

Public Document Pack



LOCAL LICENSING FORUM TUESDAY, 25 APRIL 2023

A MEETING of the LOCAL LICENSING FORUM will be held via MICROSOFT TEAMS on
TUESDAY, 25 APRIL 2023 at 4.00 pm

J. J. WILKINSON,
Clerk to the Council,

18 April 2023

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Minute (Pages 3 - 4) Minute of meeting of the Local Licensing Forum of 24 February 2023 to be noted (copy attached)	5 mins
5.	Licensing Standards Officers - Update	10 mins
6.	Action Plan Update (Pages 5 - 6)	10 mins
7.	New Member Training Pack - Update (Pages 7 - 8)	10 mins
8.	Alcohol Community Questionnaire	15 mins
9.	Police Scotland Update	10 mins
10.	Scottish Borders Licensing Board Minutes (Pages 9 - 16) Licensing Board Minutes in respect of:- <ul style="list-style-type: none">• 31 March 2023• 24 February 2023 (Copies attached.) Note dates of future Meeting of Scottish Borders Licensing Board:- 28 April 2023 26 May 2023 23 June 2023 21 July 2023	10 mins

	18 August 2023 22 September 2023 20 October 2023 17 November 2023 15 December 2023	
11.	Any Other Items Previously Circulated.	
12.	Any Other Items which the Convener Decides are Urgent.	

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.**

Please direct any enquiries to Fiona Henderson Tel: 01835 826502
E-mail: fhenderson@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL
LICENSING FORUM held via Microsoft
Teams on Tuesday, 24 January 2023 at
4.00 pm

Present:- S. Bell, S Elliot, R. McIntyre, A. Dow, D. Hutchins. M. Wynne, J. Scott, Gary Burns, G. Burns, R. Sachar.

Apologies:- S Dalrymple, M. Hay, R. MacKay, S. Mabon, Police Scotland.

In Attendance:- F. Henderson (Democratic Services Officer).

CONVENER

- 1.0 In the absence of Mark Hay the meeting was chaired by Mike Wynne, who welcomed everyone to the meeting and in particular gave a welcome to the new Licensing Forum Members, Mr Andrew Dow and Mr Dominic Hutchins. A round of introductions followed.
- 2.0 Mr Wynne explained that due to the coronavirus and a number of resignations, the Forum had been unable to meet. The meeting was an opportunity to review and make plans for moving the Forum forward.
- 3.0 **DEVELOPMENT WORKSHOP** Mr Aidan Collins, Alcohol Focus Scotland (AFS) was present to facilitate the Development Workshop. It was explained that AFS had been engaging with forums to learn more about the challenges and opportunities they have encountered. The experience of forums across Scotland appeared to be very mixed, while some described having influenced within the licensing system, others do not believe that they were functioning effectively and some examples of common challenges and opportunities identified by forums were discussed. The Forum considered the challenges and opportunities which applied to them;-

Purpose of the Forum

- Review the Licensing operation in the Scottish Borders in terms of:-
 - Licensing Board Policy
 - Making recommendations to the Licensing Board
 - High Level Legislation
- Accountability that the Board is doing what they should be doing.

Positives

- Annual Reports
- Support from Local Agencies
- Strong Leadership
- Enthusiastic Members

Challenges were identified as:-

- Retention and Recruitment
- Perception that Forum was ineffective
- Change to drinking habits
- Engaging with Young People
- Public and Trade awareness of the Forum

Priorities

- Board Policy Statement
- Recruiting Young People onto the Forum
- New Licensing Board and lack of experience
- Consult on Policy through workshops
- Awareness of Alcohol Profile
- Policies on late night drinking and the protection of staff
- Consideration of overprovision by the Licensing Board
- Training for Forum Members
- Link to Training for Forum on Licensing Board website

4.0 UPDATED GUIDANCE FOR LICENSING BOARDS - LICENSING (SCOTLAND) ACT 2005 - SECTION 142 GUIDANCE FOR LICENSING BOARDS

The licensing (Scotland) Act 2005 had been operational for over thirteen years and guidance had not been updated since then. The intention going forward was that there would be more frequent updates to the guidance and the development of a stakeholder group to support this who would meet on biannual basis. The updated guidance included best practice examples on how Licensing Boards promote the five licensing objectives which Boards may wish to consider.

