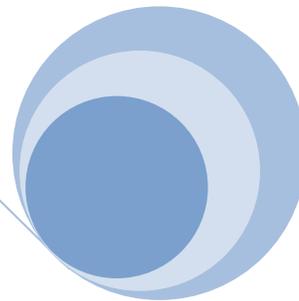




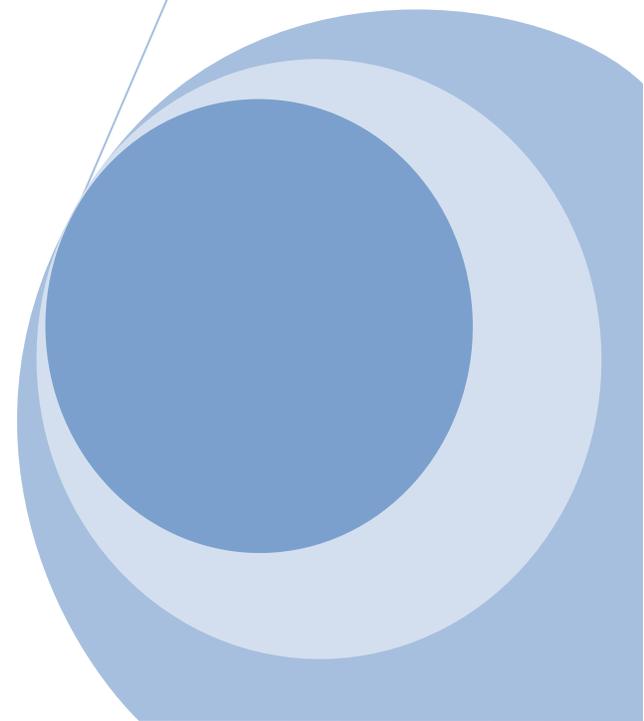
Scottish Borders Licensing Forum



Annual Report 2014-15

Ian Tunnah (Convener)

22.10.15



Membership/Acknowledgements

Over the previous year, the Forum has continued to be active in the Scottish Borders and has met four times. The Licensing Forum (Forum) has seen changes within the membership including new members from Police Scotland, Community Councils and Trade as well as the role of the Convener.

The forum would like to formally thank Cllr Ballantyne (Ex – Convener), Chief Insp Paula Clark, Sandy Craig and Elaine Whitehead for their support and contribution in taking the Forum forward over the previous years.

The forum would also like to thank Anne Isles for her advice and support on legal matters since the Forums' inception.

Ongoing support has also been provided by Alcohol Focus Scotland throughout 2015 which the Forum would like to acknowledge.

Overview of activity

Survey

In the Spring the Forum agreed to carry out a self assessment questionnaire to help identify any developmental needs. Each member of the Forum was asked to complete the survey online to help identify how they feel the Forum is currently performing and where individual members feel more information and support would enable the Forum to function better. This identified a number of areas for improvement and action. These included:

- Communication with forum members, members of the community and Licensing Board.
- Specific training on impact of Licensing Act, Policy Statement and how licensing decisions are made.

A formal presentation was made to the Forum members regarding the outcomes of the survey and Alcohol Focus Scotland were invited to attend to support discussion around further training needs. Please see [Appendix 1](#) for the Survey Report.

Licensing Board Attendance

Forum members have continued to attend Licensing Board monthly meetings when able, it is, unfortunate however that more of the members are not able to attend due to work or other commitments. It is intended that this issue is partially addressed in the future by Forum members giving more attention to the Licensing Board Minutes, with those who do attend explaining the reasoning etc. used by the Board to determine applications, i.e. Licensing Objectives, Policy, Alcohol Profile etc.

The confusion around Boards policy was noted on several occasions, a worthwhile suggestion may be for regular awareness/training sessions particularly when applications highlighted as being out with policy are listed on the Boards Agenda, and perhaps greater clarity with reference to the Policy once any such applications are determined. The Forum members do appreciate that every application is determined on its own merits and that the Boards Policy does allow a fair degree of flexibility.

Training

Development Day

A development day was designed based on the identified need from the Forum Survey by Alcohol Focus Scotland, Licensing Standards Officer & ADP Development Officer. This was piloted in September 2015 with the view that this could rolled out to other Forums in Scotland. See Appendix 2 for a copy of the training booklet.

This training brought together members of the Legal and Licensing Team and Forum members for a day to increase awareness of the role of both the Licensing Forum and Board. This included case studies, difficulties and opportunities for Licensing Boards, increase understanding of how the Licensing Board makes its decisions and the basis that decisions are made i.e Statement of Licensing Policy, Overprovision and Licensing Objectives. The outcome of this training day allowed the development of an Action Plan for the Forum which includes:

- Statement of Licensing Policy 2013 – 2016 Review
- Community Engagement (Forum input to Area Forums)
- Improve understanding of Licensing Board decisions
- Publication of Alcohol Profile.

