

MINUTE OF JOINT MEETING OF THE
SCOTTISH BORDERS LICENSING BOARD
AND THE LOCAL LICENSING FORUM held
in the Council Chamber, Council
Headquarters, Newtown St Boswells on 5
December 2018 at 4.00 p.m.

Present:- Board:- Councillors J. Greenwell (Convener), G. Turnbull.
Forum:- S. Bell, S. Elliot, M. Hay, A. Maybury, G. Todd, I. Tunnah.
M. Wynne.

Apologies:- Councillors R. Tatler and T. Weatherston

In Attendance:- Clerk to the Licensing Board, Managing Solicitor (Property and Licensing),
Inspector J. O'Connor - Police Scotland, Democratic Services Officer (F.
Walling).

1. **WELCOME BY CONVENER OF SCOTTISH BORDERS LICENSING BOARD**
The Convener of the Licensing Board, Councillor Greenwell welcomed everyone to the meeting.

2. **MINUTE**
There had been circulated copies of the Minute of Meeting of 6 December 2017.

**DECISION
APPROVED.**

3. **LICENSING BOARD ANNUAL REPORT DECEMBER 2017 TO NOVEMBER 2018**

3.1 There had been circulated copies of a report by the Clerk to the Licensing Board presenting a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board. It was hoped that the report would assist the Forum to facilitate its scrutiny role of how the Board discharged its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 as amended. The Managing Solicitor, Ron Kirk, presented the report and highlighted the main points. Since the last joint meeting on 6 December 2017 the Board had met ten times. At each Board meeting, in addition to determining applications and reviews, Members considered all matters which had been dealt with under the delegated powers of the Clerk where both the Act permitted this method of determination and there had been no objection or representation in respect of the application. The majority of delegated decisions were in connection with grants of occasional licences which were a feature of sporting fixtures and local festivals in the Community. 1,319 Occasional Licences had been granted in this period of which 372 were granted to voluntary organisations. In addition, 103 applications by the holders of a Premises Licence for extended hours were granted. The other reported decisions related to minor variations of premises licences, substitution of premises managers, grants of personal licences and transfers of premises licences.

3.2 The Board had considered 17 applications to vary premises licences in the period. This included both major variations which must be determined by the board and applications which attracted objections or representations. The Board arranged Review Hearings in respect of 12 premises licences. All were in relation to notices for failure of premises to make payment of the annual fee. This resulted in 5 licences being revoked, 2 licences

being suspended and 2 licences being surrendered, with the other 3 licence holders making payment prior to the hearing taking place. The Board granted 10 new Premises Licences.

- 3.3 One of the main functions of the Board was to finalise its Licensing Policy Statement. At its meeting on 20 April 2018, the Board agreed a draft Statement of Licensing Policy for consultation. A 12 week period of consultation took place from 8 May until 31 July. A total of 35 responses were received. 19 were from individuals, 9 were from licensees and 7 were from organisations including the Forum and Alcohol Focus Scotland. Following the close of the consultation period officers' on behalf of the Board considered all responses received and thereafter proposed revisions to the draft policy statement for consideration by the Board. The Board considered the proposed revisions at its meeting on 26 October 2018 when the proposed revisions were accepted and the revised draft policy statement was approved by the Board and subsequently published. The Board acknowledged the work of the Forum in producing the alcohol profile and keeping it under review and also their contribution to the review of the final Policy Statement.
- 3.4 On 20 December 2017 the remaining part of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 came into force. Accordingly this required the Board to produce an Annual Functions Report for the period 1 April 2017 to 31 March 2018. The Board was required to include a statement explaining how it had regard to the licensing objectives and its policy statement in the exercise of its functions, a summary of the decisions made by the Board and information on the number of licences held in the Boards area including occasional licences. The Board considered and approved its first Annual Functions Report at its meeting on 24 August and the report was subsequently published thereafter. The Board was also required to produce an Annual Financial Report for the period 1 April to 31 March. This was a requirement which was also brought into effect by Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 and which came into force on 15 May 2017. The Board considered its Annual Financial Report at its meeting on 24 August and following an amendment approved the report at its next meeting on 16 November 2018. The report was subsequently published thereafter.

DECISION

AGREED to:-

- (a) note the report; and**
- (b) request that the Clerk continue to provide updates to the joint meeting on an annual basis.**

4. LOCAL LICENSING FORUM ANNUAL REPORT 2017-2018

- 4.1 Mr Mark Hay, acting Chair of the Local Licensing Forum, referred to the Forum's Annual Report 2017-2018, which had been circulated, and gave an overview of the activities during the year. He explained that membership had remained relatively stable with one resignation received. The Police Scotland representative had changed from PC Clayton Lackenby to PC Terrie Ray following her appointment to the Police licensing role. Forum members continued to struggle to attend regular Licensing Board meetings, however the minutes of the meeting were now a standing item at Forum meetings and allowed any discussion on decisions made. Part of the Forum's activity over the year related to the review of the Licensing Board Statement which was due to be published in November 2018. As the Forum was a consultee in the review of the Policy, the Forum formed a short life working group in January 2018 with recommendations forwarded to the Licensing Board. These were taken into consideration and assisted in the formation of the new Policy approved on 26 October 2018.
- 4.2 In terms of continuous professional development (CPD), the Forum was kept up to date on national licensing developments. This year input was received on:

- 'Who Are You' safety campaign – Police Scotland. This campaign raised awareness of bystanders, including those in the licensed trade, who may be able to assist in prevention of sexual assault crimes.
- Underage Drinking 'Don't Buy it, Don't Supply it' – Safer Communities Scottish Borders Council. This campaign, with the assistance of the Licensing Standards Officers, focused on advertising at major events to improve public awareness of new legislation and responsibilities.
- Best Bar None Scotland – Safer Communities Scottish Borders Council. A voluntary accredited award scheme where premises demonstrated awareness and prevention in relation to licensing objectives.

