SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL LICENSING FORUM held in the Council Chamber, Council Headquarters on Tuesday, 24 January 2017 at 4.00 pm

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Present:-	I. Tunnah (Convener), M. W. Hay, PC Lackenby (Police Scotland), A. Maybury, J. Taylor, G. Todd, S. Walker, M. Wynne.
Apologies:-	S. Bell, Councillor Torrance.
Also present:-	Councillor Archibald (Convener Scottish Borders Licensing Board).
In Attendance:-	N. McKinlay (Chief Legal Officer), T. Thomson (Assistant Licensing Officer), F. Walling (Democratic Services Officer).

1. **APPOINTMENT OF CONVENER**

Mr Tunnah welcomed members of the Forum to the meeting and drew attention to the first item of the agenda which was to appoint a Convener for the forthcoming year. He confirmed that he was not available for re-election to the position. As no members of the Forum indicated an interest in taking on the role of Convener Mr Tunnah asked for further consideration to be given to this before the next meeting. He advised that, in the meantime, members should elect a person from amongst those present to chair the Forum on a meeting by meeting basis until a Convener was formally appointed. Members unanimously agreed that Ms Susan Walker should chair the current meeting. Ms Walker thanked Mr Tunnah, on behalf of the members, for his hard work and commitment in his role as Convener of the Local Licensing Forum.

DECISION
AGREED

(a) to give urgent consideration before the next meeting to the appointment of a Convener for the forthcoming year; and

(b) that Ms Susan Walker chair the current meeting.

RESIGNATION

Mr Tunnah advised that, with regret, he had received a resignation from Neil Gillies and had sent a letter of thanks to him for his work on the Forum.

DECISION
NOTED

2. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 4 October 2016.

DECISION
APPROVED the Minute for signature by the Convener.

2.1 With reference to paragraph 5 of the Minute, regarding the Scottish Borders Statement of Licensing Policy, Mr Tunnah confirmed that he had written to the Licensing Board with a copy of the Forum's suggested amendments to the Statement and that the Convener of the Licensing Board had confirmed that these recommendations would be kept on record in preparation for a review of the Policy once the new Licensing Board was in place. Members agreed with Ms Walker's suggestion that the short life working group, set up by

the Forum to look at the Statement, be re-convened later in the year in order to be of assistance to the new Board.

DECISION
AGREED that the short-life working group, set up to identify areas of change relevant to the new Statement of Licensing Policy, be re-convened later in 2017 in order to be of assistance to the new Licensing Board.

2.2 With reference to paragraph 8 of the Minute, although the actions were outstanding these were being progressed. Mr Wynne advised that a draft action plan (2017-18) should be available to circulate to the Forum for comment by the end of February. Mr Tunnah agreed to take forward the action to contact Mark Smith, in order to raise awareness of licensing issues with children and young people to help support the current project they were completing on agent purchasing as well as increasing knowledge within Community Learning and Development.

DECISION
NOTED

3. **JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING - REVIEW**
A discussion was held on the annual joint meeting of the Licensing Board and the Local Licensing Forum which took place on 22 November 2016. Members agreed that the joint meeting had been useful and it was felt that the Board had responded positively to the report from the Forum. However, there was a general view that the meeting had been quite short and that in future this would be a good opportunity to include additional content and enable more discussion. There was agreement with the suggestion made to include a session to focus on joint Continuing Professional Development (CPD) for the two bodies. This would be especially relevant and useful for the 2017 meeting when a new Licensing Board would be in place.

DECISION
AGREED to recommend to the Licensing Board that part of the agenda for the next joint meeting with the Local Licensing Forum be allocated for a joint CPD session.

4. **POLICE REPORT**
There had been circulated copies of a Police Scotland report, covering the period from 1 October to 31 December 2016. PC Lackenby summarised the main points. A graph within the report showed the number and type of offences that had taken place on licensed premises within the period. There was a small decrease in the number of thefts. These were predominately from off sales premises and supermarkets in particular. PC Lackenby explained that Police Scotland did provide advice to supermarkets but that the opportunity for theft was often increased due to layout of the stores and low staffing levels. Stores were also targeted by organised gangs. In a discussion of this issue, there was agreement with Mr Taylor's point that, although thefts occurred across the range of goods, supermarkets had a particular responsibility to take action to reduce thefts of alcohol due to the link to alcohol-related harm. With regard to securing public safety, PC Lackenby explained that there had been 4 incidents on premises where poor management was identified as a causal factor. There had been 2 further interventions to deal with staff failing and the premises had been subject to tasked inspections. The interventions were designed to deal with the issues and negate the need to seek a review of the premises licence. Nationally Police Scotland had sought 11 reviews in 2016 which resulted in positive action being taken by Licensing Boards. There had been a higher number of alcohol related anti-social behaviour incidents in and around licensed premises in this quarter. Some of this was due to the festive season, which always saw a spike in this type of incident. However the number of incidents reported at licensed premises, particularly at Hogmanay, had reduced this year. Police continued to record positive incidents and of the 23 incidents in the quarter there were 2 identified as being positive in Galashiels and Peebles. However there were also 7 incidents which were identified as

