

**NOTE of INQUORATE MEETING of LOCAL LICENSING FORUM held in the COMMITTEE  
ROOM 1, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 5 NOVEMBER 2014**

**Present:** Eric Dearie, Licensing Standards Officer (Chair)

Russell Buchanan, Ex Licensee  
Martin Donovan, Licensed Trade  
Iain MacNaughton, Community Representative  
Cath Cakebread, Argyll and Bute Addiction Team Manager  
Elaine Garman, NHS Highland  
Sergeant David Ferguson, Police Scotland

**Attending:** Sheila MacFadyen, Senior Solicitor

In the absence of the Chair, Sheila MacFadyen invited the members to elect a chair for the meeting. The Forum agreed Eric Dearie would chair the meeting.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Calum MacLachlann, Tim Saul, Fred Bruce, Sheila Johnston, Raymond Boyle, Roanna Clark, Sarah Nicolson and Kenny Harrison.

It was noted that the meeting was inquorate however the Chair received agreement from the Local Licensing Forum to continue with the meeting.

The Forum agreed that all decisions would be homologated at the next quorate meeting of the Local Licensing Forum.

**2. APPOINTMENT OF CHAIR PERSON**

The Forum was reminded that at their informal meeting held on 2 September 2014, the current Chair, Kenny Harrison had advised that he had intended to step down as Chair at the next meeting. The forum discussed the role of Chair of the Forum and agreed that it would be useful if an email was circulated in advance of the next meeting of the Forum asking all members to consider taking on the role as Chair and if they are interested in considering the role to let Susan know in advance of the next meeting.

**Decision**

The Local Licensing Forum agreed that an email should be issued in advance of the next meeting asking members to consider taking on the role as Chair.

**3. MINUTES**

The Local Licensing Forum considered the Minutes of the last meeting. The Forum noted that at this stage, the sub group from the Licensing Board, which had been set up in order to form a view on overprovision

had nothing to report to the group.

The group discussed the informal meeting that was held as a result of the last meeting to discuss, with the Licensing Board, the role of the Forum. The group agreed that they had found the informal meeting, in which the forum sat through a meeting of the licensing board prior to the discussion with some members of the licensing board very beneficial.

The forum highlighted that a major change to licensing law is about to be introduced in relation to the drink driving policy and some members of the forum felt that they should have been given an opportunity to submit their views. The forum was advised that the licensing board were also not involved in the consultation phase of these changes.

Sheila MacFadyen advised that she had a copy of the agenda from the most recent local licensing forum that had been held at West Dunbartonshire Council, and advised the meeting as to the items on the agenda. The meeting noted that although West Dunbartonshire had reports on the agenda (e.g. police and licensing standards), all the reports were for noting only and no recommendations were being made as a result of these reports. The meeting agreed that although reports from Police Scotland and the Licensing Standards Officers were informative, at a previous meeting they had agreed to stop requesting such reports as they felt they were of no benefit and required officers to collate information for noting only.

### **Decision**

The Minutes of the Local Licensing Forum held on 30 April 2014 were approved as a correct record.

#### **4. MEMBERSHIP OF THE FORUM**

The Local Licensing Forum were advised that this item had been put on the Agenda to provide the Forum with an opportunity to identify any potential gaps in the membership. The Forum had a discussion on the membership and advised that it would be useful to have representation from the off sales trade on the forum. The Chair advised that Mark Tyson, who is a pub licensee and member of the PubWatch scheme in Helensburgh, is keen to join the Forum. The Chair advised that there are approximately 60 licensed members clubs throughout Argyll and Bute and the forum agreed that it would be beneficial to have representative from them on the Forum. The group discussed the Geographical representation of the forum and agreed that most areas are currently well represented with the exception of Helensburgh and Lomond, Campbeltown and the Islands. The forum agreed that it was unrealistic to expect someone from an Island to travel to Lochgilphead for the meeting however the forum discussed the possibility of members attending the Forum via Video Conferencing. The Forum discussed ways of attracting new members and agreed that an advert in local papers or trade magazines could be a viable option.

### **Decision**

The Local Licensing Forum agreed that representation from the off sales trade and a licensed members club would benefit the Forum and in order to cover all of Argyll and Bute it would be valuable to get members from Helensburgh, Campbeltown and possibly the Islands. The Forum also agreed that Susan Mair should look into methods of advertising in order to attract new members to the Forum and the advertisement should advise that Video Conference could be used to prevent people from having to travel.

## **5. FESTIVE HOURS POLICY**

The Local Licensing Forum were provided with a copy of Argyll and Bute's Licensing Board's Festive hours policy from last year and were advised that the Licensing Board will be considering the policy at their next meeting on the 18 November 2014 and although it is likely that they will agree the same policy as last year, would like the forums views on the policy before the decision is finalised.

The Chair explained the policy to the Forum and advised that this year the festive period would begin on the 12 December opposed to the 13 December.

