

FALKIRK COUNCIL

NOTE of MEETING of the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 12 AUGUST 2014 at 2.00 p.m.

Attending

Gordon Emslie (Convener)
Councillor Allyson Black
Charles Gillespie
Aileen Holliday
Councillor Gordon Hughes
Madelene Hunt
Ian Lovie
Bruce Rennie
Kate Smith

Also in Attendance

Alison Barr, Consumer Protection Manager
Arlene Fraser, Committee Services Officer
Jack Frawley, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer

1. APOLOGIES

Apologies were intimated on behalf of Jill Bennet; Lorraine Fisher; David Gibson; Nash Lalli; Warren Luke, and Thomas Ross.

The Convener noted that for the third consecutive meeting there had been no representative of Police Scotland present. Rose Mary Glackin suggested that she write to Police Scotland on behalf of the Forum as they were a valued partner and their contribution to the work of the Forum was strongly desired.

2. MINUTE OF PREVIOUS MEETING

As the meeting was inquorate it was noted that the minute of the meeting of the Forum of 10 June 2014 would be submitted to the next meeting of the Forum.

3. AIR WEAPONS AND LICENSING (SCOTLAND) BILL

Alison Barr summarised the report and highlighted the changes which were of most relevance to the Forum which included:

- Lengthened validity of Licensing Policy, the new Bill stated that agreed policies would have duration of up to 5 years – the alignment of the policy duration with the term of the Licensing Board was welcomed as a positive change;
- An amendment to determine the whole of the Licensing Boards area as a single locality in examination of overprovision was welcomed. However, the Forum noted that there was a lack of account around occasional licenses, the number of which per year can be substantial;

- Changes to the 'Fit and Proper Person Test' which broaden the type and depth of information the Chief Constable could provide to the Licensing Board. It was noted that different Boards may weight information differently and that increased numbers of appeals from refused applicants was expected. The Forum discussed issues of civil liberties and noted that Taxi Driver licence applications to Civic Licensing were considered in private when there had been police representation but that, in contrast, the Board must be heard in public including attendance of the press;
- The annual financial report proposed by the Bill was also welcomed positively and the Forum noted that although the practicalities may be challenging it would be useful;
- The Bill amended the wording of the licensing objective 'Protecting Children from Harm' to include young persons i.e. 16 and 17 year olds, the Forum discussed that punishment remained focussed on retailers rather than those who set out to break the law by purchasing underage or as proxy agents; and
- Timescales for personal licence holder refresher training were examined in the Bill and it was positively noted that the local authority gave 9 months notice to licence holders of their mandatory refresher training. Further, it was noted that if a license was revoked for failure to undergo mandatory refresher training that an individual would no longer have to wait 5 years to elapse before applying for a new licence.

Following a question about when the Bill would go live, Alison Barr stated that it was expected the Bill would be enacted in the spring of 2015.

4. DRAFT STATEMENT OF LICENSING POLICY

Rose Mary Glackin provided an overview of the statement of licensing policy and noted that there was not a significant change in policy direction. From the Alcohol Fact Sheet, appended to the policy, it was noted that the Falkirk area was below the national average for number of premises licences and was also, generally, below the national average on measures of alcohol consumption and health. It was also noted that Police Scotland were content with the situation in the Falkirk area and could see no clear abuse trends.

The Forum discussed the policy and noted:

- the difficulty in examining health issues as the area of health board provided statistics and the area of the local authority do not mirror one another;
- the positive work carried out by all those involved in passing the 53 test purchases carried out by Police Scotland from 2011/12 to 2012/13;
- the duty of the Licensing Board to promote the 5 licensing objectives; and
- the use of risk assessments in the licensed trade and their usefulness in informing the operating plan. Aberdeen was highlighted as having good procedures in this area and was an example of 'what good looks like'.

The Forum then considered each licensing objective in relation to the licensing policy. It was noted that CCTV systems were particularly important in management of the risk of crime and disorder and that operational CCTV systems were sought by the Board when granting licenses. It was further noted that when granting premises licenses in high risk areas the Board could request that more significant systems be installed. It was also stated that the Board was in favour of

Electronic Point of Sale (EPOS) tills and would generally require new applications for off-sales premises licenses to have EPOS tills in place.

The Forum noted the commitment of the Board to securing public safety but that the policy should not seek to replicate what is within the remit of other organisations i.e. Police Scotland.

There was discussion about the impact of licensed premises in or near residential areas in terms of preventing public nuisance. The wide definition of nuisance was considered and the Forum was sensitive to the need to balance the impact of the licensed trade on local people with the carrying out of legitimate and legal business.

The Forum noted that protecting and improving public health was an important objective but was hard to address and that there were no quick fixes. It was stated that the Board could only work within their powers as granted by the Act and that the Board would need to demonstrate a causal link between the granting of a license and a health impact. The Forum noted that applicants are expected to understand this objective and the possible impact of their application.

Rose Mary Glackin stated that she sought the feedback of the Forum on the policy before consulting more widely. The Forum agreed that a special meeting would be held the week commencing 29 September 2014 and that full details would be circulated to all members as soon as possible.

5. ANY OTHER COMPETENT BUSINESS

Ian Lovie stated that his organisation had 23 personal licence holders undergo their mandatory refresher training in the Falkirk area and that they received their licenses after an average of 15 days, this compared favourably with experiences in other local authorities and he passed his thanks to the licensing team. The convener noted that it had historically been the case that Falkirk Council issued licenses in a timely fashion.