having a negative aspect to how they had been handled by the premises. With regard to the role of protecting children from harm, for various reasons Police Scotland had not been able to carry out any test purchase operations prior to the festive season but hoped to run operations in February/March of this year. Following the application in July for an occasional licence for a children's entertainment show in Galashiels, which was refused by the Licensing Board, the applicant applied again for the same event. The application again received objections from the LSO, Health and Police and was subsequently refused by the Licensing Board. Police Scotland had processed 283 occasional licence applications and there had been 47 personal licence applications. There were 3 premises licence applications which had been granted by the Licensing Board and a further 3 premises licences granted that had been pending for various reasons. There had also been 32 variation applications processed with representations being submitted for 2, which were subsequently amended at the Licensing Board hearing.

DECISION
NOTED the report.

5. **ALCOHOL PROFILE SUMMARY**

There had been circulated copies of the draft Alcohol Profile Summary 2015-16 for approval by the Forum. Ms Walker thanked those members who had responded when the document had previously been circulated to the Forum and Licensing Board for comment. The Profile aimed to provide an update on the information available from Police Scotland, NHS Borders, Scottish Borders Council and Scottish Public Health Observatory. Ms Walker explained that the summary had been built on the previous full Alcohol Profile for 2014-15 and should be considered alongside this. Information was presented in a similar format to previous years and could be linked to the Licensing Objectives which were: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young people from harm. Ms Walker noted that the summary reported on positive trends across several indicators including:

- decreasing rates of alcohol-related antisocial behaviour
- lower than national average rates of alcohol related deaths
- lower than national average rates of alcohol related hospital stays

The Profile compared indicator data across geographical areas and averages. This method inevitably meant that areas were ranked and therefore it would always be the case that one or more areas would be 'most' or 'least' affected. Members noted the improvements in recent years and welcomed the positive data which was reflected in the summary.

DECISION
APPROVED the Alcohol Profile Summary 2015-16 for publication on the Local Licensing Forum website.

6. **CONSULTATION ON PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM**

6.1 The Local Area Forum was being asked to consider a proposal to establish a National Licensing Forum. This was being put forward by the Chairman of East Ayrshire Local Licensing Forum following a joint West of Scotland Licensing Forum event held on 20 October 2016. There had been circulated copies of a letter from the Chairman of East Ayrshire Local Licensing Forum, a report to the Joint Licensing Forum Event and a questionnaire on the proposal. It was explained that the event had been attended by 23 members representing seven Local Authority areas. Also in attendance at the event were Peter Reid, Licensing Team Leader from the Scottish Government and Linda Bowie from Alcohol Focus Scotland. The impetus for the event arose from the experience of the East Ayrshire Local Licensing Forum who felt that Licensing Forums were not working effectively in the way they were set up in legislation and that changes were required. The conclusion of the joint meeting was unanimous agreement that Forums were not working in the way in which they were set up and that they had no real influence on Licensing

Boards. It was therefore agreed that the re-establishment of a National Forum would be beneficial as this could act as a sounding board for Licensing Forums to exchange best practice ideas and discuss the way forward.

6.2 In the ensuing discussion the general feeling was that, as Licensing Forums were set up on a local basis and that as areas within Scotland differed significantly, it would not be appropriate to have an overarching National Licensing Forum. However there was unanimous recognition of the potential value of a national advisory or liaison group to share information, examples of good practice and to co-ordinate national thought on licensing issues to feed towards the Scottish Government. It was also suggested that it would be more effective and easier logistically, in terms of numbers, to have Local Licensing Forums linked to regional groups which would then send representatives to the national steering group. Bi-annually was considered an appropriate frequency to meet and, assuming these were organised on a regional basis, it was suggested that the local forums would fund their own transport to meetings and also bear the costs of hosting a regional meeting in turn. With concurrence on this approach Ms Walker took members systematically through the questionnaire and the responses for each question were agreed.

DECISION
AGREED:-

(a) not to support the establishment of a National Licensing Forum but instead to suggest the formation of a national advisory/steering body for Local Licensing Forums organised on a regional basis with each regional group sending representatives to the national body.

(b) that Ms Susan Walker complete the questionnaire with the responses agreed at the meeting and circulate the draft for approval or comment before submission.

7. **SCOTTISH BORDERS LICENSING BOARD MINUTES**
There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 23 September 2016, 21 October 2016, 18 November 2016 and 16 December 2016.

DECISION
NOTED the Minutes.

The meeting concluded at 5.15 pm