Duties of Boards were also included within the guidance including:

- Development of Statement of Licensing Policy
- Overprovision Assessment
- Public register with details of licences issued by the Board and decisions made
- Development of an Annual Report which should be published no later than 3 months after end of financial year
- Training of Board members and what this includes
- Fees to be charged by the Board
- Engagement Strategies including a joint meeting with the Local Licensing Forum each calendar year
- Responsibility to Freedom of Information requests, responding to complaints and having due regard to Equality Act 2010.

Each local authority must establish a local licensing Forum for the area which is kept under review the operation of the licensing system in their area and provided advice and guidance to the Licensing Board. The guidance for forums included roles and responsibilities, as well as core knowledge that each forum member should hold. Guidance also included how forums can enhance and encourage membership.

**DECISION
NOTED.**

The meeting concluded at 5.30 p.m.

Scottish Borders Local Licensing Forum Action Plan: November 2023

What we need to do	Action	Lead	Timescales	Outcome	Status
Develop a new members resource pack	Develop a pack for new members to gain an understanding of the principles and remit of the Forum	Mike Wynne	March 23	New members will have a knowledge of the objectives of the Forum and methods of delivery	Ongoing
Update Alcohol Profile	Obtain current data from Licensing Department and update current alcohol profile	Susan Elliot	June 23	To provide the most update alcohol profile showing the amount of licensed premises to provide the Licensing Board with current information to consider and evidence overprovision if required.	Ongoing
Improve engagement with Licensing Board	Liaise with Clerk to Board about inviting the new Board to a Forum meeting to discuss the Forums workplan including Policy review	Mike Wynne	March 23	Improved the Licensing Boards knowledge of the Forum and develop a working relationship	Ongoing
Review the Licensing Boards Policy to come into effect November 2023	Ensure Forum members have the current Licensing Boards Policy and suggest any changes or inclusions. To be discussed at next meeting	Mike Wynne	Interim meeting March 23	To report to the Licensing Board any suggested amendments/inclusions to the current Policy	Ongoing

Scottish Borders Local Licensing Forum Action Plan: November 2023

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LLF - Starter Training Pack

Resource	Description	Link
Scottish Borders Licensing Board Policy Statement	Current Policy Statement is effective from November 2018-23.	Policy Statement
Scottish Borders Licensing Board Finance Report		Licensing Board Financial Report 2021-22 Scottish Borders Council (scotborders.gov.uk)
Scottish Borders Licensing Board Function Report		Licensing Board Function Report 2021-22 Scottish Borders Council (scotborders.gov.uk)
Licensing Board Meeting Dates	On SBC Website. Previous meetings, future dates and teams link to watch live (available 10 days in advance)	SBC Website, Your Council, Read agendas minutes & reports, Scottish Borders Licensing Board, click on date. If live watch there will be link to teams liveevent.
Scottish Borders Alcohol Profile	The profile report is produced by the LLF, detailing evidence of alcohol related harm relevant to the Licensing Objectives and to support Licensing Board members	Alcohol profile 2021-22 Scottish Borders Council (scotborders.gov.uk)
Licensing Resource Pack	Provides more detailed information about contributing evidence and information to licensing policy reviews	afs-licensing-resource-pack.pdf (alcohol-focus-scotland.org.uk) Section 1: Introduction to alcohol licensing in Scotland Section 2: Using evidence to support policy and decision-making Section 3: Statements of licensing policy Section 4: Developing an effective overprovision policy Section 5: Useful resources
Licensing Policy Review Guide	Provides practical suggestions to support people to engage in the review process effectively and respond to consultations launched by licensing boards. Additionally, the guide seeks to make recommendations to licensing boards relevant to their licensing objectives and local context	licensing-policy-review-guide.pdf (alcohol-focus-scotland.org.uk)
Review of Statements of Licensing Policy 2018 – 2023	Discusses areas of progress and learning in licensing. Links to additional information about	afs-review-of-statements-of-licensing-policy-2018-2023.pdf (alcohol-focus-scotland.org.uk)

	specific topics have also been included throughout this guide.	
Updated Licensing (Scotland) Act 2005 Guidance	Guidance for Licensing Boards (Boards) has been updated to assist Boards in carrying out their functions under the 2005 act.	Supporting documents - Licensing (Scotland) Act 2005 section 142: guidance for Licensing Boards - gov.scot (www.gov.scot)

