

DRAFT

FALKIRK COUNCIL

Minute of Joint Meeting of Falkirk Licensing Board and the Falkirk Local Licensing Forum held in the Municipal Buildings, Falkirk on Monday 19 February 2018 at 15.30 p.m.

Present: Councillor James Kerr (Convener of Falkirk Licensing Board); Councillors David Balfour, Lorna Binnie, Gordon Hughes and Ann Ritchie (Members of Falkirk Licensing Board); Carol Carmichael (Member of the public); Gordon Emslie (Personal Licence Holder- Trade); John Hamilton (Personal Licence Holder- Trade); Aileen Holliday (NHS Forth Valley- Health); Madelene Hunt (Member of the public); Andrew Kane (Member of the public); Ruth McDonald (Falkirk Alcohol and Drug Partnership- Health); Thomas Ross (Licensing Standards Officer); Liam Slaven (Scottish Youth Parliament- Young Persons); and Mark Stevenson (Personal Licence Holder- Trade)

Chair: Councillor Kerr

Council Officers

Present: Alison Barr, Consumer Protection Manager; Colin Moodie, Chief Governance Officer; Stuart Murray, Trainee Governance Assistant; and Antonia Sobieraj, Committee Services Officer.

Also Present: Licensing Sergeant, Claire Mackenzie, Police Scotland.

1. Apologies

Apologies were intimated on behalf of Provost William Buchanan; and Councillor John Patrick

2. Minute

The Minute of Joint meeting between Falkirk Licensing Board and the Falkirk Local Licensing Forum held on 22 November 2016 was approved.

3. Licensing Board Annual Report – 1 January to 31 December 2017

There was submitted Report (circulated) dated 19 February 2018 by the Clerk to the Licensing Board (a) setting out the work undertaken by the Board since 1 January 2017 in relation to activity under the Licensing (Scotland) Act 2005; (b) an outline of the main provisions that have come into force and work undertaking to mainstream changes from the Air Weapons and Licensing Act 2015, attaching, at Appendix 1, the report considered by the Licensing Board on 12 August 2015 which detailed the main changes to the Licensing (Scotland) Act 2005; (c) summarising the provisions of the 2015 Act which amend sections 6 and 7 of the 2005 Act, statement of licensing

policy: licensing policy periods and overprovision which came into force on 30 September 2016, attaching, at Appendix 2, the current Statement of Licensing Policy; (d) an outline of the annual financial report which was considered by the Licensing Board at their June 2017 meeting, attaching, at Appendix 3, the Statutory Annual Income and Expenditure Report 2016/17; (e) summarising the duty on Licensing Boards to prepare an annual functions report, with the first report due for publication by the end of June 2018; (f) summarising the “Fit and Proper” Test, which came into force on 15 May 2017 and stating that the Board has refused one application for a personal licence under the test; (g) outlining the Alcohol (Minimum Pricing) (Scotland) Act 2012 and the Scottish Government plans to introduce Minimum Unit Pricing for alcohol on 1 May 2018; (h) summarising the Immigration Act 2015 and stating that the provisions have not yet come into force regarding alcohol licensing; (i) outlining the budgetary information regarding the annual retention fee under the 2005 Act and that the Board approved the 2017/18 annual fee at the Board meeting on the 21 June 2017; (j) Providing a detailed overview of all Licence Applications, Reviews and Revocations in 2017.

After hearing from Alison Barr in summary of the Report, the Board **Noted** the Report and thereafter highlighted the undernoted issues:-

- The overprovision section on the Statement of Licensing Policy;
- The enforcement of premises licences and annual fees;
- The definition of minor and non-minor variations;
- The licencing of functions over the festive period;
- The guidance around when revocation of personal licences come into effect; and
- The legislation regarding occasional licences.

Councillors Balfour, Binnie, Hughes and Ritchie left to attend the SNP budget meeting at 16:00 p.m.

4. Any Other Competent Business

The following issues were discussed:-

- The Licensing Board sub-group and representatives from the Forum attending the next meeting;
- The Statement of Licensing Policies of other Boards;
- The licensing objectives in relation to alcohol and health;
- The purchase of alcohol and the use of social media; and
- The enforcement of licensing conditions.