The Forum held a discussion on the policy, and agreed that although they are happy with the policy, an emphasis should be placed within the policy reminding licence holders that if they are allowing children to be in a licensed premise until 1am on 1 January 2015, that it is their responsibility to protect the children, to ensure that they are not unduly exposed to intoxicated adults.

The Chair advised that protecting Children from harm is one of the five licensing objectives as set out in the Licensing (Scotland) Act 2005.

The Forum discussed whether it would be beneficial to be provided with statistical information in future to determine if this policy works or if it creates more problems with regard to the health service and the police, however the forum noted that it would be hard to determine if the extended hours were a factor in any change as the holiday season and planned extra resources by Police Scotland could also be accountable for any change in alcohol related statistics.

### **Decision**

The Local Licensing Forum agreed to make the following representation to the Licensing Board.

1. The Local Licensing Forum recommends that the Licensing Board make clear to the applicant that it is their responsibility to ensure that they are providing ample supervision at any event where children and young persons are present until late at night to ensure that they are not unduly exposed to intoxicated adults.
2. The Local Licensing Forum recommends that the Board consider using health and crime statistics in the future when deciding on their Festive Hours Policy to ensure the policy they have in place is

successful. However the Forum also noted that it would be hard to determine whether a change in statistics was a result of the Festive Hours Policy or was because of the increased resources put in place by Police Scotland over the holiday season.

## **6. THE FIVE POLICY OBJECTIVES**

The Chair advised that the agenda should read the five licensing objectives as opposed to the five policy objectives, and asked Sheila MacFadyen to remind the Forum of the five licensing objectives. Sheila MacFadyen advised that it had been agreed at the informal meeting of the Local Licensing Forum that the five licensing objectives should be a standing item on all future agendas, and this would allow the forum to raise any issues they had at any meeting. The Chair advised that under the previous item we had spoken a lot about objective (e), Protecting Children from Harm and he advised that as part of The Air Weapons Bill currently progressing through the Scottish Parliament that this was being updated to read Protecting Children and Young Persons from Harm. The Chair reported that the Licensing Board are required to take into account each of the Licensing Policy Objectives when deciding whether to grant or deny every licensing application. The Forum agreed that it would be helpful if the five objectives were detailed on each agenda to remind people of what they were.

### **Decision**

The Forum agreed that for future agendas, the Five Licensing Objectives should be detailed to remind the forum of what they are.

## **7. ALCOHOL FOCUS SCOTLAND REPORT ON THE REVIEW OF STATEMENTS OF LICENSING POLICY**

The Chair advised the Forum that the report had recently been considered at a licensing conference. The report highlights Alcohol Focus concerns regarding Licensing Boards throughout Scotland. Alcohol Focus believes that the licensing boards are not doing enough work in regard to overprovision. The Chair advised that when this report was written, Argyll and Bute Licensing Boards 2013-2016 Policy had not been finalised and therefore is not included in the report. The forum noted the clarity of the report, and the detailed suggestions for improvement. The forum held a discussion on the requirement for each local authority to have its own licensing board. The Chair asked the members of the forum to bring any comments they have on the report to the next meeting.

### **Decision**

The Local Licensing Forum noted the report by Alcohol Focus Scotland and agreed to bring any further comments they had on the report to the next meeting of the Forum.

(Reference: Report by Alcohol Focus Scotland, submitted, dated August 2014)

## **8. ANY OTHER BUSINESS**

### **Pub Watch**

The Local Licensing Forum held a discussion on the pub watch scheme. The Chair advised that currently there are three pub watch schemes operating within Argyll and Bute, one in Helensburgh, Oban and Campbeltown. The group were advised as to how pub watch operates, and the forum held a discussion on this. In response to a question by the forum as to whether pub watch could include on and off sales trade the Chair advised that the pub watch scheme in Campbeltown, until recently, was chaired by the Manager of the Campbeltown Co-op. The group agreed that it would be useful to discuss pub watch schemes at a future meeting.

### **Police Scotland Update**

Sergeant David Ferguson provided an update on behalf of Police Scotland. He advised the Forum that there were no major issues within Argyll and Bute. He advised that there had been an increase in assaults in Licensed Premises and Police Scotland are working with licensed premises to get their staff are trained in conflict management. Sergeant David Ferguson reported that Police Scotland is continuing to work alongside Licensing Standards Officers to make sure that licensed premises are receiving the support they require. He advised that Police Scotland is currently undertaking an exercise to ensure Personal Licence Holders refresher training is up to date. Sheila MacFadyen advised that personal licence holders who had not submitted their certificates by the end of November would have their licenses revoked at the Licensing Board meeting on 10 December 2014.

## **9. DATE OF NEXT MEETING**

Sheila MacFadyen advised that the group are required to have a joint meeting with the Licensing Board and reported that the proposed date for this meeting is Wednesday 10 December 2014.