

SCOTTISH BORDERS COUNCIL LOCAL LICENSING FORUM

MINUTES of Meeting of the LOCAL
LICENSING FORUM held in Scottish
Borders Council Headquarters, Newtown St
Boswells on Tuesday, 22 October 2019 at
4.00 pm

Present:- M. Hay (Convener), S. Bell, G. Campbell, S Elliot, S Dalrymple, R Mackay,
S. Mabon, G Todd, I. Tunnah and M. Wynne.

Apologies:- Councillor Turnbull (Licensing Board Member).

In Attendance:- J Turnbull (Democratic Services Officer).

1. **WELCOME AND INTRODUCTIONS**

The Convener welcomed everyone to the meeting and there was a round of introductions.

2. **MINUTE**

The Minute of the meeting held on 11 June 2019 had been circulated.

DECISION

APPROVED the Minute.

3. **MATTERS ARISING**

With reference to paragraph 5.2 of the Minute of 11 June 2019, Mr Tunnah advised that a response to the consultation on Occasional Licences had been submitted on behalf of the Forum.

DECISION

NOTED.

4. **NATIONAL UPDATE AND LEARNING AND DEVELOPMENT NEEDS**

4.1 The Convenor welcomed Aidan Collins from Alcohol Focus Scotland. Mr Collins explained that Alcohol Focus Scotland was a national charity, working to reduce alcohol harm. The presentation today would focus on licensing developments, the main three being: the production of the Board's Annual Functions Report; new policy statements; and, work to update Licensing Act guidance.

4.2 Mr Collins began by advising that the licensing system needed to be accountable to local communities. It was therefore essential that local communities understood the licensing system and how it operated in their area. Historically, there had been limited information available in an accessible format about the work of licensing boards. In response to these concerns, the Air Weapons and Licensing (Scotland) Act 2015 had introduced a new duty on licensing boards to produce an Annual Functions Report which was required to include: how boards had regard to the objectives and their policy statements; a summary of decisions taken; and, the number of licences held in the area. Annual Functions Reports were required to be published by July 2018, however, no guidance had been issued to help with understanding these obligations and there was different interpretations of what was required. Alcohol Focus Scotland had undertaken a review of all published Annual Functions Reports (32 out of 40) to assess the extent to which they

met statutory requirements and increased transparency. Their review had found that the majority met the statutory requirements, but several contained only minimal information. A report presenting the findings of their review had been published and this contained a number of recommendations for Scottish Government as well as for licensing boards and licensing forums. Alcohol Focus Scotland had recommended that “local licensing forums should use the Annual Functions Reports as a tool to help fulfil their statutory purpose of keeping under review the liquor licensing system and the functioning of licensing boards in their area.” Miss Elliot suggested that Alcohol Focus Scotland’s review be circulated to Licensing Forum members for further discussion at the joint meeting with the Licensing Board.

- 4.3 Mr Collins then went on to discuss new licensing policy statements, highlighting that the consultation process had improved, with some boards proactive in meeting with groups that had not had much input in the past, such as young people. Mr Collins, gave as an example, Highland Licensing Board’s consultation which had received 4,217 responses, demonstrating a high level of public interest in the availability of alcohol and licensing. Mr Collins further advised that licensing boards had become more transparent, with many publishing the evidence received, with explanations of strengths/weaknesses of data. Some boards had included a new approach to licensing objectives in response to the increase from off-sales for consumption at home and an increased awareness of alcohol related harm in private spheres as well as public. Mr Collins gave as an example Glasgow Licensing Board’s decision to refuse off-sales applications on the grounds of public health in areas of high alcohol harm, even where there was no overprovision. Some boards had identified that gender based violence had strong associations with alcohol and were working with local agencies to play their part. Many boards were also asking applicants to supply written statements on how their application would impact on licensing objectives. Similarly, some boards were requesting applicants to complete risk assessments to demonstrate how they would comply with the objectives. Many boards were also setting out an approach to manage repeated occasional licences and events targeted at children. Mr Collins advised that the Alcohol Focus Scotland would be reviewing the published policies and a full report on their findings would be available in the next few months.
- 4.4 Mr Collins concluded his presentation by advising that Scottish Government had launched a consultation in March 2019, on revised guidance for licensing boards. The consultation had now closed and an analysis of responses would be published. Alcohol Focus Scotland’s response had included: the overall purpose of the guidance; clarification as to the purpose of the licensing system; providing more detail on the meaning and interpretation of the licensing objectives; and, how boards should assess overprovision. Mr Tunnah advised that with regard to overprovision, the number of public houses in the Scottish Borders remained consistent, any new licensing applications were for niche offerings and the licensing policy asked new applicants for an explanation of the facilities they were offering, Mr Collins highlighted the issue with remote sales, particularly affecting the Scottish Borders, which had been flagged up with Scottish Government as requiring a national approach. Miss Elliot added that the Forum had also submitted a response to the consultation.
- 4.5 Members discussed the presentation and the role of the Local Licensing Forum going forward. Several members felt that a national review of forums was required, as local level training would only ever achieve so much. A national review could identify, across the country, whether forums were functioning as intended and if not what support they may need. Referring to the Forum’s scrutiny function, Mr Tunnah advised that initially in 2009, the Forum had made some challenges to the Licensing Board, and was pleased to note that the Board were now consistent in their decision making with good relationships and communication both within the Forum itself and between the Forum and Board. The vast majority of licensing applications are submitted to licensing officers, with any issues discussed with the applicant before submitting an application to the board. When asked

what had worked well and less well the Forum had noted previous support to local campaigns, and felt that this had been beneficial.

