

The Clerk to the Licensing Board
Licensing Unit
Legal and Democratic Services
Council Headquarters
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Please ask for:

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Date:

7th June 2022

Dear Sir/Madam

Licensing (Scotland) Act 2005

Application for Occasional Licence – Volunteer Hall, Duns, Berwickshire, TD11 3AF

Applicant – Jim McDevitt, Personal Licence Holder – SB/LIQ/12688

With reference to the above subject I would make the following objection under the licensing objective 'protecting children from harm'. I have based my objection on the grounds that I consider the event to be a child centred event and the sale of alcohol to be inappropriate. The circumstances are as follows.

The applicant is a trustee of the voluntary group 'A Heart for Duns' and on their behalf has applied for an occasional licence for the hours 1700 hrs till 1915 hrs on Friday 15th July 2022 to provide the sale of alcohol at a film showing within the Volunteer Hall, Duns, Berwickshire. The film to be screened is likely to be the Walt Disney animated film 'Encanto' (or a film similar) and is targeted at a child/young person audience. Mr McDevitt anticipates an audience to include 50 children and 10 young persons.

In March 2022, a similar application was received from Mr McDevitt for a film evening on 11th March 2022. The format of the film evening consisted of a film around 1700 hrs aimed at a young persons and child audience followed by another film around 1900 hrs aimed at a more adult/young persons audience.

Licensing Standards and Enforcement Officer John Scott was consulted on this application and whilst the application form did not state the films being shown he found that the early film was the Walt Disney animated production 'Encanto' with an estimated 50 children within the audience.

Mr Scott considered this a child centred event and as such had concerns over the suitability for the sale of alcohol at this earlier film. He contacted the applicant and gave advice regarding child centred events and the Licensing Boards policy regarding them. The applicant, although unhappy, agreed to amend his application for a licence to commence at 7.15pm, to allow the sale of alcohol at the later film only.

In April 2022, Mr McDevitt applied again for an occasional licence to sell alcohol for a film-evening event at the same location on 15th April 2022. On this occasion I was consulted on the application. The earlier film on this occasion was a cartoon/animated film 'Sonic the Hedgehog 2' with again an estimated 50 children within the audience. I opined this earlier film was a child centered event and informed Mr McDevitt I would object to his application under the licensing objective of 'Protecting

Children and Young Persons from harm'. Mr McDevitt amended his application again to sell alcohol only at the later film.

I have had a number of email exchanges with Mr McDevitt and he rightly states that previous film events, over several years, have been licensed through an occasional licence application for both films. The description of the event on these previous applications have been described as 'film evenings' or 'community film event', without detailing the nature of each film.

Former Licensing Standards and Enforcement Officer Ian Tunnah predominantly consulted upon these previous applications. I have liaised with Mr Tunnah recently and he was of the opinion the film evenings incorporating both films were a 'family event' however he was unaware the content of the films showing. Having stated the aforementioned films 'Encanto' and 'Sonic the Hedgehog 2' he opined he would have considered this to be a 'child centred' event and would have referred the applications to the Licensing Board.

Scottish Borders Licensing Board statement of policy states under the 'protecting children from harm' objective:

" The board accepts many fund raising and community events benefit from granting of an occasional licence but would expect any organisation considering applying, to take into account whether or not it is appropriate to have the sale of alcohol forming a normal part of the event with particular regard to the Protecting Children from harm objective. This should be particularly considered for **child centred events**, related to school, youth or sporting organisations".

The content of the earlier film is in my opinion targeted at a children and young person audience, some of who may attend the event unaccompanied by an adult. I consider the event to be 'child centred' and I do not consider it necessary or appropriate to sell alcohol at this showing and to grant a licence for this particular event would be contrary to the Licensing Boards policy statement and the licensing objective 'protecting children from harm'.

Yours faithfully

Mike Wynne
Licensing Standards and Enforcement Officer