

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING FORUM held in Committee Room 4, Council Headquarters, Newtown St Boswells on 27 January 2015 at 4.00 p.m.

Present: M. Ballantyne, S. Bell, N. Gillies, M Hay, R Mackay, J Taylor, G Todd, I. Tunnah, J Scott, S Walker.
In Attendance: Chief Legal Officer (N. McKinlay), Legal and Licensing Services Manager (A Isles), Licensing Team leader (J. Wilson), Democratic Services Officer (K. Mason).

MINUTE

1. There had been circulated copies of the Minute of the meeting held on 21 October 2014.

DECISION

APPROVED the Minute for signature by the Convener.

MATTERS ARISING

2. (a) With reference to paragraph 12(a) of the Minute, it was noted that the Minute relating to the evaluation of the Licensing Act had not been issued. The Democratic Services Officer would circulate the information to Members.
(b) With reference to paragraph 12(b) of the Minute, Ms Walker undertook to amend the section on Best Bar None. She would liaise with PC Nick Walker for an update and further information would be sent out when received.
(c) With reference to paragraph 12(c) of the Minute, the Licensing Team Leader advised she had taken part in the training event for Police on licensing. The event did not focus on areas of overprovision but generally dealt with the Licensing Boards Policy Statement. She would attempt to get a link for notes of the meeting and send this to Members.
(d) With reference to paragraph 12(d) of the Minute, it was hoped that PC C Lackenby would be able to attend a future meeting of the Forum to make a presentation on the reasons for Police objecting to licensing applications.
(e) With reference to paragraph 10 of the Minute, Ms Walker issued members of the Forum with an aide memoire which detailed the role of the Licensing Board.

**DECISION
NOTED.**

ELECTION OF NEW CONVENER

3. Councillor Ballantyne advised she was standing down from the Forum. She had been a member of the Forum, along with Ms Walker since its inception. She felt that another person could better represent the Forum and indicated that as a Councillor there was always the possibility of a conflict of interest and it was therefore not a comfortable position for her to hold. The Legal and Licensing Services Manager advised that the Forum had never been chaired by a trade member and thought that this might be an opportune time for a trade member to take over this role. Owing to various commitments etc. no member of the Forum was prepared to undertake this task. The Legal and Licensing Services Manager advised Members of the support for the Forum which was available from the Chief Legal Officer and the Democratic Services team.

DECISION

AGREED that Members should think about someone who might like to take on the role and bring forward information to the next meeting. In the meantime “Appointment of Convener” would be the first item on the next agenda.

MEMBERSHIP REVIEW AND ROLES GOING FORWARD

4. Councillor Ballantyne advised that the trade representation on the Forum had been strengthened but a broader sector representation had been lost. The Legal and Licensing Services Manager advised two Community Councillors had been recruited. A suggestion was made to extend membership by advertising. Ms Walker suggested that she would compile a survey to be sent to Members of the Forum which could be returned anonymously to establish what their understanding of the Forum was and whether any training needed to be delivered, etc. With regard to the expansion of the membership the best way forward would be to identify what was needed, and it was important for a person who had direct contact with young people (teenagers to early 20s) to become a Member of the Forum potentially through Community Learning and Development. It would also be useful for the Forum to have a member with a clinical background and M. Ballantyne undertook to action this.

DECISION

AGREED that

- (a) **Ms Walker would compile a survey to be sent to Members of the Forum to establish what their understanding of the Forum was and whether any training needed to be delivered etc. An analysis of the results of the survey would be made available at the next meeting.**
- (b) **Councillor Ballantyne would attempt to recruit a member for the Forum with a clinical background and also approach Community Learning & Development.**

FEEDBACK ON JOINT MEETING WITH THE LICENSING BOARD

5. For the information of new Members, Councillor Ballantyne advised that the purpose of the joint meeting was for the Forum to give feedback to the Board on how it operated. The Forum was balanced and was able to properly respond to the Act and to the advice the Forum gave and the Board should receive the Forum's comments with a high degree of time, listening and action. Discussions needed to take place about the challenging relationship the Board and Forum had and how the Forum was perceived by the Board. The Legal and Licensing Services Manager advised that the Board acted differently in the last 10 years and was happy for Members of the Forum to attend as observers at Board meetings. All Board meetings were held in public. Ms Walker expressed a need for decisions to be consistent with Board Policy. It was noted that Councillors needed to be aware they were not members of the Board in order to promote business. Councillor Ballantyne referred to the purpose of the joint meeting and asked Members what they wanted to achieve at the joint meeting. It would also be beneficial to know what the Board wanted from the Forum for more efficient working. The alcohol profile was a good reference document. It was further noted that there was no statutory requirement for ongoing training for members of the Board apart for when they first became a member after each Council election. Training on equality issues had also been carried out and Members also received updates on law related issues on an informal basis. The importance of Members being aware of what was happening in the licencing trade was also discussed. A suggestion was made that the joint meeting take place earlier in the day followed by informal sessions. Members were asked to think about how they wished to take this forward and report to the next meeting.

DECISION

AGREED that discussions on the Joint Meeting with the Licensing Board would take place at the next meeting.

POLICE REPORT

6. Inspector Scott advised that there had been one or two issues over the festive period including a serious assault when a person had been arrested on the same night, a sexual assault had also taken place and enquiries were ongoing in relation to this. He referred to incidents of high value thefts in licensed premises, in particular, in Eyemouth when alcohol to the value of £700 had been stolen from an off sale premises. Discussions took place about the requirement for the Board to be consistent and adhere to the Policy Statement when making decisions and the need to take into account the impact on the community at large.

**DECISION
NOTED.**

LICENSING STANDARDS OFFICER'S REPORT

7. Ian Tunnah advised that some personal licence holders' licences had been revoked owing to failure to complete the 5 year refresher training though a large number of personal licence holders might have left the licensing trade. The Legal and Licensing Services Manager referred to the high cost of the administration of personal licences for the Board.

**DECISION
NOTED.**

COUNCILLOR BALLANTYNE

8. Ms Walker, on behalf of the Forum, thanked Councillor Ballantyne for all her conscientious work and good leadership in taking the Forum forward.

FUTURE MEETINGS

9. The next meetings of the Forum were scheduled for:-

Tuesday 24 March 2015 at 4.00pm; and
Tuesday 9 June 2015 at 4.00pm.

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 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Private Section of the Minute of Meeting of 21 October 2014 was approved.

The meeting concluded at 5.40 p.m.