

**FALKIRK COUNCIL**

**MINUTE of MEETING of the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 27 JANUARY 2011 at 1.30 p.m.**

**FORUM MEMBERS**

**PRESENT:**

L Ainslie, Bo'ness Community Council; D Connell, Forth Valley College (substituting for S Crawford); C Forsyth, Corporate Policy Officer (Substance Misuse); B Flynn, Scottish Licensed Trade Association; T Grieve, Brightons Community Council; Dr O Harding, NHS Forth Valley; Superintendent R McGregor, Central Scotland Police; M Mulligan, Denny & District Community Council (substituting for C Belbin); T Ross, Licensing Standards Officer, and P Smith, BEDA.

**CONVENER:**

T Grieve.

**APOLOGIES:**

C Belbin, Denny & District Community Council; S Crawford, Forth Valley College; A Keir, Belhaven Leased Pubs; I Lovie & K Mackie, Scottish Grocers' Federation Ltd.; G Morgan & M Cooper, Falkirk Central Community Council; P Nicol, Young Scot and M Richards, Grangemouth Community Council.

**COUNCIL OFFICERS**

**PRESENT:**

B Pirie, Democratic Services Manager and A Fraser, Committee Officer (Law and Administration Services).

**ALSO ATTENDING:**

Provost P Reid and Councillor M Nicol; Sergeant B Daye, Central Scotland Police; D Frood, Licensing Standards Officer, and M Hunt, Bo'ness Community Council.

**1. APPOINTMENT OF CONVENER**

In terms of the constitution, nominations for Convener were invited from its membership by the Clerk to the Licensing Forum.

There being only one nomination, it was **AGREED** that Tom Grieve be duly elected Forum Convener for 2011.

**2. MINUTES**

There was submitted (circulated) and **APPROVED-**

- (a) Minute of Meeting of the Falkirk Local Licensing Forum held on 27 May 2010, and
- (b) Minute of Meeting of the Falkirk Local Licensing Forum held on 23 September 2010.

### 3. DATES FOR FUTURE MEETINGS – 2011

The Forum **AGREED** the undernoted dates of meetings for 2011 within the Municipal Buildings, Falkirk at 2.30 p.m. -

- Thursday 24 February
- Thursday 26 May
- Thursday 22 September
- Thursday 1 December

### 4. THE LICENSING (SCOTLAND) ACT 2005

#### **UPDATE ON OVERPROVISION ASSESSMENT, ISSUING OF LICENCES AND THE REVIEW OF THE STATEMENT OF LICENSING POLICY**

There was submitted Report (circulated) dated 15 January 2010 by the Clerk to the Licensing Board providing details on (a) the work undertaken in developing and preparing the Licensing Board's draft Overprovision Assessment; (b) the pre-consultation exercise carried out to consider whether there are certain localities within the Falkirk Council area where overprovision of licensed premises, or premises of a particular description, which may require to be addressed; (c) the evaluation and analysis of all the responses received from the pre-consultation exercise; (d) the processing and issuing of premises licences, and (e) the work carried out on the review of the statement of the Licensing Board's Licensing Policy.

B Pirie advised that the Licensing Forum had requested this Report at its informal meeting on 28 October 2010.

The Report would be considered at the joint meeting between the Forum and Falkirk Council Licensing Board later, but was included on the agenda to allow the Forum to discuss the main issues contained in the Report and to form a view.

Discussion the focussed on:-

- the approach taken by other Licensing Authorities in addressing overprovision
- the requirement to prove "causation" and the difficulty in establishing links between overprovision
- the Board's proposed consultation with stakeholders on its overprovision assessment
- Forth Valley NHS's 4 strategic priorities
- the need to base the overprovision assessment on accurate and up to date information
- the definition of "localities" within the assessment
- the link between alcohol and domestic violence both locally and nationally

A copy of the draft Overprovision Assessment and General Approach to the Consideration of Overprovision Consultation document was circulated for information prior to the Joint meeting.

