

**SCOTTISH BORDERS COUNCIL
LOCAL LICENSING FORUM**

MINUTE of Meeting of the LOCAL
LICENSING FORUM held via Microsoft
Teams on Tuesday, 23 January 2024 at
4.00 pm

Present:- Licensing Board: Councillors M. Douglas (Convener), J. PatonDay, F. Sinclair, D. parker, N. Richards
Forum: Stephanie Bell, Susan Elliot, Rupali Sachar, Roddy MacKay.

Apologies:- Licensing Board:- Councillors E. Small, T. Weatherston,
Forum: Hannah Wood (LSEO), Rod Anderson, Mark Hay, Sarah Dalrymple, John Scott (LSEO).

In Attendance:- Mike Wynne (Licensing Standards and Enforcement Officer), F. Henderson (Democratic Services Officer), S. Dishington (Police Scotland),

WELCOME BY CONVENER OF SCOTTISH BORDERS LICENSING BOARD

1.0 The Convener of the Licensing Board, Councillor Douglas welcomed everyone to the meeting.

2.0 **ANNUAL REPORT 2022-2023** The Local Licensing Forum (LLF) was a partnership of representatives which included license holders, licensing standards officer, police, health and local residents. The role of the LLF was to review and provide advice to the Local Licensing Board, although this did not include reviewing or offering recommendations in relation to individual applications or cases. The LLF was chaired by the Licensing Standards Officer and every council required to establish a local licensing forum in their area.

2.1 As the Forum had been unable to meet due to the pandemic, a development had been held, supported by Alcohol Focus Scotland to develop a workplan for 2023/24. A learning resources pack was developed for all new members to support the understanding of the principles and remit of the LLF. A survey to seek views of the community on the approach to alcohol licensing in Scottish Borders was held between May 23 - July 23 and received 102 responses. A report on the findings was shared with the Licensing Board and included within the Alcohol Profile. An updated Alcohol Profile was provided to the Licensing Board in October 2023 which highlighted alcohol related harm in Borders and to support decision making. An extraordinary meeting took place to support development of response to Licensing Board Policy Statement Consultation and submission provided. A recruitment campaign to appoint new members to the forum was undertaken. The Forum Participated in the exploratory conversation to discuss the development of a National Licensing Forum. The role of the National Licensing Forum was to share good practice, promote policy in action and look at ways to find consistency across LLFs whilst maintaining the independence of individual forum.

3.0 **SCOTTISH BORDERS LICENSING BOARD
ANNUAL REPORT DECEMBER 2022 to JANUARY 2024**

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 and was to assist the Forum in its scrutiny role of how the Board discharged its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 (the Act), as amended.

3.1 Since the last joint meeting on 29 November 2022, the Board had met nine 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 permits this method of determination and there had been no objection or representation in respect of the application. Many delegated decisions were in connection with grants of occasional licences which were a feature of sporting fixtures and local festivals in the Community;-

Occasional Licenses granted	1505
Above includes Voluntary Organisations	325
Extended Hours granted	36

3.2 The Board considered applications to vary Premises Licenses and included both major and minor variation applications which must be determined by the Board and applications which attracted objections or representations. As in previous years much work had been generated by established businesses who realigned their layout and/or operating plans or because of transfer of business to a new licence holder or manager. Such applications can be the outcome of visits by the Licensing Standards Enforcement Officer when it was apparent that the current operation did not comply with the Licence, or the Licence Holders discussed how they could amend their Licence to move with their perceived training and business needs. When subsequent applications were submitted and processed often these did not generate objections and were granted by the Board at the meetings after due consideration of the application in relation to the statement of policy. Such non-contentious applications could relate to changes in opening hours often relating to the times for sales of alcohol where premises wished the opportunity to open earlier for the sale of breakfasts, coffees etc. Applications were also generated from store refits where national retailers changed corporate layout and/or practice such as playing music in store. The majority of these had also contained an increase in the area of alcohol sales in shops and these had all been within policy and had not attracted objections from the statutory consultees.

3.3 During the period, the Board arranged a review hearing in respect of one premises licence, in connection with a review request received from one of the Council's Licensing Standards and Enforcement Officers for non-compliance with mandatory condition 10 attached to all premises licences relating to the payment of annual fees. In this instance payment of the annual fees due at 1 October 2021 and 1 October 2022 were outstanding. At the first review hearing, the Board continued consideration of the review request and afforded the licence holder the opportunity to make payment of the fees outstanding for 2021. At the second review hearing the Board were advised that payment of the fees outstanding for 2021 had not been made and as a result the licence was revoked. The Board also carried out a review of a personal licence following a request by Police Scotland, as the licence holder had been charged with a number of domestic related offences including assault to injury and domestic breach of the peace. Following a hearing, the Board revoked the licence with immediate effect.

3.4 One of the main functions of the Board during the period was the review of its Licensing Policy Statement. The Board acknowledged the work of the Forum in producing the Alcohol Profile and keeping it under review and for its contribution to the review of the policy statement. The Board had recently finalised its review of the policy statement and considered and agreed appropriate changes thereto some of which flowed from the contribution received from the Forum.

DECISION

NOTED the report and requested that the Clerk continued to provide updates to the joint meeting on an annual basis.

4.0 CHIEF CONSTABLE'S ANNUAL REPORT 2022/23

There had been circulated copies of the Chief Constable – Police Service of Scotland report to the Licensing Board for the period 1 April 2022 to 31 March 2023 in accordance with Section 12(A) Licensing (Scotland) Act 2005. The report summarised the work undertaken throughout this period. The Scottish Borders Licensing Board area was policed by J Division and Chief Superintendent Catriona Paton was the Local Police Commander who had responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Vincent Fisher was based at Galashiels and was responsible for performance management, community engagement, partnership working and the daily management of local personnel. Chief Inspector Fisher was supported by Inspector Robbie Noble who was also based at Galashiels. The Scottish Borders Licensing Boards were predominantly attended by PC Scott Dishington. The report outlined the local policing priorities, description of Board area and information on the operation of the Licensing (Scotland) Act 2005. In the Scottish Borders, there were 206 recorded incidents in licensed premises between 1 April 2022 and 31 March 2023, showing a decrease from previous years of 13%.

- 4.1 There were 436 premises in Scottish Borders licensed to sell alcohol, which was a reduction of 15 since the previous reporting year. There was an additional demand on Police resourcing in the Scottish Borders area especially during the summer months due to common ridings and rugby 7's tournaments. There were 2 active premises trading until 3 a.m. and 1 premise trading until 2 am at the weekend, with annual occasional extensions for some Common Ridings and Town Balls. Police Scotland carried out 696 recorded inspections of licensed premises in the Borders during the reporting year. On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400. The proactive use of exclusion orders and antisocial behaviour legislation continued to contribute to reducing repeat offending in licensed premises. The misuse of alcohol was regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour. The report also summarised the proposed activity for the year ahead which included the licensing officer to continue to work alongside partner agencies and LSO's to provide pertinent advice and support to licence holders and their staff, Local Community Police Officers to undertake a dedicated night-time economy policing plan focussing on alcohol-related incidents, anti-social behaviour, violence, disorder and drugs misuse, and to engage with licensees to deliver any national campaigns including providing 'bystander' training to licence premise staff with a view to education to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.

DECISION

NOTED the report.

The meeting concluded at 4.45 p.m.