- 4.6 There was uncertainty over how to involve the community, or engage with the community more and highlighted that the time between meetings meant that it could be challenging to progress actions e.g. things tended to move on between meetings. However, having more regular meetings would place additional time/resource commitments on people. Members from the trade felt that attendance at the Forum was useful as it enabled them to keep up to speed with what was happening in the area, although it was also acknowledged within the Forum that this was not its intended purpose. There were examples of good practice within the Board, such as in relation to not allowing alcohol to be sold during early morning hours for sporting events like the rugby world cup. It was also felt that the Board had taken a sensible approach to alcohol being available at children/young person's events. It was discussed how the Forum could potentially have more of a role in providing positive feedback to the Board about where/how things are going well.
- 4.7 The Forum then discussed training. It was discussed how forums have a high membership turnover, which meant that any training provided would need to be repeated for new members. It was generally felt that training covering the role and purpose of the Forum would be the most beneficial, particularly for new members. It was suggested that a welcome pack developed at a national level, which included templates etc. which could be adapted at a local level, would be helpful. It was also suggested that eLearning modules could be particularly useful – this would enable new members to access training at whatever time they joined a forum, and would be available to people regardless of their location or availability to attend training in person. The Convenor thanked Mr Collins for his attendance and his informative presentation.

DECISION AGREED

- (a) **To request that Alcohol Focus Scotland's review on Annual Functions Reports be circulated for discussion at the joint meeting of the Local Licensing Forum and Licensing Board;**
- (b) **To request that Alcohol Focus Scotland's review of licensing policy statements be circulated when available;**
- (c) **To request that Alcohol Focus Scotland consider developing online training for Local Licensing Forums; and**
- (d) **That the Local Licensing Forum consider providing a welcome pack for new members.**

5. LICENSING STANDARDS OFFICERS - UPDATE

- 5.1 Mr Tunnah advised that there no issues to report. However, a couple of the Rugby 7s events would be given more attention next year. The wristband to identify different age groups had been successful at these events. There had been a tranche of new personal licence holder applications which had been slightly delayed because of staff sickness. These had now been issued.
- 5.2 Occasional licence applications would increase for the Festive season. The Licensing Board would be considering the festive season policy hours at their next meeting. The majority of premises already had licences which permitted seasonal variations. Mr Tunnah advised it was expected that opening hours would be extended to 1 am for most licences for Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day.

- 5.3 The Convenor asked if officers were aware of an increase in residential bars. Mr Tunnah advised that they were not aware of any, and that a residential bar requesting donations should be licensed.

**DECISION
NOTED the update.**

6. **POLICE UPDATE**

There was no police update. Mr Tunnah advised that a Police Licensing Officer had been appointed and would attend future meetings to provide updates to the Forum.

**DECISION
NOTED.**

7. **CHIEF CONSTABLE'S ANNUAL REPORT TO THE LICENSING BOARD 2018-2019**

Copies of the Chief Constable's Annual Report to the Licensing Board had been circulated with the agenda, for information.

**DECISION
NOTED.**

8. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

- 8.1 There had been circulated, for information, copies of the Scottish Borders Licensing Board Minutes of 31 May 2019, 21 June 2019, 19 July 2019, 23 August 2019, and 20 September 2019. Members were encouraged to attend meetings of the Licensing Board as observers. Dates of future meetings were noted as follows:-

25 October 2019
22 November 2019
20 December 2019

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

- 8.3 Mr Tunnah explained to new members, that the Licensing Board minutes enabled the Forum to scrutinise the Board's decisions. He and Mr Wynne would be happy to provide clarification on any decisions or matters to Forum members. Mr Tunnah went on to advise that there was no contentious issues in the minutes. The Forum welcomed the Board's decision not to extend opening hours prior to normal operating hours for the Rugby World Cup, which had highlighted that that sport should not automatically be linked with alcohol.

**DECISION
NOTED the minutes.**

9. **DATE OF JOINT MEETING WITH LICENSING BOARD**

The date of the annual joint meeting of Scottish Borders Licensing Board and Local Licensing Forum was scheduled for Wednesday, 4 December at 4.00 pm in the Council Chamber, Council Headquarters.

**DECISION
NOTED the date of the joint meeting of Scottish Licensing Board and Local Licensing Forum was scheduled for Wednesday, 4 December 2019 at 4.00 pm.**

10. **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

11. **MINUTE**

The private section of the Minute of 11 June 2019 was approved.

The meeting moved back into public business.

12. **ANY OTHER BUSINESS**

Mr Tunnah explained that if a personal licence had elapsed, a new application was required to be submitted and full training undertaken.

The meeting concluded at 5.30 pm