

## Minute

### Orkney Local Licensing Forum

Tuesday, 24 April 2018, 10:00.

Committee Room 1, Council Offices, School Place, Kirkwall.



### Present

- Representatives of Holders of Premises Licences and Personal Licences:
  - Malcolm Stout.
- Representatives of Persons having functions relating to Health, Education or Social Work:
  - Simon Gordon.
  - Katie Spence.
- Representatives of Persons Resident within the Forum's Area:
  - Barry Cockerham.
  - Bob Mackenzie.
  - Andy McGinn.
- Representative of the Chief Constable of Police Scotland:
  - Sergeant Derek Robb.
- Licensing Standards Officer:
  - David Brown.

### Clerk

- Hazel Flett, Senior Committees Officer.

### In Attendance

- Elaine Sinclair, Legal Clerk.

### Observing

- Orkney Islands Area Licensing Board:
  - Councillors Alexander G Cowie, Barbara Foulkes and Duncan A Tullock.

### Apologies

- Representatives of Holders of Premises Licences and Personal Licences:
  - Angela Crawford.
  - Kelly-Marie McGuigan.

## **Apologies**

- Representative of the Chief Constable of Police Scotland:
  - Chief Inspector Matt Webb.

## **Not Present**

- Representative of Holders of Premises Licences and Personal Licences:
  - Brian Flett.
  - Jean Tulloch.
- Representatives of Persons having functions relating to Health, Education or Social Work:
  - Debbie Sutherland.
  - Dr Louise Wilson.
- Representative of Scottish Fire and Rescue Service.

## **Chair**

- Hazel Flett, Senior Committees Officer (for Item 1).
- Andy McGinn (for Items 2 to 12).

## **1. Appointment of Convener**

The Senior Committees Officer welcomed members to the meeting and asked for nominations for Convener.

On the motion of Malcolm Stout, seconded by Barry Cockerham, Andy McGinn was elected Convener.

Andy McGinn took the Chair for the remainder of the meeting.

## **2. Apologies**

Apologies were intimated as above.

## **3. Constitution**

There had been previously circulated the Constitution of the Local Licensing Forum, which was previously noted by Forum on 10 February 2016.

The Forum adopted the Constitution, attached as Appendix 1 to this Minute.

## **4. Minute of Previous Meeting**

There had been previously circulated the draft Minute of the Meeting held on 23 November 2016, which was approved as a true record on the motion of Bob Mackenzie, seconded by David Brown.

## **5. Matters Arising from Previous Meeting**

### **5.1. Licensing Standard Officer – Update**

Andy McGinn asked whether a Licensing Standards Officer had been appointed.

David Brown advised that the day-to-day work, including licensed premises inspections, was carried out by Environmental Health staff, while he, as Environmental Health Manager, attended Board and Forum meetings, undertaking the role of Licensing Standards Officer.

In response to a further question from Andy McGinn, David Brown confirmed that the service was up-to-date with all licensed premises inspections.

### **5.2. Pubwatch**

Bob Mackenzie advised that the representative from the national Pubwatch scheme no longer worked for the organisation and he was not aware of any other representative being available – the main reason being the cost to travel to Orkney.

## **6. Minute of Inquorate Meeting**

There had been previously circulated a note of the meeting held on 28 March 2018, which was inquorate. The Senior Committees Officer apologised for the copying error, in that only the first page was included in the papers circulated and undertook to circulate the full document to all members.

## **7. National Licensing Forum**

There had been previously circulated correspondence from East Ayrshire Council regarding the proposed establishment of a national licensing forum, together with the local response and a summary of responses received by East Ayrshire Council.

David Brown advised that there appeared to be support for a national licensing forum, although the correspondence was silent on how that organisation, if established, would be funded.

The Forum reaffirmed support for a national licensing forum and suggested that attendance by video-conferencing, which the Council could facilitate, would be appropriate, if no funding was available for attendance in person at a meeting outwith Orkney.

