

FALKIRK COUNCIL

Minute of Joint Meeting of Falkirk Licensing Board and the Falkirk Local Licensing Forum held in the Municipal Buildings, Falkirk on Thursday 2 May 2019 at 15.30 p.m.

Present: Councillor Lorna Binnie and Allyson Black (Members of Falkirk Licensing Board); Gordon Emslie (Personal Licence Holder-Trade); David Gibson (Social Work) John Hamilton (Personal Licence Holder- Trade); Madelene Hunt (Member of the public); Andrew Kane (Member of the public) Andrew Kane (Member of the public) Michael Kleist (Member of the public) Ian Lovie (Scottish Grocers Federation/ Premises Licence Holder – Trade); Ruth McDonald (Falkirk Alcohol and Drug Partnership-Health), and Sergeant Sanda Treachard (Police Scotland).

Chair: Allyson Black.

Council Officers

Present: Alison Barr, Consumer Protection Manager; Colin Moodie, Chief Governance Officer; Brian Pirie, Democratic Services Manager.

1. Apologies

Apologies were intimated on behalf of Councillor Balfour, Bissett, Coleman and Patrick: Aileen Holliday (NHS Forth Valley – Health), Thomas Ross (LSO) and Mark Stevenson (Personal Licence Holder – Trade).

2. Minute

Minute of Joint meeting between Falkirk Licensing Board and the Falkirk Local Licensing Forum held on 19 February 2018 was approved.

3. Licensing Board Annual Report for 2018

There was submitted Report (circulated) dated 24 April 2019 by the Clerk to the Licensing Board providing (a) an update on legislative changes since the 2017 annual report, (b) outlining the work carried out by the Licensing Board from 1 January to 31 December 2018 in relation to activity under the Licensing (Scotland) Act 2005,

Alison Barr, Consumer Protection Manager summarised the contents of the report and highlighted the following:-

Legislative Update

- Air Weapons & Licensing Act 2015

One amendment had come into force since on 29 June 2018, which related to interested parties (s.59 of the 2015 Act), but there were some provisions relating to alcohol still to come into force.

- Criminal Justice and Licensing (Scotland) Act 2010

There had been changes to the 2005 relating to connected persons and interested parties, and to the increased powers of entry, inspection and seizure by Licensing Standards Officers. These had come into force on 29 June 2018.

- Alcohol (Minimum Pricing) (Scotland) Act 2012

The introduction of the minimum unit price, set at 50p per unit of alcohol was part of a package that was aimed at helping to reduce alcohol consumption and related harm. Since 1 May 2018, Licensing Standards Officers had carried out visits to licensed premises to check on compliance. However, to date, no complaints specifically relating to this legislation had been received by the licensing section.

Statement of Licensing Policy

A supplementary Statement of Licensing Policy had been approved by the Licensing Board on 26 June 2018 and related specifically to the festive trading. The supplementary policy shortened the length of the festive trading period and introduced the use of general extension of hours on specific days within the festive period.

She referred to the work undertaken by the Sub-Group on the review of the Statement of Licensing Policy, the consultation undertaken, and responses received. The Licensing Board had approved the new Statement of Licensing Board Policy at its meeting on 19 December 2018.

Overprovision

Preparatory work in relation to the assessment of overprovision had commenced and work on this work stream would continue.

Financial Statement

Alison provided background information on the statutory requirement of the Board to prepare and publish its Statutory Annual Income and Expenditure Report; and to agree the annual fee levels.

The Licensing Board had approved the Annual Fees and Statutory Annual Income and Expenditure Report 2017/18 at its meeting on 26 June 2018 and a copy was attached as Appendix 2 to the report.

Functions Report

Alison referred to the Air Weapons and Licensing Act 2015 which amended the 2005 Act and placed a duty on Boards to prepare an annual functions report. A copy of the Board's first report for 2017/18, which was approved and published at the end of June 2018, was attached as Appendix 3 to the report.

Budgetary Information

Information was provided on how the collection of the 2018 annual retention fee was carried out and to the slight decrease in the annual fee income gathered in 2017. The Licensing Board had agreed that there would be no reduction in the fee level from the maximum prescribed, which had been the case since the introduction of the 2005 Act. These had been approved at the Licensing Board meeting on 26 June 2018. Details of these were set out in Appendix 2 to the report.

Licences - 2018

Alison advised that there were currently 359 premises licences, and 1,423 personal licences. Two new premises licences had been granted, 3 provisional licences had been received, and no premises licences had been refused. Of the 23 non-minor variation applications received in 2018, 22 had been granted in that year, with one being granted early in 2019. Additionally, there had been 36 applications for minor variations, all of which had been granted under delegated powers.

Premises Licence Reviews

Three premises licence review applications had been received, two of which were for the same premise. Details of the outcome and recommendations made by the Licensing Board were set out in the report.

Occasional Licences

There had been an increase of 174 occasional licence applications from the previous year. Details of the application type, venue and event were set out in the report. The cost of these licences was still £10.

Extended Hours

There had been a decrease of 59 extended hours applications, which was due to the implementation of the Supplementary Statement of Licensing Policy – Festive Trading.

Personal Licences

During 2018, 157 personal licence applications had been received, with 2 being referred to the Licensing Board for determination. The Licensing Board had received 3 personal licence reviews with the Licensing Board's disposal for each was detailed in the report.

Behaviour Inconsistent with the Licensing Objectives

In 2018, the Licensing Board dealt with its first case in relation to a personal licence holder behaving in a manner that was inconsistent with the licensing objectives.

Personal Licence Revocations

An amendment by the Air Weapons & Licensing Act 2015, now allows an application to be lodged for a new personal licence by a person whose licence has been revoked, but only applies in specific circumstances.

Renewal of Personal Licences

In line with the 2005 Act, personal licence holders must apply 3 months prior to the date of the expiry of their licences. Personal licences are granted for 10 years and for those granted prior for the commencement of the 2005, the expiry date is 31 August 219.

Alison advised that in September 2018, 399 personal licence holders were contacted advising that the deadline for submitting a renewal application is 31 May 2019.

Decision

The report was noted.

4. Any Other Competent Business

During open discussion, the following issues were raised:-

- the £10 fee for occasional licences does not equate to the work involved in processing the application
- the Scottish Government were due to publish a consultation on the fee level for occasional licences
- occasional licences are being used to operate businesses that have a greater turnover than many licensed premises but do not incur the same stringent checks/regulations
- work was ongoing to ensure that the necessary training for those applying for occasional licences had been carried out
- the need to ensure that appropriate staff training is in place for those employed at events operating under occasional licences
- applicants are advised that the same mandatory conditions apply to both occasional licences and premises licences. If deemed appropriate, additional conditions can also be applied depending on the event/venue/numbers/ages etc
- the importance of intelligence to assist Police Scotland/Licensing Section in ensuring that licence conditions and licensing objectives are being adhered to
- Police Scotland check the list of occasional licences and if they have any concerns, they will visit the event/premise
- the work which took place on producing the new Statement of Licensing Policy
- feedback from the consultation exercise had been included in the finalised Statement of Licensing Policy
- raising awareness of the renewal process for personal licence holders and the timescale for lodging applications
- the premises licence review process and the options and sanctions available to the Licensing Board
- collecting and ensuring that appropriate data to be relied upon considering overprovision can be difficult to obtain
- the difficulties in proving a direct causal link between alcohol related problems and specific licensed premises
- the overprovision statement requires to be robust and able to withstand challenge
- other Licensing Board areas have based their overprovision statement on NHS data linked to health related illness

5. Date of Next Joint Meeting

To be advised.