

FALKIRK COUNCIL

MINUTE of MEETING of the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 20 AUGUST 2013 at 7.00 p.m.

**FORUM MEMBERS**

**PRESENT:**

Gordon Emslie (Personal Licence Holder); Caird Forsyth (Falkirk Alcohol and Drug Partnership); David Gibson (Social Work); Aileen Holliday (NHS Forth Valley); Madelene Hunt (Person resident in Forum Area); Nash Lalli (Personal Licence Holder); Ian Lovie (Scottish Grocers Federation); Warren Luke (Person resident in Forum Area); Inspector Alan Waddell (Area Commander, Police Scotland); Bruce Rennie (District Bowling Association), Thomas Ross (Licensing Standards Officer), and Kate Smith (Young Person).

**APOLOGIES:**

Jill Bennet (Person resident in Forum Area); Lorraine Fisher (Education); Councillor Black, and Brian Pirie (Democratic Services Manager).

**CHAIR:**

Gordon Emslie.

**COUNCIL OFFICERS**

**PRESENT:**

Rose Mary Glackin, Clerk, Falkirk Licensing Board; Alison Barr, Consumer Protection Manager, and Arlene Fraser, Committee Services Officer.

**1. MINUTE**

The minute of the last meeting held on 13 June 2013 was approved.

**2. MATTERS ARISING FROM THE MINUTE**

**2.1 Draft Policy Statement - Update**

Gordon advised that he had received a letter from the Clerk in response to the Forum's letter to the Licensing Board's Convener.

Gordon summarised the response and the Clerk provided clarification of matters raised. The Forum **noted:**

- there had been a consultation process started last year. However, it was considered to be insufficiently evidence based despite being a useful exercise
- the Licensing Board continue to determine applications in accordance with the extant policy
- the overprovision assessment exercise carried out had identified no areas of overprovision
- that the Licensing Forum should be included at an early stage in the policy making process
- the information contained in NHS Health Scotland's recent publications relating to its Monitoring and Evaluating Scotland's Alcohol Strategy
- the impact and issues which arise from occasional licences
- the different ways in which Licensing Boards dealt with applications during the transition period with some Boards applying specific conditions to premises licences

- all applications were heard by Falkirk Licensing Board during the transition period and each application was determined on an individual basis
- the good practice which other Licensing Boards have adopted and which might be worthwhile looking at as part of the policy review

**Agreed** to establish a Working Group to take forward the Forum's views prior to formal consultation of the licensing board's policy commencing.

## **2.2 The Role of the Licensing Section – Appeals Process Relating to Garage Appeals**

Rose Mary advised that a small number of garage appeals had been upheld by the Court. These applications would be determined by the Licensing Board in due course. She summarised the statute in relation to exempt premises and advised that any garage premise which had appealed the decision of the Licensing Board was permitted to sell alcohol until such time as the appeal had been determined. However, garage premises that had not appealed had ceased to be licensed under the 2005 Act. The Licensing Board had recently granted two new premises licence applications for garage premises.

**Noted.**

## **2.4 Licensing Forum Web Page**

Gordon suggested that it would be helpful if the form for change to Designated Premises Manager be available on the Licensing Section web page. Alison advised that she would arrange for this to be uploaded.

**Noted.**

## **2.3 Licensing Board Meeting – 14 August 2013**

Nash advised that he had attended the Licensing Board meeting on 14 August and referred to 2 specific applications which he required some clarification on. Rose Mary summarised the issues raised by Nash and the Forum noted:

- how the Board dealt with two applications which related to one existing premises licence
- the documents tabled by agents at Board meetings were only supplementary information pertinent to the application
- the Licensing Board has the option to make a site visit to a specific premise before determining an application

# **3. POLICE REFORM AND LICENSING**

Chief Inspector Alan Waddell and PC Andy Kane, Police Scotland gave a joint presentation on Police Reform and Licensing highlighting the impact of excess alcohol consumption.

