

**FALKIRK COUNCIL**

**MINUTE of JOINT MEETING of FALKIRK LICENSING BOARD and the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 10 JUNE 2014 at 2.00 p.m.**

**PRESENT:** Councillor Malcolm Nicol (Convener of Falkirk Licensing Board); Baillie William Buchanan (Member of Falkirk Licensing Board); Gordon Emslie (Personal Licence Holder); 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); Thomas Ross (Licensing Standards Officer), and Councillor Sandy Turner (Member of Falkirk Licensing Board).

**CHAIR:** Councillor Nicol.

**COUNCIL OFFICERS**

**PRESENT:** Alison Barr, Consumer Protection Manager; Arlene Fraser, Committee Services Officer; Peter Gilmour (Solicitor), and Rose Mary Glackin, Clerk, Falkirk Licensing Board.

**1. APOLOGIES**

Apologies were intimated on behalf of Councillors Allyson Black, John McLuckie, John McNally and Ann Ritchie; Jill Bennet (Person resident in the Forum Area), and Lorraine Fisher (Education).

**2. MINUTE**

The Minute of Meeting of the Joint meeting between Falkirk Licensing Board and the Falkirk Local Licensing Forum held on 19 December 2013 was approved.

**3. LICENSING BOARD ANNUAL REPORT 2013**

There was submitted Report (tabled) dated 6 June 2014 by the Clerk to the Licensing Board (a) setting out the work undertaken by the Board since 1 January 2014 in relation to activity under the Licensing (Scotland) Act 2005; (b) attaching as an appendix, the report considered by the Licensing Board on 4 June which details the requirement of the Licensing Board to set an annual fee for payment by holders of premises licences; (c) advising of the number of premise and personal licences currently in force within the Council area; (d) summarising the number of applications for new premise licences, provisional premise licences and variations to current premise licences; (e) informing that no applications to review premises licences had been received in 2014; but set out the outcome of the 3 premise licence review applications received in late 2013; (f) providing an analysis of the types of applicant for occasional licences and the total number of hours granted by way of occasional licences; (g) detailing the number of applications received for extended hours per month and the application outcomes, and (h) attaching, at appendix 2, details of occasional licence applications by type, nature of function and the hours sought.

After hearing from Alison Barr in summary of the Report, the following points were made:-

- reference is made to the financing of Licensing Board within the Air Weapons and Licensing (Scotland) Bill which, if endorsed by the Parliament, would create a duty on all Licensing Boards to produce an annual financial report
- the reduced number of premises licence review applications could be attributed to Police Scotland's introduction of intervention meetings
- Police Scotland's approach and manner in some licensing areas relating to premises licence review applications and the need to ensure that licensing boards have factual information in order to make a decision
- the special provision within the Act in processing occasional licences for certain events e.g. funerals
- the outcome and issues relating to the notification sent to the personal licence holders who required to undertake refresher training by the end of August 2014 and the impact on our licensing sections resources and manpower
- the difference in the refresher certificate styles; and the turnaround timescales of the accredited bodies in issuing certificates
- emphasis on the duty of personal licence holders to ensure they undertake refresher training and produce the appropriate certificate on time
- Falkirk Licensing Board had given 5 months notice to personal licence holders of their requirement, which was 2 months more than that specified within legislation

**Noted** the Report.

#### **4. UPDATE ON THE STATEMENT OF LICENSING POLICY**

Rose Mary advised that there had been a variety of reasons as to why a draft statement of licensing policy had not been produced. However, she appreciated the agreement of the Convener that an extra resource be brought in to help with the production of the draft document.

She referred to areas contained in the Policy Memorandum to the Air Weapons and Licensing (Scotland) Bill, namely (1) that for an overprovision assessment, the whole Licensing Board area may be considered as an area of overprovision, and allow Boards to take account of licensed hours, among other things; (2) removal of the five year restriction on re-applying for a licence revoked on grounds of failing to undertake refresher training and other changes to the personal licence holder requirements, and (3) the reintroduction of a fit and proper person test in relation to the issue or continued holding of a premises or a personal licence.

It was proposed that the Forum have an opportunity to take a view at the Bill stage.

After discussion, it was **agreed** that (i) the Air Weapons and Licensing (Scotland) Bill Policy Memorandum be included on the agenda of the Licensing Forum meeting due to take place on Tuesday 12 August; (ii) copies of the Policy Memorandum would be issued prior to the meeting, and (iii) that the time of the meeting be changed from 6.00 p.m. to **2.00 p.m.**

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

##### **Policy Statement**

Gordon raised the issue as to whether the Licensing Forum were in breach of their duty as the policy statement had not been reviewed within the timescale set out in the Act and, whether or not there was an anticipated timescale for a consultation document being made available.

In response, Rose Mary advised that the Licensing Forum were not in breach of their duty, but were merely recording their concerns that the Licensing Board should have provided this. She anticipated that there would be a draft available at the meeting on 12 August.

**Noted.**

### **Verification Policy**

Discussion took place on the lack of requirement for a written age verification policy and the difficulties this makes to enforcement.

**Noted.**

### **Fake ID**

Discussion took place in relation to the increased number of fake IDs being presented by youngsters; the consequences to premises licence holders and there being no impact on those presenting this documentation. Police Scotland and LSOs were aware of the problem and guidance had been given to premises licence holders on how to deal with this issue.

**Noted.**