This Action Plan is attached as [Appendix 2](#) for your information.

The training evaluated positively and members agreed that this was a valuable exercise.

Awareness Inputs

In addition to the Development Day, the Forum has also had awareness inputs by the Licensing Standards Officer/ADP Development Officer on the following Bills:

- Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill
- Air Weapons and Licensing (Scotland) Bill (now Act)

The aim of this is to ensure Forum members are kept fully informed as to proposed changes.

Profile

The third edition of the Alcohol Profile is currently underway. As part of the ongoing collaboration with the Licensing Board, a survey was carried out with members in October 2015 to identify how helpful the Profile is in supporting them in their business and any required improvements. A report was sent to both the Licensing Forum and the Licensing Board with the results. Please see [Appendix 3](#).

Areas of improvement identified by Board members have now been incorporated into the Draft Alcohol Profile and it is hoped by the Forum that this resource is utilised fully.

Forum representatives from the Trade have also created a short survey to gather a snapshot of views within their own communities reflecting changes in consumption patterns (Hawick/Kelso).

Finance

No costs have been incurred other than catering for the Development Day.

Appendix 1

Scottish Borders Local Licensing Forum Survey

Susan Walker

ADP Development Officer

ADP Support Team

March 2015

Contents

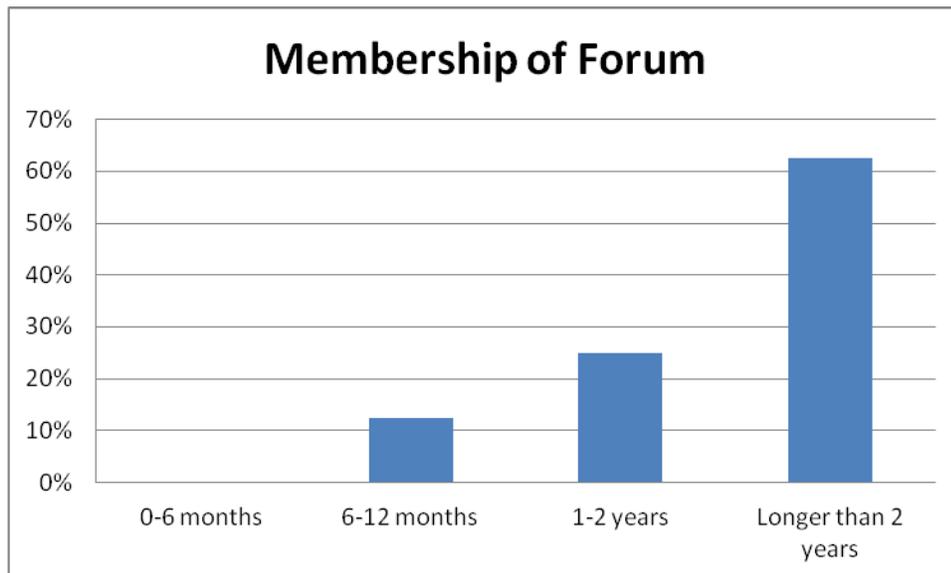
- 1. Introduction..... 3
- 2. Length of time on Forum 3
- 3. Communication with Forum members..... 4
- 4. Communication with members of community..... 5
- 5. Communicating with Licensing Board 6
- 6. Data, research and evidence 7
- 7. Leadership 8
- 8. Role of Forum 9
- 9. Training needs 10
- 10. Other comments made..... 12

1. Introduction

Scottish Borders Licensing Forum (Forum) agreed to carry out a self assessment questionnaire on 27th January 2015 to help identify any developmental needs. Each member of the Forum was asked to complete the survey online to help identify how they feel the Forum is currently performing and where individual members feel more information and support would enable the Forum to function better. The benefit of completing the survey allows members to remain anonymous and present their opinions about the Forum. A total of 8 responses were received which was a 50% response rate. This report collates the responses received and will be presented to the Forum on 24th March to enable members to reflect on the survey responses and identify areas for improvement and action.

