

THE HIGHLAND LICENSING BOARD AND THE HIGHLAND LICENSING FORUM

Minute of the joint meeting of the Highland Licensing Board and the Highland Licensing Forum held in Committee Room 2, Council Headquarters, Glenurquhart Road, Inverness, on Tuesday 6 August 2013 at 4.20pm.

Business

Members of the Highland Licensing Board Present:

Ms M Smith
Dr I Cockburn
Mr A Duffy
Mr R Greene
Mr R Laird
Mrs L Macdonald
Mr J Stone

Members of the Highland Local Licensing Forum Present:

Mrs S Williamson (by video conference)
Mr R McGhee
Ms J Home
Mrs P Hayden
Sgt R Nicolson
Mr D McDiarmid
Ms E Smart
Ms G Gunn
Mrs C King

In Attendance:

Mr A Mackenzie, Clerk to the Highland Licensing Board
Mrs F Sinclair, Clerk to the Highland Local Licensing Forum
Ms S Blease, Depute Clerk to the Licensing Board
Mr I Cox, Licensing Standards Officer
Mr D Inglis, Licensing Standards Officer
Ms E Treasurer, Licensing Standards Officer
Ms A Macrae, Committee Administrator

Also in Attendance:

Inspector A Henderson, Police Scotland

Ms M Smith in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr D Millar, Mr A Henderson, Mr W Mackay, Ms S Henderson, Mr D Lawson, Mr G Phillips, Ms F Palin, and Ms J Sutherland.

2. Confirmation of Minutes

There had been circulated for confirmation the Minute of the joint meeting of the Board and the Forum held on 4 September 2012.

The Minute was held as read and **APPROVED**.

3. Policy Statement – Procedure and Methodology

The Depute Clerk outlined the procedure and methodology to be adopted in relation to the Board's policy statement.

She reported that the public consultation period on the Consultation Draft Policy Statement 2013-16 had ended on 31 July 2013 and that the process of collating the consultation responses had now been completed. A special meeting of the Highland Licensing Board would be held on 27 August 2013, at which the Members would be invited to agree any amendments and additions to the Draft Policy Statement following consideration of all responses received. Further, the Board would be invited to agree that a draft final Policy Statement incorporating the agreed amendments and additions be brought back to a future meeting of the Board for final approval before adoption, with a view to having the final policy in place by November 2013.

In regard to the consultation responses received she reported that the main issues raised had related to:-

- i. Policy Hours – in the main these were considered to be satisfactory, although comments had been received in regard to late opening for entertainment venues and the Board's policy hours for Sunday opening;
- ii. Scottish Premier League football matches - the majority of respondents had been in favour of the approach being taken by the Chair, under her delegated powers, to allow early opening at football stadiums only and where the supply of alcohol was related to the provision of food and pre-match entertainment;
- iii. Adult Entertainment – from the responses received it was apparent that a misconception existed in relation to the Board's powers on this matter. She clarified that in considering an application to vary a premises licence, the Board was being asked to licence the sale of alcohol during adult entertainment, rather than to licence the activity itself. The Depute Clerk reported that this issue may be resolved in future following the Scottish Government's announcement of proposals to introduce a separate licensing regime for Sexual Entertainment Venues; and,
- iv. Plastic Glasses – this issue had generated a considerable number of responses, with the majority being in favour of option four set out in the consultation document, i.e. the policy should only be applied to premises where it was considered appropriate on the basis of individual risk assessments. It was confirmed that Police Scotland had also expressed support for this option.

In discussion on the above, it was confirmed that, although not made clear in the Government's Consultation, it was likely that premises which had adult entertainment included in their operating plan would have to apply for a separate licence under the new regime. In terms of any future policy on adult entertainment it was suggested that it would be appropriate for each application to be considered on its merits, rather any blanket policy being applied, and for guidance to be produced for applicants on locations which may be considered inappropriate for this type of activity.

In conclusion of this item, Mr R McGhee welcomed the opportunity for the trade to comment on the consultation draft and commended the revised style and format of the Policy.

Thereafter, the meeting **NOTED** the update.

4. Overprovision Statement – Procedure and Methodology

The Depute Clerk outlined the procedure and methodology to be adopted in relation to the Board's overprovision statement. She confirmed that at its special meeting on 27 August 2013 the Board would be invited to agree options in relation to proposals for an Overprovision Statement on which to consult statutory consultees and the public, and to agree an appropriate consultation period. This was following receipt of the evidence and recommendations submitted by NHS Highland and a further assessment of crime statistics submitted by Police Scotland,

The Depute Clerk advised that it was anticipated the focus of the final version of the NHS Highland report would be on large capacity off sales e.g. supermarkets.