Kind regards,

**SCOTTISH BORDERS COUNCIL
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH
BORDERS LICENSING BOARD held via
Microsoft Teams on 31 March 2023 at 10.00
am

Present:- Councillors M. Douglas (Convener), J. Cox, D. Parker, J. PatonDay, P.
Brown, N. Richards, E. Small, F. Sinclair, T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and
Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S.
Lackenby), PC S. Dishington (Police Scotland), Democratic Services Officer
(F. Henderson).

1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 24 February 2023.

DECISION

APPROVED the minute for signature by the Convener.

2.0 LICENCES DEALT WITH UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with
under delegated powers for the period 13 February 2023 – 19 March 2023.

DECISION

NOTED.

3.0 LICENSING (SCOTLAND) ACT 2005:

3.1 Section 20: Application for Grant/ Provisional Grant of Premises Licence

Consider the following application for Grant of Premises Licence

Durty Brewing Limited

Durty Brewing
4 Traquair Road
Innerleithen
EH44 6PD
(Provisional)

The Clerk advised that due to the submission of an objection, the matter would be deferred to
the next meeting.

DECISION

NOTED that the application had been deferred to the next meeting.

4.0 LICENSING (SCOTLAND) ACT 2005:

4.1 Section 29: Application for Variation of Premises Licence (Pages 27 - 44)

Consider the following application for Variation of Premises Licence (applicants cited to attend.) (Copies attached)

Park Resorts Limited

Eyemouth Holiday Park

(Driftwood Bar)

Fort Road

Eyemouth

TD14 5BE

Amendments to licence and operating plan, which include the following :-

- a change to the core On Sale Hours –

<u>Current On Sale Hours</u>	<u>Proposed On Sale Hours</u>
12.30pm – 12 midnight Sun	11.00am – 12 midnight Sun to Wed
11.00am – 12 midnight Mon to Thurs	11.00am – 1.00am Thurs, Fri & Sat
11.00am – 1.00am Fri & Sat	
- a change to the core Off Sale Hours –

<u>Current Off Sale Hours</u>	<u>Proposed Off Sale Hours</u>
12.30pm – 10.00pm Sun	10.00am – 10.00pm Sun to Sat
11.00am – 10.00pm Mon to Sat	
- the addition of a seasonal variation at question 4 to read "In accordance with Board Policy, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day until 1.00am. Also to include any other extensions as provided by the Board Policy"
- the addition to the permitted activities referred to in question 5 (columns 2, 3 & 4) of the Operating Plan, to include conference facilities and theatre, both within and outwith core hours;
- the addition to the permitted activities referred to in question 5 (column 4) of the Operating Plan, to include receptions (including weddings, funerals, birthdays, retirements etc); club or other group meetings; recorded music; live performance; dance facilities; indoor/outdoor sports and televised sport, outwith core hours;
- the addition of the terms/explanation at question 5(e) of the Operating Plan relating to the list of permitted activities (as to 'Yes' in column 4); and
- amend the wording of the children and young persons access at question 6.

Representations received:

Police Scotland - none

Licensing Standards Officer - none

Health - none

Other – none

There had been circulated copies of an application for the Variation of Premises Licence together with the current operating plan and proposed operating plan. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application referred to the Driftwood Bar within the Eyemouth Holiday Park and the application was to bring their operating plan up to date, as detailed above. Mr Wynne referred specifically to the wording regarding children and young persons at question 6, and to the amendment to ensure that access and times referred to supervised children and Young Persons that were staying at the Holiday Park or were attending an event or dining.

The Convener welcomed, Chloe Crawford, Legal Representative; Damon Gaunt, Complex Manager and Andrew Kemp, Licensing Manager to the meeting. Miss Crawford explained that the premises had been licensed for some time and the proposed alterations were to update the operating plan to allow Breakfast Service, with no alcohol, within the Bar Area, extending the hours, activities, seasonal alterations and to amend the wording in connection to children and young persons.