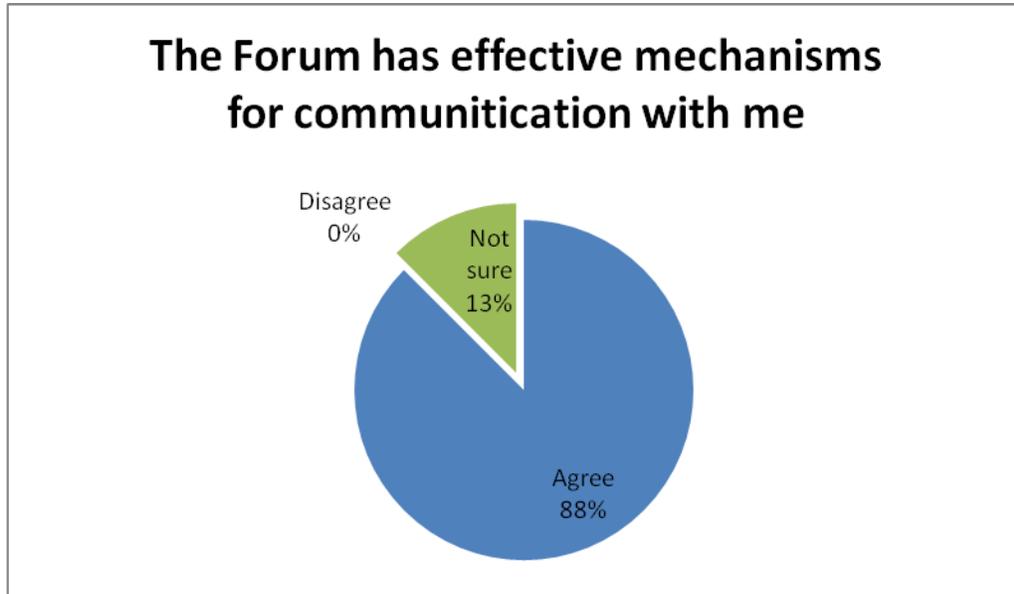
2. Length of time on Forum

The majority of respondents (5) who responded to the survey had been a member of the Forum for longer than 2 years.



3. Communication with Forum members

Members were asked if they felt the Forum has effective mechanisms for communicating with them. The large majority (7) felt that the Forum did.



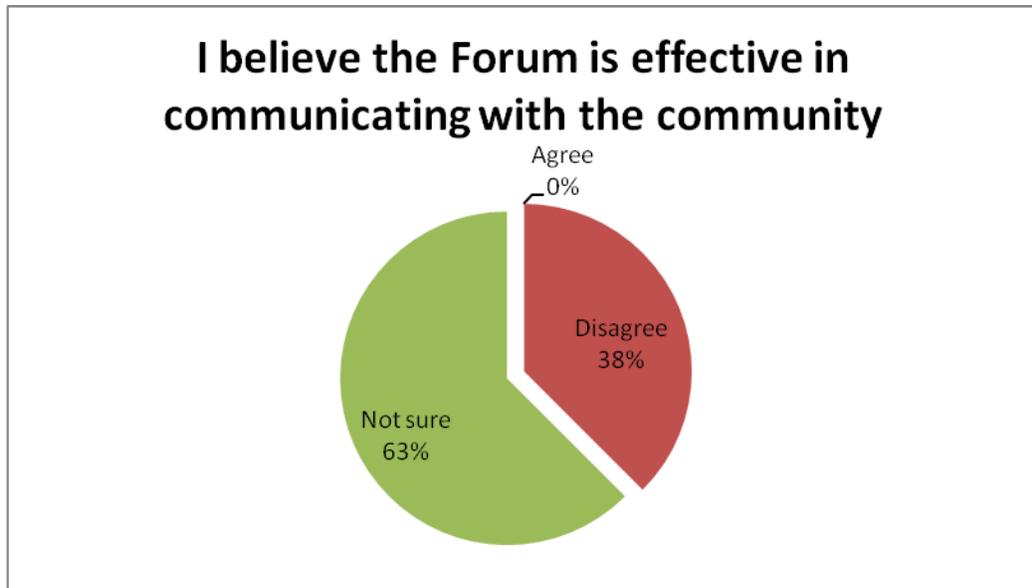
Email was felt to be the most effective method via Admin Support in SBC who can ensure that all information is passed through them. The webpage hosted on SBC was also highlighted as a useful resource to provide an overview of the Forum. However, one participant highlighted previous issues with email communication not being received.

Summary of Improvement suggestions:

- Large documents to be provided on paper copy
- Ensure all members have access to emails
- Request email receipt to ensure everyone has received information
- Ensure email distribution list regularly reviewed to ensure up to date and active

4. Communication with members of community

Results showed that respondents were either unsure (5) or did not feel (3) that the Forum was effective in communicating with members of the community.