## **8. Minimum Unit Pricing for Alcohol in Scotland**

There had been previously circulated a paper from the Environmental Health Manager providing background information to minimum unit pricing for alcohol in Scotland, together with some examples of calculating the minimum unit price of a product.

Since the paper was written, the Scottish Government had subsequently confirmed the minimum unit price at 50p.

David Brown confirmed that the Council would be writing to all existing licence holders advising of the new minimum unit pricing, which would take effect from 1 May 2018.

Following discussion, it was suggested that minimum pricing would not affect the current cost of alcohol for on-sale trade in Orkney, although there may be an effect on off-sale trade, particularly locally based outlets. The main supermarkets would have systems in place to ensure alcohol was sold at or above the minimum unit price.

## **9. Alcohol Licensing in Scotland**

There had been previously circulated correspondence from the Local Government and Communities Committee of the Scottish Government regarding an evidence session on alcohol licensing in Scotland and inviting licensing boards and licensing forums to submit comments, no later than 10 May 2018, on the following themes:

- The transparency, accountability and public participation in the decision-making processes for the licensing system.
- How local licensing forums operate across Scotland.
- How appropriate levels of licensed premises in local areas are determined.

The Forum agreed that Andy McGinn and David Brown should respond to the Local Government and Communities Committee of the Scottish Government, on behalf of the Forum, and that members should submit any views to them, as soon as possible, to enable the response to be completed and submitted by 10 May 2018.

Discussion then followed on the process for review of the Board's Statement of Alcohol Licensing Policy. Following queries from Forum members, Elaine Sinclair advised that, when considering overprovision, the Board must take into account Guidance issued by the Scottish Government. Initial consultation had been undertaken, with the outcome due to be reported to the Board on 3 May. Thereafter, a draft revised Statement of Alcohol Licensing Policy would be submitted to the Board in June, with the final document due to be considered by the Board in October.

Malcolm Stout suggested that a special meeting of the Forum, to which all the trade be invited, be arranged to consider the revised policy. Andy McGinn confirmed that, in accordance with the Constitution, this was permissible.

Katie Spence advised that the Alcohol and Drugs Partnership had responded to the pre-consultation on overprovision and that Alcohol Focus Scotland had produced further information, which they had sent direct to the Board. However, she did not think this would change the Alcohol and Drugs Partnership's initial view that, in Orkney as a whole, there was no overprovision.

## **10. Dates for Future Meetings**

The following schedule of meetings was proposed:

- 14 June 2018 at 11:00.
- 29 August 2018 at 14:00.
- 7 November 2018 at 11:00.
- 7 November 2018 at 12:00 – joint meeting with Licensing Board.

Andy McGinn advised that he would not be available for the next meeting on 14 June. It was therefore agreed that the date be changed and the meeting convened with the sole purpose of considering the Forum's submission to the Licensing Board on the review of the Statement of Alcohol Licensing Policy.

Elaine Sinclair advised that the consultation would be a public consultation, and all licence holders would also be contacted. It was therefore agreed that the next meeting should be held on 12 July 2018 at 11:00, to consider the review of the Statement of Alcohol Licensing Policy. There would be no requirement to invite all licence holders, given they would be contacted by other means, although it would be beneficial to get their views.

Andy McGinn then asked the press to leave the meeting.

### **11. Any Other Competent Business**

Andy McGinn advised that several members of the Forum had contacted him regarding continuation of the Forum, given that no meetings had been held during 2017. He stated that the Act requires four meetings in any calendar year and gave some background to previous issues regarding lack of meetings of the Forum.

### **12. Conclusion of Meeting**

There being no further business, the Convener declared the meeting concluded at 10:45.

# Orkney Local Licensing Forum

## Constitution

The following sets out the Constitution for the Orkney Local Licensing Forum.

