

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL LICENSING FORUM held in Council Chamber, Council Headquarters, Newtown St Boswells on Tuesday, 4 October, 2016 at 4.00 pm

Present:- I. Tunnah (Convener), S. Bell, N.W. Gillies, R. Mackay, J. Taylor, G. Todd, S. Walker, PC Lackenby (Police Scotland).

Apologies:- M. W. Hay

Also present:- Councillor W. Archibald (Convener – Scottish Borders Licensing Board)

In Attendance:- M. Wynne (Licensing Standards Officer), M. Smith (Youth Community Learning & Development Officer), F. Walling (Democratic Services Officer).

CONVENER

The Convener welcomed to the meeting Mark Smith, Youth Community Learning & Development Officer for Eildon and Councillor Archibald, Convener of Scottish Borders Licensing Board. He then asked for a round of introductions

1. ORDER OF BUSINESS.

The Convener 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. MINUTE

There had been circulated copies of the Minute of the meeting held on 22 March 2016.

DECISION

APPROVED the Minute for signature by the Convener.

3. MATTERS ARISING

With reference to paragraph 2 of the Minute, the Convener gave an update regarding the 'Pub is the Hub' initiative. The Allan Ramsay Hotel had joined the scheme and was offering a programme of entertainment and events as well as walks in the Carlops area.

DECISION

NOTED

- 3.2 With reference to paragraph 3.4 of the Minute the Convener confirmed that presentations on licensing issues had been given to all five Area Fora, by himself, Susan Walker and Mike Wynne. Ms Walker added that further input could be provided on request to any Community Council, in the form of a presentation or copies of the Alcohol Focus Scotland Community Toolkit.

DECISION

NOTED

4. INN-KEEPER - ALCOHOL LICENSING DATA

With reference to paragraph 5 of the Minute of 22 March 2016, regarding the IT software system known as Inn Keeper, there had been circulated a consultation note produced by Alcohol Focus Scotland. The note raised the question as to whether there was a need

for improved access to licensing data. It was recognised that the availability of good quality data had been associated with successes in addressing the objectives of the Licensing (Scotland) Act 2005. However, on the whole, national and local data relevant to licensing was not being collected consistently or in a manner which allowed for meaningful comparisons. Inn Keeper, the IT software solution used by police for recording liquor and civic licensing issues, combined administrative licensing data with information on alcohol-related crime and disorder issues. All information related to licensed premises was recorded on the software, including: numbers of licensed premises; operating schedules and layout plans; details of breaches of licensing conditions; information regarding anti-social behaviour related to alcohol; details of any inspections to licensed premises by police; and details about premises including capacity. The police already shared data from Inn Keeper with key stakeholders as part of the licensing process e.g. when providing comment to licensing boards on individual licensing applications. However, some of the data could be useful to other individuals and agencies involved in licensing and licensing policy, including Local Licensing Forums. Alcohol Focus Scotland was asking the following questions:

1. What types of information, if any, would you wish to access from Inn Keeper?
2. For what purposes and in which ways would this information be used?
3. Were there any other stakeholders you think may benefit from access to the information contained on Inn Keeper?

4.2 Ms Walker pointed out that cross referencing with Inn Keeper would be a useful way of capturing data for the preparation of the annual Alcohol Profile. Information of relevance would be the number of licensed premises; number of occasional licences; record of anti-social behaviour related to premises, which would be of assistance in identifying problems associated with supermarket and off-license sales; and information on premises and capacity, to support an over-provision statement. PC Lackenby stressed that the software was new and that, as no additional resources had been identified to populate the system, it would take five years for it to be fully up to date. With further reference to paragraph 5 of the Minute of 22 March 2016, Mr Gillies raised again the question of how occurrences of 'Incident on Licensed Premises' (ILP) were recorded on Inn Keeper. This issue, which was also recently raised in the Scottish Licensed Trade News, focused on the perception that a licensee who contacted the police to report an incident would automatically receive a negative record against the premises. PC Lackenby explained that there was no specific facility on Inn Keeper to record either a positive or negative mark for the premises associated with an ILP. However there was an additional unallocated box against which there was a space to add other information. PC Lackenby had initiated a process by which this box was used to record, as either positive or negative, the way in which the premises involved had handled the incident. Since he had started recording this information he had noted 10 positive and 2 negative occurrences. Members of the Forum welcomed the initiative being taken by PC Lackenby and asked for this to be flagged-up as an example of good practice in the Borders. The Convener agreed to raise the issue at the police liaison meeting and ask for this to be recognised as a positive course of action.