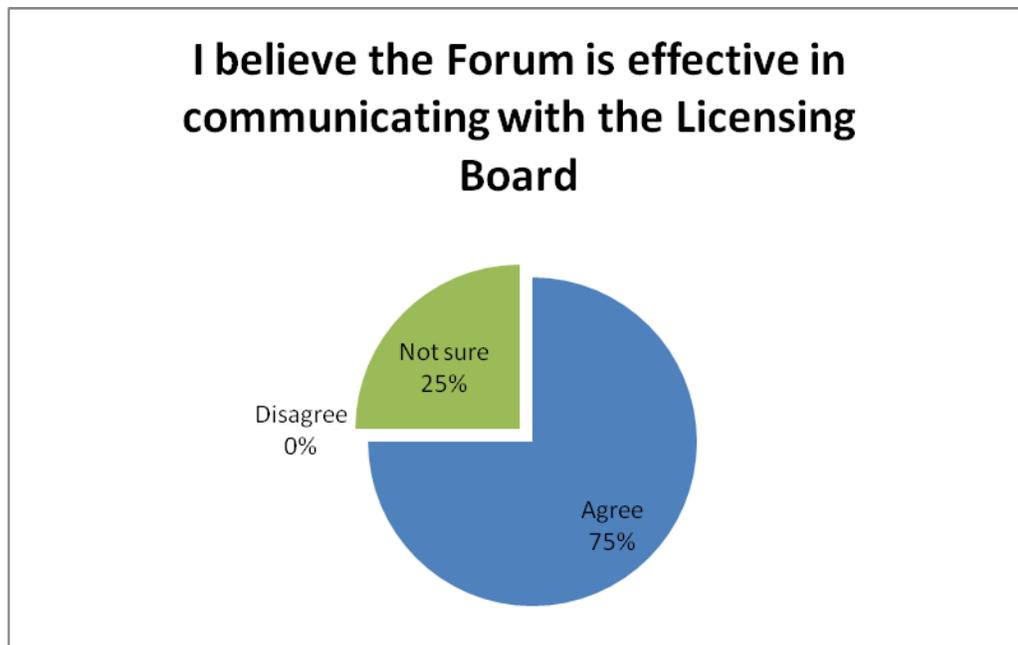
Respondents noted that they were unclear about whether members of the community were aware of the Forum and its role and that comments from the community were not actively sought. Respondents highlighted various previous attempts to do this via website, articles in media, local conference and community council attendance .

Summary of Improvement suggestions:

- More advertising through local media
- Contribute to local community council newspapers and seek feedback
- Improve the involvement of representatives from wider community
- Find out where would be best to inform community about Forum
- Explore how other LLFs are able to bring community views to the table
- Ensure webpage kept up to date with access to minutes etc.
- Briefing note to Community Councils with role of Forum, activities and how they can feed in concerns about licensing from community to Forum
- Follow up on Community Learning and Development representation

5. Communicating with Licensing Board

The majority of respondents (6) felt the Forum is effective in communicating with the Licensing Board however a quarter of respondents were unsure.



The joint meeting between the Licensing Board and the Forum was highlighted as a helpful process to inform each other of work undertaken in previous year. Respondents highlighted that most board members were both interested in what the Forum was reporting and 'had some previous knowledge of previous topics which was encouraging'. However some respondents were not sure whether this is as effective as it could be and in particular one participant felt there was still some work to be done to help the board understand how things are 'at the coal face'. That said, respondents noted that the annual meetings had improved over time with positive dialogue.

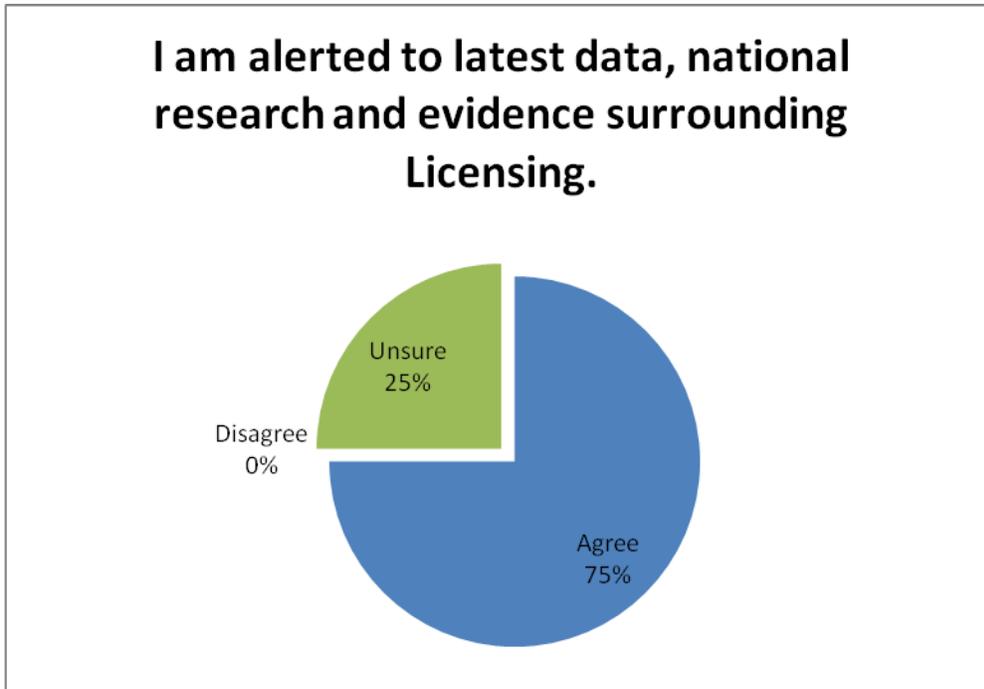
Summary of Improvement suggestions:

- Joint Training (3 respondents suggested)
- Discuss in the Forum what would be helpful to receive from the Licensing Board. (? quarterly report to Forum on statistics that were presented at previous annual report)
- Progress suggestions to have 2 annual meetings with the Licensing Board (One for scrutiny and one for training/discussion)
- Ask the Licensing Board what they would find helpful from the Forum
- Revisiting the roles of each and refreshing joint training where the interface could be reinforced and built on

- Continued communication

6. Data, research and evidence

The majority of respondents(6) felt they were alerted to latest data, national research and evidence surrounding Licensing. However a quarter of respondents were unsure.



