

MINUTE OF JOINT MEETING OF THE
SCOTTISH BORDERS LICENSING BOARD
AND THE LOCAL LICENSING FORUM held
remotely via Microsoft Teams on 30
November 2021 at 4.00 p.m.

- Present:- Licensing Board:- Councillors J. Greenwell (Convener), J. Brown, N. Richards, S. Scott (from para 4), R. Tatler, E. Thornton-Nicol, G. Turnbull and T. Weatherston.
Forum:- S. Dalrymple, S. Elliot, M. Wynne and J. Scott.
- Apologies:- Licensing Board:- Councillor D. Paterson.
Forum: S. Bell, S. Mabon, R. MacKay, R. McIntyre, G. Todd.
- In Attendance:- Managing Solicitor (Property and Licensing), PC Lackenby – Police Scotland, Democratic Services Officer (F. Henderson).

1. **WELCOME BY CONVENER OF SCOTTISH BORDERS LICENSING BOARD**

The Convener of the Licensing Board, Councillor Greenwell welcomed everyone to the meeting.

ORDER OF BUSINESS

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

2.0 **LICENSING FORUM RECRUITMENT UPDATE**

Mr Wynne, LSO reported that due to COVID restrictions there had been just been one meeting of the Forum in 2021. There had subsequently been resignations received from three Forum Members and the Forum was now at a critical stage in respect of achieving its quorum for meetings. A recruitment drive was therefore being planned for early January 2022 and a media plan was already in place. Mr Wynne further advised that Alcohol Focus Scotland had produced an easy to read booklet which would be used in the recruitment of new Members. In response to a question about the statutory requirement in respect of the Licensing Forum, Mr Wynne advised that there was a statutory requirement to have a Forum and they should meet 4 times per year, although some other Local Authorities had reported that they no longer had a Licensing Forum.

- 2.1 In response to a question about who was eligible to join the Forum, Mr Wynne advised that anyone could apply to join the Forum. It was hoped younger people may join to get their perspective and the media recruitment campaign would include involving contacting secondary schools to attract senior pupils. Susan Elliot proposed that Alcohol Focus Scotland training be organised for all Members of the Licensing Forum.

**DECISION
NOTED.**

3.0 **UPDATE ON IMPACT OF COVID ON LICENSING**

With reference to paragraph 6 of the Minute of 2 December 2020, Mr Wynne advised that although a reduction in licensed premises had been anticipated, this had not come to fruition and only 2 had surrendered their licence, although not due to covid. It would

appear that Government funding made available to the licence trade had managed to sustain them and the Annual Fees were being paid.

- 3.1 There had been an increase in enquiries for the sale of on-line alcohol from various premises which required to be licenced and there were some applications in the pipeline. Many Supermarkets had varied their operating plans to include alcohol with delivery of groceries and the click and collect service for alcohol had also increased. Applications for occasional licences for community events were on the rise including for the sale of mulled wine at a number of Bonfire Nights. Occasional licences for Christmas Markets was also on the increase. There had also been an increase in noise complaints from Residents who had become accustomed to the peace and quiet, while venues were closed.
- 3.2 In response to a question about claiming back outside spaces and car parking which had been given over for outdoor drinking areas during covid, it was anticipated that this may prove difficult and there was no guidance at present on when these outdoor drinking areas would cease.

4.0 **MINUTE**

There had been circulated copies of the Minute of Meeting of 2 December 2020.

DECISION APPROVED.

5.0 **LICENSING BOARD ANNUAL REPORT DECEMBER 2020 TO NOVEMBER 2021**

There had been circulated copies of a report by the Clerk to the Licensing Board presenting a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board, covering the period from December 2020 to November 2021. It was hoped that the report would assist the Forum to facilitate its scrutiny role of how the Board discharged its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 (the Act) as amended. The Managing Solicitor, Ron Kirk, presented the report and highlighted the main points. Since the last joint meeting on 2 December 2020 the Board had met 11 times. At each Board meeting, in addition to determining applications and reviews, Members considered all matters which had been dealt with under the delegated powers of the Clerk where both the Act permitted this method of determination and there had been no objection or representation in respect of the application. The majority of delegated decisions were in connection with grants of occasional licences which were a feature of sporting fixtures and local festivals in the Community. The number of Occasional Licences that had been granted in during the period were 426 compared to 1,340 prior to Covid. Of those 36 were granted to voluntary organisations. Extended hours were granted in response to 3 applications.

