

# SCOTTISH BORDERS COUNCIL LOCAL LICENSING FORUM

MINUTE of Meeting of the LOCAL  
LICENSING FORUM held in the Council  
Chamber, Scottish Borders Council  
Headquarters, Newtown St Boswells, on  
Tuesday, 21 January 2020 at 4.00 pm

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Present:- S. Bell, G. Campbell, S Elliot, S Dalrymple, R Mackay,  
S. Mabon, G Todd, M. Wynne and PC Sharon Lackenby.

Apologies:- M. Hay and I. Tunnah

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

## **CONVENER**

In the absence of Mark Hay the meeting was chaired by Mike Wynne, who welcomed everyone to the meeting and in particular gave a welcome to the new Police Scotland representative PC Sharon Lackenby. A round of introductions followed.

### 1. **MINUTE**

The Minute of the meeting held on 22 October 2019 had been circulated.

## **DECISION**

**APPROVED the Minute.**

### 2. **MATTERS ARISING**

With reference to paragraph 9 of the Minute Mr Wynne confirmed that the annual joint meeting of Scottish Borders Licensing Board and the Local Licensing Forum, scheduled for 4 December 2019, had been postponed due to the UK General Election. He anticipated this being re-arranged for a date in February 2020.

## **DECISION**

**NOTED.**

### 3. **AFS ANNUAL FUNCTIONS REPORT BRIEFING**

With reference to paragraph 4 of the Minute of 22 October 2019 regarding the Alcohol Focus Scotland review of Annual Functions reports for 2018-19, links to the report on the review were included on the agenda. Also circulated for reference was a copy of the Scottish Borders Annual Functions report. Ms Elliot explained that, in accordance with the duty of Licensing Boards under the Air Weapons and Licensing (Scotland) Act 2015, there should have been reports published in 2018 and 2019. The review looked at developments in the period of time between the two reports which should be fed back to Licensing Boards. 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." In a discussion of the review it was noted that five Licensing Boards within Scotland had chosen not to publish Annual Functions reports. The report on the review suggested that boards continued to interpret their legal reporting obligations differently. Ms Elliot advised that the Licensing Team would be developing their approach to the 2020 Scottish Borders Annual Functions Report and may ask for comments from the Forum to assist with that process.

**DECISION  
NOTED**

4. **PROVISIONS FOR LICENSING SEXUAL ENTERTAINMENT VENUES - UPDATE**

A link to the Scottish Government guidance on 'Provisions for licensing of sexual entertainment venues and changes to licensing of theatres' was circulated with the agenda to update members of the Forum. Mr Wynne explained that the provisions of the Air Weapons and Licensing (Scotland) Act 2015, which related to the licensing of sexual entertainment venues (SEV) came into force on 26 April 2019. However this was not a mandatory licensing regime and local authorities were now being asked to determine whether they wished to licence SEVs, whether to limit their numbers and whether to determine individual licence applications. When doing so local authorities would need to consider the implications, opportunities and risks of their decisions. There were no SEVs in the Scottish Borders area and as far as the Council was aware there were no plans to open one. There were SEV's in some of the cities or larger towns in Scotland. It was highlighted that the Act provided that current licensed premises where sexual entertainment was provided on no more than 4 occasions in a twelve month period were not to be treated as a SEV. A short life working group had been established to inform the Council of the change in legislation and as part of its work would carry out consultation with the public and stakeholders. As part of the consultation it was expected that the Local Licensing Forum would wish to respond. Mr Wynne added that Edinburgh City Council was likely to introduce licensing of SEVs with strict conditions. As the Scottish Borders was so close and accessible to Edinburgh this may have implications for the area should Scottish Borders Council choose not to licence.

**DECISION  
NOTED**

5. **OCCASIONAL LICENCE CONSULTATION RESPONSE**

With reference to paragraph 5.2 of the Local Licensing Forum Minute of 11 June 2019, a link to the responses to the consultation, published by Scottish Government, was included on the agenda. In the consultation replies to the Scottish Government there was particular concern that the current £10 fee did not cover the cost of processing the application and that the use of occasional licences by operators could be used as a long term solution where there were difficulties in obtaining a premises license. Although in the Scottish Borders the Licensing Standards Officers would pick up on such a case. The majority of responders thought the £10 fee should be increased and most considered an increase to £50 was fair. Edinburgh City Council believed that a differentiated fee scale was more appropriate. Scottish Borders Licensing Board considered that there should be a tiered fee structure whereby the fee for Occasional Licence applications made by holders or Premises or Personal Licences should be £50 with a lesser fee of £30 being charged for applications made by voluntary organisations. Scottish Borders Licensing Board did not consider there should be a limit on the number of Occasional Licence applications as in the Borders multiple Occasional Licences were from applicants whose businesses relied heavily or operated solely as outside caterers, often using unlicensed community venues for social gatherings and historical events. All comments were now with the Scottish Government for consideration. An update would be brought to the Forum in due course.

**DECISION  
NOTED**

6. **LICENSING STANDARDS OFFICERS - UPDATE**

- 6.1 Mr Wynne advised that preparations were now underway for the Rugby 7s and that Mr Tunnah had attended a SAG (Safety Advisory Group) meeting for Melrose 7s. Mr Wynne added that they would also be giving more attention this year to the smaller 7s events. The larger events tended to be heavily policed and last year the smaller events attracted a

large crowd of young people. He confirmed that school liaison officers were involved last year and hoped they would be there again in 2020 to view young people arriving at events.

- 6.2 Mr Tunnah was also dealing with renewals of Personal Licences. A few of those who did not renew in time were premises managers. Compliance notices had been sent and most cases were quickly resolved. There had been some processing delays but priority had been given to premises managers. Mr Wynne added that although license fees were due quarterly many did not pay until compliance notices were issued; he indicated that a stronger stance may be needed.

**DECISION  
NOTED.**

7. **POLICE UPDATE**

PC Lackenby explained that she was newly in post and planned to carry out visits to licensed premises. This would be an ideal way to introduce herself to managers and to get involved.

**DECISION  
NOTED.**

8. **SCOTTISH BORDERS LICENSING BOARD MINUTES**

There had been circulated, for information, a copy of the Scottish Borders Licensing Board Minute of 25 October 2019. It was noted that the November meeting had been cancelled. Members were encouraged to attend meetings of the Licensing Board as observers. The date of the next meeting was at 10 am on 21 February 2020 at Council Headquarters.

**DECISION  
NOTED the minute.**

9. **ANY OTHER BUSINESS**

**Best Bar None (BBN)**

There was discussion about the promotion of the Best Bar None Scheme. BBN worked to reduce crime, improve safety, reward excellence and raise standards in licensed premises. Mr Mackay spoke in support of the scheme and commented on its positive value in terms of community safety. Ideas were needed about how to further promote the scheme and get more local premises involved. Ms Elliot suggested that it may be helpful to use testimonials from staff of premises already involved. Mr Mackay referred to the hype nationally within the Licensed Trade Association for the scheme and he hoped this enthusiasm could be reflected in the Borders. The Best Bar None Scotland's National Awards would be taking place on 19 March 2020 at Dunblane Hydro.

**DECISION  
NOTED**

*The meeting concluded at 4.50 pm*