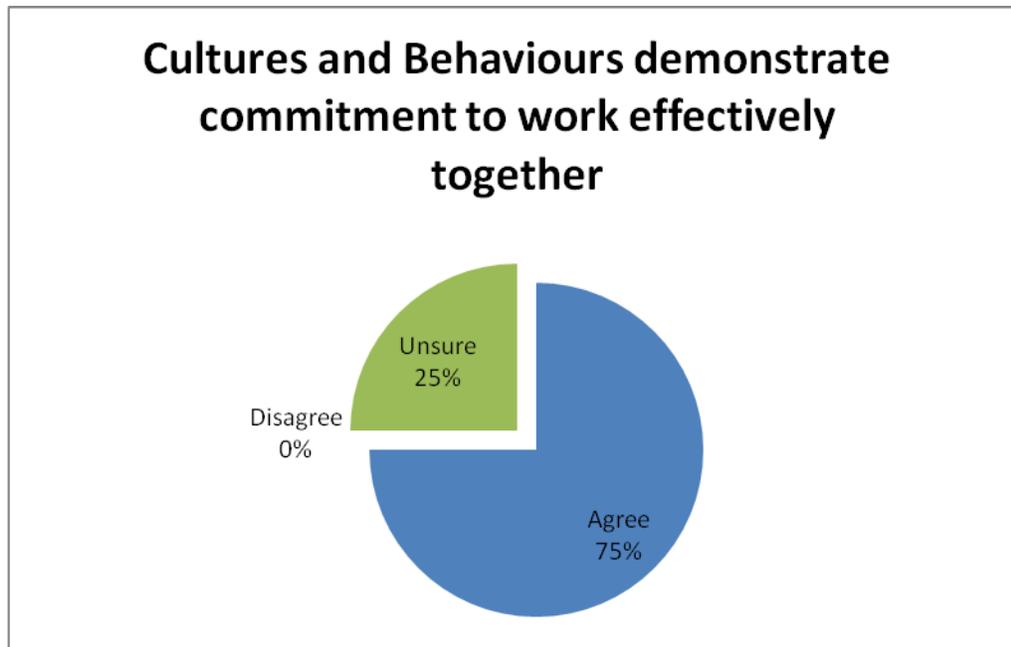
Regular bulletins from Alcohol Focus Scotland, health statistics and consultations were identified by respondents. However it was noted that one participant had identified some interesting studies whilst conducting their own research but had not been alerted to this via the Forum.

Summary of Improvement suggestions:

- Ensure members have access to internet/emails
- Consider development of E-Newsletter for Board and Forum on latest **local** licensing news e.g. update on alcohol profile, test purchasing, responsible drinking initiatives, Best Bar None.

7. Leadership

The majority of respondents (6) felt that the overall culture of the Forums and the behaviours typically displayed by individual members demonstrate a commitment to work together effectively. A quarter of respondents were unsure.



Respondents noted that all members share ideas and there are open and constructive discussions that take place in the Forum meetings. Members are willing to listen to issues/concerns objectively and the Chair recognises what is said. Previous joint work by members was identified and respondents felt there was a good mix within the Forum. Some members were recognised by respondents as 'being more proactive (potentially because of their jobs)' and having staff who work closely with the Board in attendance (LSO and Clerk) was also found to be helpful in discussions.

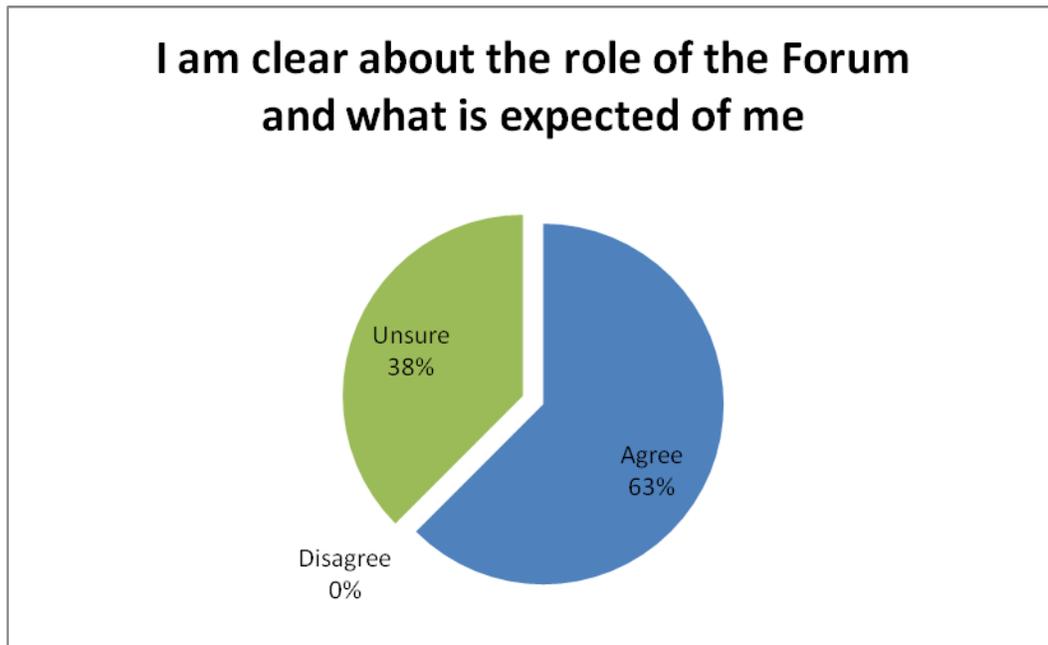
Summary of Improvement Suggestions:

