

FALKIRK COUNCIL

MINUTE of MEETING of the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 13 JANUARY 2015 at 6.00 p.m.

FORUM MEMBERS

PRESENT: Jill Bennet (Person resident in Forum Area); Inspector Billy Drummond (Police Scotland); Gordon Emslie (Personal Licence Holder); David Gibson (Social Work); Ian Lovie (Scottish Grocers Federation); Warren Luke (Person resident in Forum Area); Bruce Rennie (District Bowling Association); Thomas Ross (Licensing Standards Officer)

ALSO PRESENT: Brett Ingle, Personal Licence Holder.

APOLOGIES: Lorraine Fisher (Education); Caird Forsyth (Falkirk Alcohol and Drug Partnership); Charles Gillespie (Person resident in Forum Area); Aileen Holliday (NHS Forth Valley); Madelene Hunt (Person resident in Forum Area), and Nash Lalli (Personal Licence Holder).

CHAIR: Gordon Emslie.

COUNCIL OFFICERS

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

1. APPOINTMENT OF CONVENER

Nominations for the post of Convener were sought.

AGREED to appoint Gordon Emslie as Convener of Falkirk Local Licensing Forum for 2015.

2. MINUTE

The Forum **approved** the minute of meeting held on 23 October 2014.

3. MATTERS ARISING FROM THE MINUTE

Training Event – Update

Alison advised that no date had yet been identified for the training event/workshop, but it was anticipated to take place at the end of March 2015.

Noted.

Licensing Policy Statement – Update

Inspector Drummond advised that he had been advised by his licensing division that, as yet there was no update as to when the Chief Constable's annual report would be published.

Rose Mary confirmed that she had written twice to the Chief Constable seeking an indication of when the 2013/14 report would be available but, to date, no response had been received. However, she felt that it would be worthwhile to wait until the latest figures were available, in order that these could be taken into account before the draft policy statement is consulted on. She advised that an alcohol fact sheet, containing the most up to date data, which included additional statistical information, had been received from the Council's Research and Information Team and that, the information contained in the fact sheet shows, in general, very little change in the Falkirk Council area.

Noted.

Alcohol Provision

Reference was made to Section F of the alcohol fact sheet 2015 which showed a slight increase in the rate of off-sales licences within the Falkirk area from 2012/13 to 2013/14 from 11.1% to 11.5% per 10,000 population, which is in line with the Scottish average rate of 11.4%.

Rose Mary confirmed that there had been one new application, one provisional and one confirmed licence for this period. However, it was noted that Falkirk's on sales licence rate per 10,000 population had decreased during the same period to 17.8% compared to the Scottish rate of 26.6%.

Mention was also made to the different ways of measuring capacity within various licensing board areas, and how capacity is not measured in some areas of the licensed trade e.g. on-line alcohol sales and some takeaway/deliveries.

In response to a question raised by a forum member, discussion took place in relation to premises which choose to close prior to their terminal hour. The Licensing (Scotland) Act 2005 is clear that alcohol cannot be sold out-with the times stated within a premises operating plan, and to sell up to the terminal hour. However, there are varying views on this issue. It was also highlighted that this impacts on capacity as premises have been granted hours that are not actually being used for the supply/consumption of alcohol.

Noted.

4. PERSONAL LICENCES – REQUIREMENT TO UNDERTAKE REFRESHER TRAINING

There was circulated report by the Consumer Protection Manager updating the Forum in relation to the statutory requirement for holders of a Personal Licence to undertake Mandatory Refresher Training and advising of the revocation statistics across Scotland.

