local Licensing Forum to ascertain if they would be able to take part.**

7. **LICENSING POLICY STATEMENT**

The Managing Solicitor Property and Licensing advised he would be attending a SOLAR Licensing Working Group on 29 February 2016 when he would gauge what other Licensing Boards' thoughts were in relation to review of Policy Statements noting that the Scottish Borders Licensing Board's Policy was due for renewal in October 2016. He advised that advice had been received from the Scottish Government that in view of the legislation relating to the Air Weapons and Licensing (Scotland) Act 2015 there may be discretion for Board's not to review their Licensing Policy Statements until May 2017. However, it was noted that amendments to some parts of the existing Policy Statement could be made before May 2017 if Members so wished and the Managing Solicitor Property and Licensing advised that he would provide feedback from the SOLAR Policy Working Group discussions at the next meeting of the Board.

DECISION

NOTED that the Managing Solicitor Property and Licensing would provide feedback from the SOLAR Working Group at the next meeting.

8. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

9. **MINUTE**

The Private Section of Minute of Meeting of 22 January 2016 was approved.

The meeting concluded at 10.20 a.m.

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