- Induction training for new members (3 respondents suggested)
 - Group training very beneficial, not sure a DVD would have same effect
 - Could include meeting other Forum members and the different roles e.g. LSO, Trade, Police, Health
- Regular CPD for all members including revisiting the role of the Forum
- As part of the role of the Forum, look at events/sessions which are designed to support the local licensing trade.

- Important that new Forum members are given opportunity to ask questions and feel safe in doing so as well as longer term members.
- Switch off /silence mobile phones

8. Role of Forum

Members were asked if they were clear about the role of the Forum and what is expected of them. 62% (5) of respondents agreed with this however 38% (3) of respondents were unsure.



Some respondents commented that although they were clear on the role of the Forum they were not so clear about what is expected of them other than attend meetings and to possibly get involved in ongoing activity of the Forum. Previous personal license training has also helped understanding for some respondents. One participant commented that 'sometimes I feel we cover more areas than I expected to cover' however it was unclear from this response if this was viewed as positive or not.

9. Training needs

The majority (7) of respondents felt they had sufficient knowledge, understanding and experience of current licensing law in Scotland. When asked if they would like more training on the following areas, the number of respondents who ticked yes is outlined below:

Topic: Licensing Law	Number of respondents who ticked topic as learning need
The purpose of licensing (e.g. to regulate sale of alcohol, the five licensing objectives)	1 (out of 6)
Scottish Borders Statement of Licensing Policy 2013 – 2016	2 (out of 6)
The different roles in licensing (e.g. the Licensing Board, Local Licensing Forum, Health Board, Police, Licensing Standards Officer)	1 (out of 6)
How licensing decisions should be made (e.g. using the statement of licensing policy, legal grounds for grant/refusal)	3 (out of 7)
Developing a statement of licensing policy (e.g. evidence and consultation)	5 (out of 7)
Conditions that can be attached to licensed premises (e.g. national mandatory conditions, local conditions, relation to the sale of alcohol)	2 (out of 7)

Again the majority (7) of respondents felt they had sufficient knowledge and understanding of alcohol issues. When asked if they would like more training on the following areas, the number of respondents who ticked yes is outline below:

Topic: Alcohol Issues	Number of respondents who ticked topic as learning need
The context of alcohol in society (economic impact, role of National and Local Government, advertising policy and impact, effects of drink driving laws)	2 (out of 7)
Impact of Licensing (Scotland) Act 2005	5 (out of 8)
Alcohol and public disorder (e.g. drinking patterns, licensed hours and outlet density, harm reduction measures for licensed premises)	3 (out of 7)

Alcohol and health (e.g. short- and long-term impacts of binge drinking and heavy drinking; level of alcohol use/health harm locally)	1 (out of 5)
Alcohol and social harm (e.g. impact on crime, communities, children, education, social work)	3 (out of 7)
Overprovision (e.g. links between availability of alcohol and alcohol harm)	2 (out of 7)
Strategies to reduce alcohol harm (e.g. population based approach, outlet density, harm reduction, harm prevention, minimum pricing, marketing)	3 (out of 7)

From the survey it appears the following areas of training would be of most benefit to members:

- Impact of Licensing (Scotland) Act 2005
- Developing a statement of licensing policy (e.g. evidence and consultation)
- How licensing decisions should be made (e.g. using the statement of licensing policy, legal grounds for grant/refusal)
- Alcohol and public disorder (e.g. drinking patterns, licensed hours and outlet density, harm reduction measures for licensed premises)
- Alcohol and social harm (e.g. impact on crime, communities, children, education, social work)
- Strategies to reduce alcohol harm (e.g. population based approach, outlet density, harm reduction, harm prevention, minimum pricing, marketing)

Format of training:

Face to face training with inputs from different speakers was the favoured method of delivery. However online and shadowing was also acceptable to some respondents.