DECISION

AGREED that:-

- (a) **a response to the AFS consultation on Inn Keeper be submitted, on behalf of the Scottish Borders Local Licensing Forum, to the effect that for the purpose of capturing data for the Alcohol Profile the Forum would wish to access the following types of information:-**
 - (i) **the number of licensed premises and occasional licenses;**
 - (ii) **incidents of anti-social behaviour related to premises; and**

(iii) details about premises including capacity.

(b) that the process be continued in the Scottish Borders of recording on Inn Keeper, as either positive or negative, the way in which ILPs were handled by the licensed premises involved and that this action be recognised as good practice.

5. **FEEDBACK FROM WORKING GROUP ON LICENSING BOARD POLICY STATEMENT**

With reference to paragraph 3.1 of the Minute of 22 March 2016, the Convener confirmed that the short-life working group of N. Gillies, M. Hay, I. Tunnah, S. Walker and M. Wynne had met to identify the areas of change evidenced by the Alcohol Profile in order to bring these to the attention of the Licensing Board. It had been suggested that, as the publication of the new Statement of Licensing Policy was not due until November 2018, the Licensing Board may wish to produce a Supplementary Policy in the meantime. As the last meeting of the Licensing Forum had been cancelled due to lack of a quorum, this was the first opportunity for the Forum to discuss the findings of the working group. A table of suggested amendments for a Supplementary Policy within the Scottish Borders Statement of Licensing Policy had been circulated with the agenda. The Convener highlighted the main suggested amendments, explaining that the focus had been on removing sections of the policy that were considered irrelevant. Members of the Forum discussed the amendments. It was noted that the statutory timescale required to process a Supplementary Policy may be a limiting factor. However it was agreed that the document would be a good starting point for the review of the policy by the new Scottish Borders Licensing Board following the Local Government election in May 2017. Members agreed that the Convener should write to the Licensing Board with a copy of the Working Group's suggested amendments to the Policy.

DECISION

AGREED that the Convener write to the Scottish Borders Licensing Board with a copy of the Forum's suggested amendments to the Scottish Borders Statement of Licensing Policy.

6. **POLICE REPORT**

PC Lackenby explained that his report included statistics for the period from 1 April to 31 May 2016 which had been prepared for the previous meeting of the Forum that had been cancelled; the second reporting period being from 1 June to 30 September 2016. As referred to in paragraph 3 above, PC Lackenby confirmed that, on 23 March 2016, the new Police IT system Inn Keeper, for both Liquor and Civic Licensing, went live. The system would provide a powerful database which would allow licensing officers to access information no matter where they were based. Graphs within the report summarised the number and type of offences that had taken place on licensed premises over the two time periods. There continued to be a high number of thefts involving alcohol. Violence also gave cause for concern. The graph for the period 1 June to 30 September 2016 showed an increase in violence both within and in the vicinity of licensed premises. This had been recognised as a problem that required additional resources and there were ongoing discussions on how best to tackle this. Police had been involved in a number of large events which had not caused any concerns, including Melrose 7s, Common Ridings and Riverside Rock, Jedburgh. Police and Licensing Standards Officers had given a presentation to staff and volunteers at the new Burnfoot Hub, Hawick, to provide guidance of event licensing. PC Lackenby added that they would like to visit more licensed premises to provide the 'Who Are You' training. With regard to the 'Protecting Children From Harm' role, there had been two test purchasing operations since January. The results were very disappointing with three off-sale premises failing in one evening. All three were retested and passed. Police reports were submitted to the Procurator Fiscal for all three failures. A recent application for an occasional licence for a children's entertainment show in Galashiels saw objections being submitted from the Licensing Standards Officer, Health and the Police. At the subsequent Licensing Board hearing the Board agreed with the concerns raised and refused to grant the license. With reference to

paragraph 5 of the Minute of 22 March 2016, the report provided statistics from Inn Keeper regarding objections to license applications made by Police. This showed that, in the period 1 April to 31 May 2016, there had been 18 variation applications processed. A representation on one had been submitted which resulted in the application being amended at the Board hearing. A total of 273 occasional and extended hours applications had been processed but no objections or representations had been submitted. For the period 1 June to 30 September 2016, Police had processed 31 variation applications and submitted an objection for one which had yet to be heard at the Board. A total of 417 occasional and extended hours applications had been processed in that time period. An objection for one was submitted, subsequently refused by the Board as referred to above and representations submitted for three which were subsequently withdrawn. The Convener thanked PC Lackenby for the report.

DECISION

NOTED the report.