**NOTED.**

### 5. ANY OTHER BUSINESS

The following issues were raised for future consideration:-

- smoking outside licensed premises
- inviting guest speakers to address the Forum
- domestic violence
- membership of the Forum

**NOTED.**

**FALKIRK LOCAL LICENSING FORUM**

**Subject: LICENSING FORUM - ITEMS FOR DISCUSSION**  
**Meeting: FALKIRK LICENSING BOARD AND LOCAL LICENSING FORUM**  
**Date: 1 December 2011**  
**Author: Clerk**

**1. INTRODUCTION**

- 1.1 At its meeting on 22 September 2011, the Licensing Forum requested that a number of items be brought to the Joint meeting for discussion.
- 1.2 This Report sets out the issues to be discussed.

**2. REVIEW OF THE STATEMENT OF LICENSING POLICY**

- 2.1 The Forum was advised on 24 February 2011 that the finalised draft policy would be presented to the Licensing Board on 16 March 2011, in advance of a consultation process. The Forum is concerned that the draft document has yet to be agreed by the Licensing Board and the formal consultation process has not commenced.
- 2.2 The Forum is of the view that the Board should have consulted with it and all stakeholders from the outset by issuing the current Policy Statement for comment as the basis for consultation.

**3. ISSUE OF PREMISES LICENCES**

- 3.1 The Forum is concerned at the number of premises licences still to be issued within the Falkirk Licensing Board area. The Forum was advised on 27 January 2011 that all premises licences would be issued by 28 February 2011. Additionally, the Forum is concerned at the impact the lack of issued licences has had on the ability of Central Scotland Police and the Licensing Standards Officers to readily regulate premises and the practical difficulties caused.
- 3.2 The trade members of the Forum highlighted that annual fees had been paid during and since transition, yet in many cases, licences had not been issued.

**4. OVERPROVISION STATEMENT**

- 4.1 The Forum is of the view that the process followed by the Board in developing the Overprovision Statement did not allow comment at a suitably early stage and, as such, it had limited opportunity to influence the Board's thinking.
- 4.2 The response made by the Forum to the Overprovision Statement stated that "it would be curious as to what the conclusion would have been if a different methodology had been adopted". The Forum maintains that it would have been preferable if it had been involved at the stage when the methodology was agreed, and not towards the end of the process.

**5. RECOMMENDATION**

**5.1 Members are asked to give consideration to the aforementioned issues.**

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**Clerk**

**Date : 14 November 2011**

**Contact Officers : Brian Pirie/Arlene Fraser**

FALKIRK LOCAL LICENSING FORUM

Subject: RE-THINKING ALCOHOL LICENSING  
Meeting: FALKIRK LICENSING BOARD AND LOCAL LICENSING FORUM  
Date: 1 December 2011  
Author: Clerk

**1. BACKGROUND**

- 1.1 "Re-thinking Alcohol Licensing" was produced by Alcohol Focus Scotland (AFS) and Scottish Health Action on Alcohol Problems (SHAAP) and launched at this year's National Licensing Conference in September. The report calls for more effective controls on how, when and where alcohol is sold to reduce record levels of alcohol-related harm.
- 1.2 The report also contains key recommendations for licensing boards, local authorities and other statutory bodies and for the Scottish Government. The report has previously been circulated to members of the Licensing Board and members of the Licensing Forum.
- 1.3 The recommendations for licensing boards and local authorities are:
  1. Licensing boards should prioritise formulating a comprehensive, evidence-based statement of licensing policy.
  2. Licensing policy should take into account the aggregate effect of licensed premises on drinking behaviour and levels of alcohol-harm in their local population, as well as the operating conditions of individual licensed premises.
  3. Licensing boards should determine the locality for an assessment of overprovision that is appropriate to the licensing objectives, and define areas for assessing overprovision for which statistics are available rather than adopting areas for which no statistics are available.
  4. Local authorities should ensure that there are mechanisms in place to check consistency and complementarity of different policies of local government to ensure that due consideration of licensing policy is taken into account in other areas, for example, planning and economic development.
  5. Licensing boards should publish detailed information about licences in force in their area for the better monitoring of licensing, consumption and harm trends, to inform policy formulation and to equip local licensing fora, community groups and others wishing to engage in the process of shaping their local licensing environment.

2. RECOMMENDATION

- 2.1 Members are invited to note and consider the recommendations set out in paragraph 1.3 of the Report.

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Clerk

Date : 14 November 2011

Contact Officers : Brian Pirie/Arlene Fraser

Background Papers

1. Re-thinking Alcohol Licensing [www.alcohol-focus-scotland.org.uk/licensing-resources](http://www.alcohol-focus-scotland.org.uk/licensing-resources)