	Yes	No	Unsure	Total Respondents
Face to face inputs	87.5% (7)	12.5% (1)	0	8
Online Training	43% (3)	43% (3)	14%	7
Shadowing	29% (2)	71% (5)	0	7

Timing of training:

From information provided, the most desirable timing for training would be afternoon, although 4 out of 5 respondents also noted a full day to be helpful.

	Yes	No	Total Respondents
Morning	80% (4)	20% (1)	5

Afternoon	100% (6)	0	6
Evening	0	100% (2)	2
Full Day	80% (4)	20% (1)	5

One participant highlighted the benefit of having a development day as follows:

- 10.00am – 3.00pm
- Inputs from variety of speakers
- lunch (networking)
- Improvement suggestions from needs identified from survey

10. Other comments made

Some more general comments were made as follows:

- I was fortunate that my job was in a licensed premise. I had also done my personal license holder training. Before joining the Forum, I done formal Forum training with other Forum members from throughout Scotland
- Training by way of speakers would be useful, although sessions would need to be fairly short to ensure retention span, costs would however have a big impact on this.
- The real decisions regarding alcohol misuse are being avoided by Politicians on all sides simply because tackling it would prove unpopular with the voting public. Things will continue in the current vein until either the government’s policies or the public’s perception changes.
- Nothing has been discussed about how the Forum can work with the Licensed Trade as in this economic climate this is important for all communities. Alcohol consumption is controlled on trade and more work should be undertaken to support this area. All data seems to be collected on medical issues and social aspects are being ignored. Hospitality employment is crucial in rural areas and should not be compromised.
- Consider bi-annual conference (previous one carried out in Nov 13) as part of CPD. Like to be made aware of any training for Forum members outwith Borders where other Forums would be attending.
- Some members have just stopped attending. Where this happens could there be an exit type exploration about their reasons for leaving to help identify any improvements required in Forum/understanding of role?

Appendix 2

Local Licensing Forum Action Plan 2015 - 16

	What we need to do	Action	Lead	Timescales	Outcome	Status
1	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
2	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.	Police		LLF keeps under review the decisions made by the Licensing Board and implementation of the Licensing (Scotland) Act 2005 in Borders.	
		Send out LB minutes of meetings held between LLF meetings.	Committee Officers	ASAP		Ongoing
		Have LB minutes as standing item on LLF agenda for review and discussion.	Committee Officers	First meeting 2016		Complete
		Request annual report for joint meeting	Chair	ASAP		

		in December 2015 to be circulated prior to the event.				
3	Ensure communities are better able to respond to applications and views will be considered by Licensing Board.	Find out how to access Area Forums: Berwickshire – Pauline Bolson pbolson@scotborders.gov.uk Cheviot – Fiona Henderson fhenderson@scotborders.gov.uk Eildon – Fiona Walling fwalling@scotborders.gov.uk Teviot & Liddesdale – Judith Turnbull judith.turnbull@scotborders.gov.uk Tweeddale – Kathleen Mason kmason@scotborders.gov.uk	Fiona Walling	End October	Improved community engagement and appropriate responses made.	Complete
		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/Claire Penny/ Other rep from Legal Team	End December 2016	Improved community engagement and appropriate responses made.	

4	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	
5	Improve engagement with Licensing Board	Liaise with Clerk to Board about joint CPD sessions (suggest first one on Air Weapons and Licensing (Scotland) Bill at joint meeting on	Chair	06.10.15	Improved knowledge and awareness of Licensing legislation	Complete
6	Improve membership to capture Education/Social Work/Young People representation	Discuss with Community Learning & Development.	Susan Walker	End Dec 2015	Improve representation on LLF.	Not started
7	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	Not started
8	Review Licensing Board Statement of Policy 2013 – 2016	Specific meeting to be set up to start work on this	Committee Officer	12.1.16	Increased understanding of Board Policy	Not started

9	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	Ongoing
		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