7. ALCOHOL CONSUMPTION AND SALES 2015

There had been circulated an information sheet, produced by NHS Health Scotland, summarising alcohol consumption and price in Scotland in 2015. A graph showed the number of units of alcohol sold per adult per week in Scotland and in England/Wales from 1994 to 2015. The latest data showed that, after a fall between 2009 and 2013, alcohol sales in Scotland had increased in the past two years. The figures also showed that in 2015, 20% more alcohol was sold per adult in Scotland than in England and Wales. The increase in alcohol sales in Scotland was due to more alcohol being sold in supermarkets and other off-licences. In 2015, almost three-quarters (74%) of alcohol sold in Scotland was sold from supermarkets and off-licences. With regard to price, the average price of a unit of alcohol sold in supermarkets and off-licences had stayed the same since 2013, while the price in pubs and clubs continued to increase; the average price per unit in Scotland in 2015 being 52p and £1.74 respectively. Other key statistics about sales in Scotland revealed that beer sales had stabilised since 2013 having declined each year since 1994. In 2015 sales of spirits increased for the first time in 6 years and wine sales reached their highest level for over 20 years. The key message was that the downward trend in alcohol sales in Scotland had reversed, due to higher sales through supermarkets and off-licences. This coincided with a flattening of the price of alcohol sold by these retailers. Ms Walker confirmed that members of the Forum were free to use the material presented in the publication at any presentations/information sessions.

DECISION

NOTED.

8. ACTION PLAN UPDATE

The updated Local Licensing Forum action plan had been circulated. Each of the outstanding items were addressed and advice given as to the current position. Actions were recorded as complete as appropriate. With regard to the aim to develop and maintain a database with outcomes of decisions made by the Licensing Board, where objections had been made, PC Lackenby advised that this could not be produced from Inn Keeper and was more difficult to set up than first envisaged. The action remained ongoing. The action to visit all 5 Area Fora to increase community's awareness of Licensing Board Policy was complete. However Mr Smith agreed that it would be useful for the presentation to be given to other groups through Community Learning and Development. The Convener agreed to liaise with Mr Smith to take this forward. In relation to the ongoing action to improve membership of the Forum to capture Education/Social Work/ Young People representation Mr Smith was keen to develop the involvement of young people who, he believed, were interested and wanted to make effective change. In consideration of an action plan for the forthcoming year, Mr Wynne agreed to take this forward with the support of the Convener and Ms Walker.

DECISION

(a) NOTED

- (i) the updates to the action plan; and**
- (ii) that Mike Wynne would develop a new action plan for October 2016 to October 2017, with the support of the Convener and Susan Walker.**

(b) AGREED that the Convener take forward with Mark Smith the involvement of Community Learning and Development to increase community's awareness of licensing issues and the involvement of young people in particular.

9. SCOTTISH BORDERS LICENSING BOARD MINUTES

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 18 March 2016, 5 April 2016, 22 April 2016, 20 May 2016, 13 June 2016, 22 July 2016 and 19 August 2016.

DECISION

NOTED the Minutes.

10. ANNUAL REPORT FOR JOINT LICENSING BOARD/LOCAL LICENSING FORUM MEETING

It was noted that the annual Scottish Borders Licensing Board/Local Licensing Forum joint meeting would be held on Tuesday 22 November 2016 at 4 pm at Council Headquarters. A copy of the 2014 – 2015 report had been circulated for information. The Convener agreed to draft a report for 2015 - 2016 in similar format. Ms Walker advised, however, that due to other work commitments, a revised edition of the Alcohol Profile would not be completed before the joint meeting but should be available by the end of the financial year.

DECISION

AGREED that the Scottish Borders Licensing Forum 2015 – 2016 annual report be drafted by the Convener, with the support of Mike Wynne and Susan Walker and be circulated by email to members of the Forum for approval.

11. ANY OTHER ITEMS WHICH THE CONVENER DECIDES ARE URGENT. 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.

11.2 ALCOHOL FOCUS SCOTLAND REGIONAL LICENSING EVENT

The Convener reported that he and Susan Walker had attended the recent Alcohol Focus Scotland Regional Licensing Event in Edinburgh. Ms Walker had given a presentation which had been well received. It was also pleasing that areas of good practice around the management of licensing issues in the Scottish Borders had been referred to at this event.

DECISION

NOTED.

11.3 **STATISTICS ON ALCOHOL SALES**

With regard to information on alcohol consumption and sales discussed earlier in the meeting, Mr Taylor referred to the refusal of supermarket chains to provide statistics on alcohol sales which, if available, would enable improvements in national and local policy. He believed that this issue should be raised at a higher level. Ms Walker advised that this was a key message from all areas within Alcohol Focus Scotland and that a meeting had been organised to lobby legislators within Scottish Government.

**DECISION
NOTED.**

The meeting concluded at 5.30 pm