- 5.2 Hearings take place as part of the Board's business as narrated in the published agenda. The Licensing (Scotland) Act 2005 requires that hearings are held in public and parties have the right to address the Board or rely solely on their written submissions. However, the initial Covid-19 lockdown in March 2020 meant that holding hearings in public was not possible. The Coronavirus (Scotland) Act 2020 gave Boards the discretion to provide alternative means for persons to be heard such as by telephone, by video conferencing or by written communication including electronic means. As a consequence, the Board had continued to meet by Microsoft Teams Video Conferencing and this had enabled the Board to meet on a monthly basis as it had done prior to the Covid-19 outbreak. The Board arranged review hearings in respect of premises licences as detailed in the report, all were in relation to notices for failure of premises to make a payment of the annual fee apart from 3 which were as a result of applications received from Police Scotland on the grounds of breach of licensing objectives. In 2 of these cases, the Board took no action pending the outcome of a criminal prosecution. In the other case the Licence holder undertook to surrender his licence during the meeting. In the 9 other cases relating to non-payment of annual fees, the Board suspended 4 licences, revoked 3 and took no action in respect of the other 2 as one Licence holder paid the annual fee prior to the

hearing and the other licence was surrendered. The Clerk was present and answered members questions.

DECISION

AGREED to:-

- (a) note the report; and**
- (b) request that the Clerk continue to provide updates to the joint meeting on an annual basis.**

6.0 CHIEF CONSTABLE'S REPORT TO THE SCOTTISH BORDERS LICENSING BOARD FOR THE PERIOD 1 APRIL 2020 - 31 MARCH 2021

There had been circulated copies of Police Scotland's Annual Licensing Report for 2020/21. PC Lackenby was in attendance to present the report and answer questions. The report explained that Police Scotland continued to work closely with local authorities and partnership agencies to deliver effective regulation in liquor licensing. Preventing alcohol fuelled violence, disorder and antisocial behaviour was a priority and working closely with Licensed Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, education and enforcing. Within the Scottish Borders there were currently 47 'on sales' 109 'off sales' and 290 combined on/off premises. There were significant demands on police resources placed in the Scottish Borders area by the Common Riding festivals and Rugby 7s tournaments and there were currently three premises trading until 3 a.m. at the weekend, with the annual occasional extensions for some Common Riding Town Balls extending to 5 a.m. In the Alcohol Outlet Availability and Harm report (April 2018) published by Alcohol Focus Scotland, Scottish Borders was ranked 15th out of 30 local authority areas for alcohol outlet availability in Scotland. Crime rates in the neighbourhoods with the most alcohol outlets were 4.4 times higher than in neighbourhoods with the least. In the Scottish Borders there were 341 recorded incidents in licensed premises between 1 April 2019 and 31 March 2020, this figure showed a slight decrease of 1.15% on the year before. The report went on to outline the well-established Intervention Process whereby incidents connected to premises were identified by Licensing Officers who evaluate the Licensing Objectives to determine if any had been compromised.

- 6.1 The year 1st April 2020 to 31st March 2021 was very unique in many ways, particularly in relation to the licensed trade due to the various restrictions placed on premises on how, when and where they can safely operate throughout the Covid-19 Pandemic. Police Scotland set up 'Operation Talla' in response to the pandemic, ensuring a consistent and measured approach was taken to implementing restrictions throughout the country. Lothian & Scottish Borders Licensing Department worked closely with Operation Talla, as well as Liquor & Civic Licensing Policy Unit to provide clear and consistent advice to operational officers, to enable them to support premises as they introduced special measures in their premises in response to restrictions. Police Licensing, in partnership with Licensing Standard Officers (LSO's) and Environmental Health Officers worked closely with the licensed trade, including legal representatives, throughout this difficult time, providing guidance, advice and support to them and their staff to assist in the safe operation of licensed premises through the unprecedented challenges that faced them over the reporting period. In the Scottish Borders, there were 200 recorded incidents in licensed premises between 1st April 2020 and 31st March 2021, this figure showed a major decrease from 341 recorded incidents equating to 41% on the year before. There continued to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, this may be due to the impact that Covid-19 has had on society. Police Scotland carried out 696 recorded inspections of licensed premises in the Borders during the reporting year. The local Police Licensing Officer continued to work alongside the Council's Licensing Standards Officers to maintain effective information sharing procedures and establish good

partnership working. This unified approach had resulted in a number of successful resolutions in the Scottish Borders.

DECISION

NOTED the report.

7.0 ANY OTHER COMPETENT BUSINESS

PC Lackenby advised of 'Bystander Training' which was offered by All Bar None which may be of interest to the Board Members. The members agreed that this would be of interest and very positive.

DECISION

AGREED that PC Lackenby liaise with the Licensing Unit to arrange training for Licensing Board and Licensing Forum Members once recruitment for the Forum was complete.

The Convener thanked everyone for their attendance at the joint meeting and encouraged Members of the Licensing Board to attend future meetings of the Forum.

The meeting concluded at 4.40 pm