Appendix 3

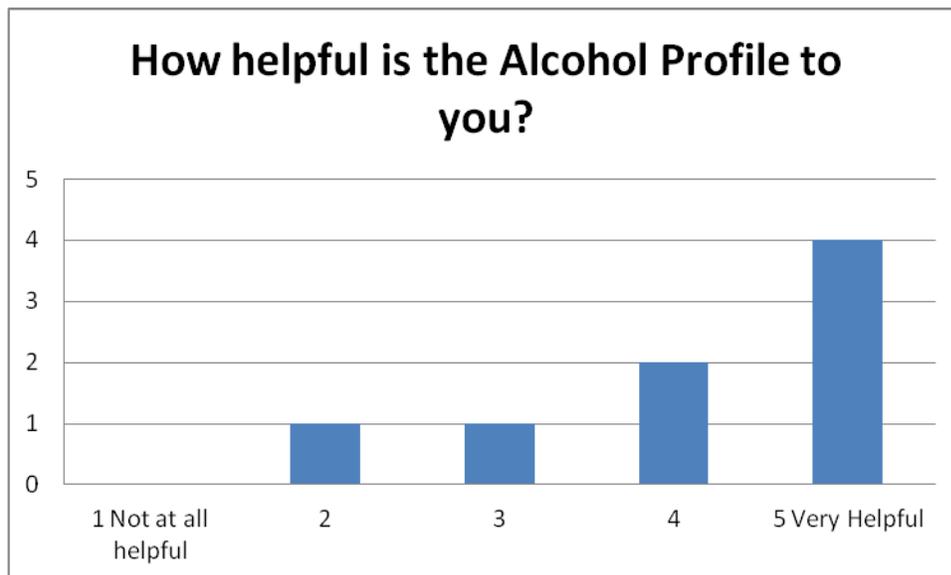
Alcohol Profile Survey: October 2015

The Local Licensing Forum carried out a review of the Alcohol Profile ('Profile') by Licensing Board members about how helpful this was in supporting them in their business and if Profile met their needs. This information will be used to support the development of the 2014-15 Profile.

A summary of the responses is presented below.

1. **Total number of responses:** 8 (80% response rate)
2. **How helpful is the Alcohol Profile to you as a Licensing Board Member?**

The table below shows that although the majority of responders felt the Profile was helpful however there were a couple of individuals that had differing views.

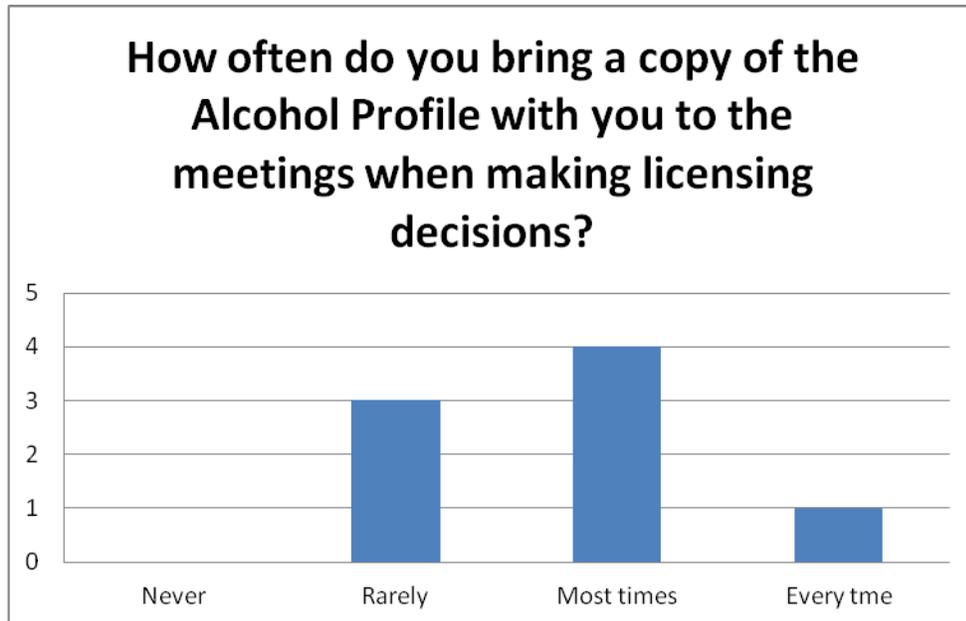


3 What could make the Profile more helpful?

- Please update us on any developments e.g regarding Board decisions elsewhere. Continue to advise us of your meeting dates and agenda

4 How often do you bring a copy of the Alcohol Profile with you to the meetings when making licensing decisions?

Five individuals responded that they brought the Profile to all or majority of Licensing Board meetings and three individuals rarely brought it along.



5 What would make you bring it more often?

- If I thought the content could back up a decision
- Better memory

6 What data would you find helpful to include in the Profile (subject to availability?)

- More information on testing of off licenses especially those that pass successfully and the number carried out.
- More accurate figures on problem areas, not just highlighting night clubs, where you are always going to have problems
- Perhaps a pull out section of statistics/graphs showing ups and downs of our position in the Borders with comparators over other areas
- I find the data available very useful

- Probably unlikely but it would be good to have some indication of the amount of alcohol being sold in supermarkets and off-sales shops. The reason being that in my opinion most folk are now drinking a significant amount of alcohol at home then going to licensed premises.

Commentary

The feedback from the survey is broadly supportive of the Profile but it is recognised that more data on off-sales activity, problem areas and comparisons on the data with other areas would be desirable.

Recommendations

Recommendations on the development of the 2014-15 Profile are:

- Build on the Off-Sales data and impact on overall Licensing Objectives
- Provide Matrix to give better indication of 'problem areas' based on Licensing Objectives
- Consider including capacity of off-sales premises data for Over provision Statement
- Carry out benchmarking with similar local authority areas as per Local Government Benchmarking Framework where data is available
- Include Test Purchasing Information