Discussion then focused on the impact on local development plans should the Board restrict off sales in specific areas which were zoned for retail developments. It was suggested that supermarkets could still operate without an off sales element, or with a restricted off sales capacity. However it was noted that the discussion was premature at this stage of the consultation process.

Thereafter, the meeting **NOTED** the update.

5. Key Issues for Coming Year

The Clerk reported on that in addition to the items detailed above, the key issues for the coming year included:-

- The requirement for the majority of personal licence holders to renew their training certificates; and
- The impact on existing premises licences associated with the introduction of the new Sexual Entertainment licensing regime.

Mr R McGhee reported that a further issue could be the outcome of the Scottish Government's consultation on further options for Alcohol licensing which could result in a number of legislative changes and have a significant impact on licensees.

During further discussion the Clerk reported that in regard to training for personal licence holders it was intended to circulate a flyer with the annual fee invoices as an initial reminder. It was also intended to write to all the personal licence holders by the end of the year, issue a press release to capture those licensees who had changed address, and to post information on the Council's website. He also clarified that it was anticipated that licensees would be expected to return their personal licence and training certificate, prior to a new licence being issued.

A point was raised in relation to the opportunities to introduce a credit card sized photo ID badge for personal licence holders, suggesting that this would be more convenient form of ID rather than the current A4 version, particularly for those personal licence holders working at a number of different venues.

The Clerk advised that the Licensing (Scotland) Act 2005 prescribed the format and layout of the personal licence and therefore a change in the legislation would be required before an ID badge would have a legal status. He also took the view that until such time as the legislation was changed, the cost involved in issuing this type of ID card was prohibitive.

In discussion it was suggested that a change in the legislation on this matter would be welcomed and that it would be helpful if the Scottish Licensed Trade Association made representations to the Scottish Government in this regard.

Further key issues also related to the Scottish Government's consultation on Primary Authority Arrangements which would allow licensees with premises in a number of local authority areas to elect a preferred authority. It was explained that under the proposals the preferred authority would agree the conditions to be applied to a licence and that these conditions would then apply to the other local authority areas.

In response, concern was expressed that should the proposals be introduced the Board would have no control over the conditions applied to some licences within its area.

The Clerk also reported on the work being progressed by the Council's Corporate Improvement Programme whereby applicants would have the option to complete liquor licensing applications on-line. He confirmed that it was envisaged that on-line applications would be introduced over the coming year.

Thereafter, the meeting **NOTED** the key issues for the coming year.

6. Scottish Government Fee Review

The Clerk reported that the Board had responded to a questionnaire from the Scottish Government on the above to the effect that there was a need to introduce a fairer system to the current method of calculating fees, to provide for a greater differential between smaller and larger premises.

In this regard it was reported that the Scottish Licensed Trade Association had responded to the consultation on the basis that annual fees for on-sales should be based on sales and turn over, and for off sales on square meterage, to achieve a fairer fee structure.

It was noted that the Board had agreed to increase the application and annual fees by 3% which was broadly in line with the consumer price index. In response to a question the Clerk confirmed that, in consultation with the Council's Finance Service, he would arrange for Mr R McGhee to be provided with the income and expenditure figures associated with administering the liquor licensing system.

Thereafter, the meeting **NOTED** the position in regard to the Scottish Government Fee Review.

7. Highland Licensing Forum involvement with Highland Licensing Board

During discussion on this item comments were sought on how the Forum and the Board could further assist each other within the current statutory arrangements. The Chair suggested that further consideration be given to this matter and any thoughts be brought back to a future meeting.

In this regard, the Chair welcomed the contribution and feedback received from the Forum throughout the consultation on the draft Policy statement, and referred to the importance of the Forum's contribution to future consultations.

Discussion also followed on the links between alcohol and fire related deaths and casualties, and it was noted that statistics in this regard had been provided by the Fire and Rescue Service to NHS Highland and incorporated into their submission on the draft Overprovision Policy Statement.

Thereafter, further discussion focused on the need to raise awareness of the Board's Equalities Strategy and to offer practical support and information to licence holders to promote the Strategy within premises.

Following discussion it was **AGREED** that Mrs C King in consultation with Licensing Standards Officers investigate the opportunities to raise awareness and provide support and guidance to licensees in regard to equalities issues across the range of protected characteristics as set out in the Equalities Act 2010.

In conclusion the Chair thanked all parties for attending the meeting.

The meeting ended at 5.30pm.