- **Setting the Scene**
  - half of all Scottish prisoners report that they were drunk at the time of their crime
  - offenders are 3 times more likely to have an alcohol problem
  - offenders are overwhelmingly male, and the figure never falls below 80%
  - the overall costs of alcohol misuse in Scotland is estimated to be £3.5 billion, with alcohol related crime accounting for £700m of this figure
  - in Falkirk, this equates to a cost of £364 per person

- **Falkirk Context**

- a recent analytical problem profile had been produced which looked at alcohol and crime within the Forth Valley Division for a 3 year period from 1 April 2010 to 31 March 2013
- the key findings were that around 30% of all crimes recorded identified the presence of alcohol but the reality is that alcohol plays a far greater role
- the highest tariff crime groups where alcohol features are serious assaults, vandalism, carrying knives/offensive weapons and common assault
- the highest level of Group 1 (violent crimes) were recorded as being within Falkirk Town Centre
- the majority of offences for most crime types were committed on weekend evenings between 9.00 p.m. and 3.00 am.
- there is a weekend policing plan for Falkirk Town Centre
- since 1 April 2013, there have been 46 offences detected relating to drinking in public places and fixed penalty tickets issued
- highlighting the test purchase recruitment/operations within our area as an example of best practice
- the work involved in test purchase exercises and strict guidelines covering these
- 25 test purchase operations had taken place within the Falkirk Area Command since April 2013
- concerns relating to agency purchases and partnership working to address this issue
- 11 warning letters issued in respect of the Licensing (Scotland) Act 2005
- officers visit/inspect licensed premises and undertake active engagement with premises licence holders
- intervention meetings to address specific issues with particular premises, and, if appropriate, devising action plans to assist licensees
- work involved in premises licence review applications

- **Police Scotland**

- Police Scotland focus upon “keeping people safe”
- the management structure of licensing within Police Scotland
- with there being a clear connection between alcohol, violence and crime, there is a real concentration upon licensed premises and alcohol’s association with crime
- officers undertake a daily scrutiny of the crime returns
- Police Scotland produce weekly and monthly analytical reports on anti-social behaviour and disorder
- the Community Safety Partnership also produce a monthly analytical report
- staff are tasked with redeployment of police officers to locations at times where there is an increased likelihood of such anti-social behaviour/disorder
- undertake weekend ASBIT patrols and specifically tackle hotspot areas and off-sales licences
- the aim to share best practice
- the specific training undertaken by officers within the Police Scotland’s licensing units
- the large amount of applications received from the 3 constituent authorities which Police Scotland are consulted on, both in terms of liquor and civic licensing

Discussion then took place on the following:

- test purchase operations are not always intelligence led
- information and intelligence comes from many sources
- the health and wellbeing of the test purchaser being paramount
- generally test purchase operations are carried out on off-sales premises, but recently some have been undertaken in on-sales premises
- the importance of the mandatory Under 25 challenge being applied

- the approaches taken by the criminal justice system to those persons involved in agency sales
- the change in alcohol culture and, in particular, to the increase in the amount of spirits being consumed in Scotland
- rise in alcohol related crime
- the number of anti-social behaviour incidents occurring during the summer/warm weather opposed to winter months

#### 4. **CONSULTATION ON FALKIRK COUNCIL LICENSING BOARD'S DRAFT EQUALITIES STRATEGY 2013**

Alison advised that the draft consultation document, previously circulated to Forum members had required to be amended following suggestions from the Equalities and Human Rights Commissioner. The Commissioner had asked for changes to the outcomes at Appendix 1 to the Strategy.

The Licensing Board had agreed on 14 August that changes would be made and to extend the consultation period on the draft strategy. A further update report will be considered at the Board in October to reflect the consultation exercise.

Alison confirmed that the amended document would be emailed to Forum members for their comments in due course.

#### 5. **ANY OTHER COMPETENT BUSINESS**

##### Attendance

Thomas Ross raised the question of membership and, in particular the attendance of members at Forum meetings.

**Noted.**

##### Articles

- **Stirling Licensing Board/Licensing Forum**

Reference was made to a recent article published in the Stirling Observer which referred to disagreements between Stirling Council's Licensing Board and Licensing Forum.

- **Adult Entertainment**

Reference was made to a recent article on adult entertainment and, in particular to burlesque performances. Falkirk's current licensing policy statement is silent on such events. However, the article did raise questions on the interpretation/definition of adult entertainment.

**Noted.**

*Post meeting note: Mike Calvert intimated his resignation as a member of the Licensing Forum. The Chief Governance Officer was given authority to appoint from the list of persons not appointed in February 2013, and appointed Charles Gillespie.*