### 1. Name

1.1. The name of the Forum shall be the Orkney Local Licensing Forum.

### 2. Terms of Reference

2.1. The terms of reference of the Forum are as follows:

- To keep the liquor licensing system in Orkney under regular review and to respond to consultation exercises undertaken by the Orkney Islands Area Licensing Board and the Scottish Government as appropriate.
- To consider the implications of relevant local data and statistics provided by Police Scotland, Alcohol and Drugs Partnership and the Scottish Fire and Rescue Service.
- To meet the Orkney Islands Area Licensing Board at least once per annum.
- To give advice and make recommendations to the Orkney Islands Area Licensing Board in relation to any matters the Forum considers appropriate, excepting individual licensing applications.

### 3. Membership

3.1. In terms of the Licensing (Scotland) Act 2005, the Forum shall consist of not fewer than five and not more than 21 members from the various representative groups specified in the Act.

3.2. Members will be appointed by the Chief Executive and will serve for the life of the Council, after which they will be eligible for re election.

3.3. Any vacancies during this term may be filled and will run for the remainder of the life of the Council above.

3.4. One of the members must be a Licensing Standards Officer, and at least one member must be a person nominated by the Health Board for the Forum's area.

3.5. In order to be eligible for membership of the Forum, a person should be currently employed in or be a duly appointed representative of one or more of the following groups, namely:

- Holders of premises licences and personal licences.
- The Chief Constable or his nominated representative.
- Scottish Fire and Rescue Service.
- Persons having functions relating to health, education or social work.

- Young people.
- Persons resident within the Forum's area.

#### **4. Quorum**

4.1. The quorum of a meeting of the Forum will be one half of its members, but shall never be less than three members.

4.2. If at any time during a meeting the question arises on whether a quorum is present, the Convener will allow an interval of two minutes after which a count shall be taken of member of the Forum present. If a quorum is not present, the meeting shall stand adjourned until such time as the Convener may determine.

#### **5. Meetings**

5.1. As laid out in the Licensing (Scotland) Act 2005, there shall be at least four meetings of the Forum per calendar year, including at least one meeting with the Licensing Board.

5.2. At least three clear days before a meeting, and normally seven days before a meeting, the Chief Executive shall issue a notice of the meeting. If a meeting is held at short notice as requested by the Convener, the notice will be issued as soon as possible. The notice shall specify the place, date and time of the meeting and business to be transacted at the meeting.

5.3. All meetings of the Forum shall be open to members of the press and public.

5.4. No business will be conducted at any meeting unless that meeting is quorate.

5.5. Other interested parties may be invited by the Forum to participate in their meetings and present the Forum with information as required. No voting rights shall apply to such invited parties.

#### **6. Appointment of Convener**

6.1. At their first meeting in each calendar year a Forum must elect one of the members of the Forum to be the Convener.

#### **7. Powers and Duties of Convener**

7.1. Deference shall at all times be paid to the authority of the Convener. When the Convener wishes to speak, any member who is addressing the meeting must cease to do so. It is the duty of the Convener to keep good order and to ensure that all members obtain a fair hearing.

7.2. The Convener shall decide all matters of order, points of order, competency and relevancy arising at a meeting, and shall determine all questions of procedure for which no express provision is made in this Constitution. His/her decision is final and not open to discussion. He/she will decide amongst members who wish to speak, by calling the member whom he/she has first observed as requesting to speak at the meeting.

7.3. If there is disorder at any meeting, the Convener may adjourn the meeting to a time he/she may then, or subsequently, decide.

7.4. If the Convener is not present, the meeting of the Forum may be chaired by any other member present.

## **8. Motions and Amendments**

8.1. A motion and amendment must be proposed by a member, and seconded by another member. Every amendment must be relevant to the motion on which it is moved; its relevancy shall be decided by the Convener.

8.2. A member shall not move or second more than one motion or amendment on a single issue. It is competent for a member, if a motion or amendment has been subsequently withdrawn, to move or second another motion or amendment on the same issue.

8.3. Only one amendment can be moved and seconded at one time. No further amendment will be moved until the Forum has dealt with the amendment under discussion.

## **9. Form of Voting**

9.1. A vote may be taken by ballot or by a show of hands. If there is an equal number of votes, the Convener shall have a casting vote, in addition to his/her deliberative vote.

9.2. Any casting vote shall be cast in favour of the maintenance of the status quo.