DECISION
AGREED to Grant.

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

5.0 Section 84A - Review of Personal Licence

The Licensing Board noted that as the Licence Holders Legal representative was not available, the matter would be deferred to the next meeting.

6.0 MINUTE

The Board considered the Private Minute of the Meeting held on 24 February 2023.

The meeting concluded at 10.10 a.m.

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SCOTTISH BORDERS COUNCIL LICENSING BOARD

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the Council Chamber, Council HQ, Newtown St Boswells and via Microsoft Teams on 24 February 2023 at 10.00 am

Present:- Councillors M. Douglas (Convener), J. Cox, D. Parker, J. PatonDay, P. Brown, N. Richards, E. Small, F. Sinclair, T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S. Dishington (Police Scotland), Sergeant R. Stark (Police Scotland), Democratic Services Officer (F. Henderson).

ORDER OF BUSINESS

The Chair 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.

1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 27 January 2023.

DECISION

APPROVED the minute for signature by the Convener.

2.0 LICENCES DEALT WITH UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 14 January – 12 February 2023.

DECISION

NOTED.

3.0 LICENSING (SCOTLAND) ACT 2005:

3.1 Section 20: Application for Grant/ Provisional Grant of Premises Licence

Consider the following application for Grant of Premises Licence

Live Borders

Retail Shop
The Great Tapestry of Scotland
14-22 High Street
Galashiels
TD1 1SD
(Provisional)

The premises were a purpose built exhibition centre for the Great Tapestry of Scotland, situated within Galashiels town centre. The area to be licensed is the ground floor retail shop for the purposes of off sale provision of local spirits and beers.

Licensed hours applied for:

ON SALE

N/A

OFF SALE

Sun to Sat 10.00am – 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for the grant of a premises license together with proposed Operating Plan and proposed layout plan. Mr Wynne explained that the premises had been purpose built to house the Great Tapestry of Scotland. The area for the off sales was the ground floor retail area where they proposed to sell local produce to include local gins and beers. The application was within policy and there had been no objections. Police Scotland had no comment.

The Convener welcomed Mr Baxter, Shop Manager to the meeting. Mr Baxter re-iterated what Mr Wynne had said and confirmed that this was similar to other gift shops throughout Scotland and was for off Sales only.

DECISION

AGREED TO GRANT.

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair 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 make an early decision.

4.0 EXTENSION OF LICENSING – KINGS CORONATION

There had been circulated copies of a letter dated 20 February 2023 from Mr Wynne, Licensing Standards and Enforcement Officer. The letter explained that the Kings Coronation week-end would be held Thursday, 4 to Sunday 7 May 2023 inclusive and it was anticipated that some licensed premises within the Scottish Borders may apply for extended hours to their premises licence.

- 4.1 The letter went onto explain that in terms of Section 67 of the Licensing (Scotland) Act 2005, the Board may determine that it was appropriate to grant a general extension of licensed hours for the Kings Coronation holiday weekend. This extension would apply from Thursday, 4 May 2023 to Sunday 7 May 2023 inclusive and would allow an extension of the terminal hours for the sale of alcohol during that period until 1 a.m. The extension would only apply to on sales of alcohol. There would be no general extensions beyond this although any applications for extended hours out with the general extension would be considered on a case-by case basis. It was noted that the majority of licensed premises within Scottish Borders Council had licensing Hours to 1 a.m. on Thursday/Friday /Saturdays, although not on a Sunday and approving a general extension would negate the submission of extended hours applications to the Board.

DECISION

AGREED to grant a general extension of licensed hours for the Kings Coronation Holiday Weekend to apply from Thursday, 4 to Sunday 7 May 2023 to allow an extension of the terminal hour for the sale of alcohol during that period until 1.00 a.m.

**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

5.0 ALCOHOL PROFILING

There was a presentation from Susan Elliot, ADP Coordinator on Alcohol Profiling within the Scottish Borders.

6.0 MINUTE

The Board considered the Private Minute of the Meeting held on 27 January 2023.

The meeting concluded at 10.30 a.m.

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