

# SCOTTISH BORDERS COUNCIL LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL  
LICENSING FORUM held in the Council  
Chamber, Council Headquarters, Newtown  
St Boswells, TD6 0SA on Tuesday, 11 June  
2019 at 4.00 pm

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Present:- W. Hay (Convener), S. Bell, G. Campbell, S. Mabon, A. Maybury, PC Ray  
(Police Scotland), I. Tunnah and M. Wynne.

Apologies:- S. Elliot, S. Dalrymple, G. Todd, R. MacKay, Licensing Board Member  
Councillor G. Turnbull.

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

## **WELCOME AND INTRODUCTIONS**

The Convener welcomed everyone to the meeting and gave a particular welcome to new Forum members Graham Campbell and Stewart Mabon. A round of introductions followed.

### 1. **MINUTE**

The Minute of the meeting held on 19 March 2019 had been circulated.

## **DECISION**

**APPROVED the Minute**

### 2. **MATTERS ARISING**

Mr Tunnah gave an update on matters included in the minute.

2.1 The update of the Alcohol Profile was well underway with data being passed for collation to Susan Elliot and Erin Murray. The draft would be brought to the Forum for viewing before being issued to the Licensing Board and made available for publication. Mr Tunnah explained that the Alcohol Profile was produced by the Local Licensing Forum and used as a reference to assist the Licensing Board and to inform other decision makers about the impact of alcohol consumption in the community. Scottish Borders had led the way in the production of the Profile and was referenced within Alcohol Focus Scotland's toolkit as good practice

2.2 The Alcohol in Public Places consultation was ongoing. There had been a good on-line response to the consultation so far. Presentations were being taken to all Area Partnership meetings to explain why the consultation had been initiated and to encourage participation from Community Councils and the public.

2.3 In terms of training for the Local Licensing Forum, Mr Tunnah explained that a national review of guidance to assist members of Licensing Boards was currently taking place. Once this was finalised by Scottish Government, it was planned to organise joint training for the members of the Scottish Borders Licensing Board and Licensing Forum based on the new guidance.

**DECISION  
NOTED**

### 3. **LICENSING STANDARDS OFFICERS - UPDATE**

- 3.1 Mr Wynne reported that he and Mr Tunnah had been busy over recent weeks in connection with the Rugby 7s events, where organisers had been happy to take on the process of using coloured wristbands as identification of different age groups. This system was effective in preventing underage consumption of alcohol and would be continued in future years. The larger events proceeded well this year. Some of the smaller 7s events were becoming more problematic in terms of associated drinking in the town centres. It was thought this could be due to a perception that these smaller events were not under the spotlight so the LSOs planned to give these areas more attention next year.
- 3.2 As in previous years there had been a large number of applications for occasional licences in connection with Common Riding festivals. LSOs would be visiting the larger events. The 'don't buy it don't supply it' campaign against underage drinking was being given a high profile by Police Scotland at the Common Riding festivals and appeared to be effective. PC Ray advised that two persons had been charged in connection with proxy purchase of alcohol at a recent event.
- 3.3 Plans were in place for LSOs to give advisory presentations, on request, to Village Hall committees and other organisations, about the application process for occasional liquor licences and public entertainment licences. This would include information about event planning and the preparation of risk assessments.

#### **DECISION**

**NOTED the update**

### 4. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 22 February 2019, 22 March 2019 and 19 April 2019. Members were encouraged to attend meetings of the Licensing Board as observers. Dates of future meetings were noted as follows:-

21 June 2019  
19 July 2019  
23 August 2019  
20 September 2019

All meetings are held at Council Headquarters and start at 10 am unless otherwise advised on the agenda.

#### **DECISION**

**NOTED the minutes.**

### 5. **OTHER BUSINESS**

#### 5.1 **Minimum Unit Pricing**

With reference to paragraph 5 of the minute of 19 March 2019 regarding the ongoing evaluation of the first year of operation of the MUP strategy, the following link to the Alcohol Focus site had been provided with the agenda for information: <https://www.alcohol-focus-scotland.org.uk/campaigns-policy/minimum-pricing/>. The first anniversary of the implementation of MUP in Scotland was on 1 May 2019. It was noted that it was too early to conclude that the introduction of MUP had reduced alcohol consumption in Scotland. The key question on sales was whether the number of units of alcohol sold had decreased. This was difficult to establish as data was based on volume sold rather than units. The Alcohol Focus site provided some clarification about many myths and anecdotal evidence about MUP which were currently circulating in the media. In a discussion of any effects of MUP noticed in the trade, Mr Campbell said it appeared to be beneficial to the smaller off-licence shops as people appeared to be shopping locally

now that there were no promotions in supermarkets and now that the price of previously lower priced products had increased.

**DECISION  
NOTED**

**5.2 Occasional Licence fee – consultation**

Mr Tunnah drew attention to a current Scottish Government consultation on reviewing the fee for occasional licences and considering a limit on the number and duration of occasional licences. Concerns had been raised that the current fee of £10 did not cover Councils' administration costs and also that some applicants had sought to use the occasional licence process to apply for consecutive occasional licences as an alternative to a full premises licence. Members agreed that Mr Tunnah should send in a consultation response on behalf of the Local Licensing Forum and went on to discuss the questions asked. With regard to an increase in the fee it was felt that £10 was too low and that an increase to £50 would be reasonable and should not deter people from applying. With regard to the number of applications that could be made, the unanimous view was that this should not be limited. It was pointed out that for a genuine business or organisation that was holding events to raise money, for example a small catering business or a Village Hall committee, it would be unreasonable to place a restriction on the number of occasional licence applications made and thereby limit potential income from events.

**DECISION**

**AGREED that Mr Tunnah send in a response to the above consultation on behalf of the Licensing Forum based on the views of members as expressed in the discussion.**

**5.3 Personal Licence Holder Renewal**

With reference to paragraph 4 of the Minute of 23 October 2019, regarding the first batch of personal licences due for renewal on 1 September 2019, Mr Tunnah reported that there were a considerable number of personal licence holders from which renewal applications had not yet been received. If these were surrendered in theory any re-application would need to go to the Licensing Board for a decision. The potential, nationally, for a backlog of applications to be dealt with by Licensing Boards was being discussed by SOLAR (Society of Local Authority Lawyers and Administrators in Scotland). Mr Campbell referred to inconsistencies between Licensing Authorities in the way the renewals were managed and the date of the renewed licence in terms of whether this was the date of application or date of refresher training. Mr Tunnah advised that Scottish Borders were not issuing renewed licences until the renewal date in September. However he hoped for clarity from SOLAR.

**DECISION  
NOTED**

**6. PRIVATE BUSINESS**

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

**SUMMARY OF PRIVATE BUSINESS**

**7. MINUTE**

The private section of the Minute of 19 March 2019 was approved.

**8. POLICE REPORT**

**8.1** PC Ray gave a verbal update report.

**The meeting moved back into public business.**

- 8.2 Following the Police Report there was a discussion and serious concerns expressed about the increasing availability of drugs at Scottish Borders events. Drugs, including cocaine, appeared to be easily obtained and were often cheaper than alcohol. It was pointed out that in supplying alcohol to underage young people who were attending these events, adults may be unwittingly increasing the risk of them being exposed to an environment where drugs were easily available and being used. PC Ray advised that Police Scotland would be using sniffer dogs at more events in the future. Mr Tunnah added that the Council as Licensing Authority would be looking for organisers of larger events to include drug policies as part of their event planning.

*The meeting concluded at 5.35 pm*