Members of the Forum and Licensing Board had also received the following joint CPD presentations:-

- Alcohol Availability and harm in the Scottish Borders – Alcohol Focus Scotland
- Introduction of Minimum Unit Pricing (MUP) – Ian Tunnah, Licensing Standards Officer

Future training would include the safety campaign 'Ask for Angela'. This related to the safety of persons in licensed premises whereupon a customer requiring assistance could use the phrase 'Is Angela working', to staff, discretely alerting them that assistance was required. A Forum member and licensee introduced this system in his premises and this had already been of help to a customer. It was discussed at a Forum meeting prompting Police Scotland to consider roll out of the system in 2019.

- 4.3 The annual Alcohol Profile was updated and published in February 2018 with the introduction of a summary info-graphic to support easy reference. The Profile was referenced within Alcohol Focus Scotland's toolkit as good practice. As a result approaches have been made by other local authorities and Forum members had met with colleagues to share this good practice. A member of the Forum had been invited to attend the Local Government and Communities Committee meeting in Scottish Parliament to participate in the Committee's evidence session on alcohol licensing in Scotland. This input demonstrated how the Borders Forum had developed and cemented their membership and implemented their roles within the Licensing (Scotland) Act 2005. This was well received and once again reflected the work of the Borders Forum at a national level. Members of the Forum had also been requested to take part in a study carried out by the Faculty of Health, Stirling University, to examine whether and how local public health engagement in alcohol licensing, operated through the local licensing regime to affect alcohol-related harms.

DECISION

NOTED the update.

5. CHIEF CONSTABLE'S REPORT TO THE SCOTTISH BORDERS LICENSING BOARD - 1 APRIL 2017 TO 31 MARCH 2018

There had been circulated copies of Police Scotland's report for the period 1 April 2017 to 31 March 2018. Inspector Jocelyn O'Connor was in attendance to present the report and answer questions. The report explained that the local Licensing Department was based at Melrose Police Station; one police officer supplemented by administration staff based at Dalkeith Police Station controlled the day-to-day function. In the Scottish Borders there were 232 recorded incidents in licensed premises between 1st April 2017 and 31st March 2018, this was a reduction of 85 on the previous year. There had been a notable decrease in thefts of alcohol from 'off sales' premises over the reporting year. The Inspector emphasised the importance and positive effect of partnership working. The local police licensing officer worked regularly with a number of partner agencies including the two Licensing Standards Officers (LSO's) from Scottish Borders Council. The current partnership arrangements allowed information sharing and carrying out joint visits to licensed premises, dealing with any noise complaints and antisocial behaviour issues. This unified approach had resulted in a number of successful resolutions. As detailed in

previous reports to the Licensing Board, issues in licensed premises were assessed using a well-established interventions process. Incidents connected to premises were identified by licensing officers who evaluated the licensing objectives to determine if any had been compromised. Inspector Connor advised that at present there were no monitored premises in the Scottish Borders. There had been 99 applications made for personal licences during this reporting year in the Scottish Borders. The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective had widened the scope for making appropriate representations to the Board. The report went on to outline proposed activity for the forthcoming year and stressed the importance of the collaborative, problem solving approach which ensured that police, license holders and licensed premises staff had a better understanding of their responsibilities to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.

DECISION

NOTED the report

6. ALCOHOL FRAMEWORK 2018: PREVENTING HARM

Alcohol & Drugs Partnership Coordinator, Susan Elliot, gave a presentation as a joint CPD session on the Scottish Government's Alcohol Framework 2018: Preventing Harm – next steps on changing our relationship with alcohol. There were over 20 overarching commitments behind the initiative, interrelated to the protection of young people; tackling health inequalities; improving national systems; and taking a whole population approach. The presentation referred to strategies to reduce consumption of alcohol; promote positive attitudes and choices; and support families and communities. Following the presentation there was discussion in particular about preventing harm to children and young people, the role of schools in this respect but also the responsibility of parents. It was pointed out that nationally alcohol consumption was down amongst young people, but that there was a general lack of awareness amongst adults, who provided alcohol for young people to consume, of the potential harm that could result. Changes in drinking habits were also referred to with the fact that more drinking was taking place in the home, rather than in licensed premises, this being reflected in an increase of domestic violence incidents. With regard to the evaluation of Minimum Unit Pricing (MUP) it was too early for conclusions to be drawn. It was recognised that an increasing volume of alcohol, not subject to MUP, was being purchased online and research into this would be carried out by Scottish Government. There was further discussion about other health implications of over consumption of alcohol such as obesity.

DECISION

NOTED the presentation and that this would be circulated for information.

7. ITEMS LIKELY TO BE TAKEN IN PRIVATE

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 Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. MINUTE

The private section of the Minute of the Joint Meeting of 6 December 2017 was approved.

The meeting concluded at 4.40 pm