Alison Barr highlighted the main aspects of the report, which included the following:

- in terms of s.87 of the Licensing (Scotland) Act 2005, all personal licence holders (PLHs) require to undertake refresher training every 5 years and to produce to the Licensing Board that issued their licence, evidence that they have done so within 3 months of the expiry of that period
- the legislation states that the Board must revoke the personal licence should the PLH fail to comply with this requirement
- since the implementation of the 2005 Act, Falkirk licensing board has issued 1,461 personal licences, with 690 of these due to expire on 31 August 2019
- notification of the mandatory training requirement was issued to those PLHs in early April

- letters were sent recorded delivery which was beneficial for the licensing section to monitor those returned “addressee gone away” and “not called for”
- work was carried out by the licensing section in identifying the whereabouts of a significant number of PLHs and further notifications were issued, where possible
- the lack of a national personal licence database has made it difficult for boards to “keep track” of PLHs
- to date, 351 personal licence holders have submitted their refresher training certificates or surrendered their licence
- 327 refresher training certificates remain outstanding for the Falkirk licensing board area
- 337 designated premises managers are specified in the premise licence relating to licensed premises in the Falkirk Council and require to have a personal licence
- the 2 licensing standards officers have been in contact with designated premises managers (DPMs) well in advance of the deadline to ensure that premises have the relevant trained staff to allow them to trade
- of the 337 DPMs, 238 have personal licences issued by Falkirk Council with the remainder (99) being issued by other licensing authorities
- to date, 18 DPMs with Falkirk Council personal licences have yet to notify the licensing board that they have undertaken the refresher training
- the licensing section were aware that a small number of these have failed to undertake the training and, applications to change DPMs are expected to allow premises to continue to trade
- the number of licences revoked by licensing authorities and the differing approaches taken

The undernoted comments were made during an open discussion:-

- 650 reminder notifications had been issued with 235 personal licences being revoked within the Falkirk area
- advice had been given by the licensing section and LSOs to those PLHs who had failed to undertake refresher training within the timescale
- licensing boards have an obligation to notify PLHs of their mandatory refresher training but ultimately PLHs were ultimately responsible to ensure that they met the deadline
- a legal challenge may be made on the original legislation as the sanction is significant as the PLH cannot apply for a new licence for 10 years
- when a PLH surrenders their licence and thereafter reapplies their original qualification is accepted
- the impact that revocation of personal licences has on business and, in particular, smaller outlets
- the personal licence training is now a combined examination and relates to both on-sales and off-sales which has resulted in lower pass rates
- refresher training certificates cannot be backdated
- in hindsight some larger companies wouldn't have originally trained so many of their staff as this has had a cost, administrative and time impact to ensure that all PLHs have undertaken refresher training
- some licensing board areas have been slow in responding to applications and several mistakes have also occurred in some areas
- Falkirk licensing section were praised for their efficiency during the first tranche of the PLH refresher training process
- an article was published in the Falkirk Herald highlighting the impact for individuals and the trade if the deadline for PLH refresher training was not met
- the refresher training process was ongoing with notification letters being sent out on a weekly basis by the licensing section

Noted.

5. ANY OTHER BUSINESS

Lower Legal Alcohol Limit

Billy Drummond, Police Scotland was heard in relation to the 4 week festive campaign and on the lower legal alcohol limit which was introduced by the Scottish Government on 5 December 2014.

Billy advised of the following:-

- the national campaign had run from 17 November 2014 until 3 January 2015
- throughout Scotland, 17,504 motorists had been tested, which equated to 625 per day
- 1,980 motorists had been tested within the Forth Valley "C" Division
- 27 motorists had failed the roadside test (19 males and 8 females)
- on average this was one failure for every 50 tested which compares to previous figures of one in every 47 tested
- only one motorist had failed the test between 0600 hrs and 1000 hrs under the new limit
- there had been an increase in home breathalyser kits but that these were not always accurate

Noted.

Extended Hours Applications 2014 and Extended Hours Sought in 2014

Alison circulated an analysis of the number of extended hours applications from January to December 2014 and the number of extended hours sought during the same period. She explained that the Board allows an extra hour of trading during the festive period for those premises holding a bona fide festive function and is applied for through an extended hours application.

The Forum **noted** that the majority of applications were lodged in November and were mainly for bona fide events taking place during the festive period.

6. DATE OF NEXT MEETING

Thursday 26 March 2015 at 3.15 p.m.