

Minute

Orkney Local Licensing Forum

Thursday, 12 July 2018, 11:00.

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



Present

- Representatives of Holders of Premises Licences and Personal Licences:
 - Angela Crawford.
 - Malcolm Stout.
- Representatives of Persons having functions relating to Health, Education or Social Work:
 - Simon Gordon.
 - Katie Spence.
 - Carol Stewart.
- Representatives of Persons Resident within the Forum's Area:
 - Barry Cockerham.
 - Bob Mackenzie.
 - Andy McGinn.
- Representative of the Chief Constable of Police Scotland:
 - Chief Inspector Matthew Webb.
- Representative of Scottish Fire and Rescue Service:
 - Dougie Campbell.
- Licensing Standards Officer:
 - David Brown.

Clerk

- Hazel Flett, Senior Committees Officer.

In Attendance

- Elaine Sinclair, Legal Clerk.

Observing

- Orkney Islands Area Licensing Board:
 - Alexander G Cowie and Duncan A Tullock.
- Orkney Islands Council:
 - Allana Bell, Community Justice Co-ordinator.

Not Present

- Representative of Holders of Premises Licences and Personal Licences:
 - Brian Flett.
 - Kelly-Marie McGuigan.

Chair

- Andy McGinn, Convener.

1. Apologies

Apologies were intimated on behalf of John McKenna, Debbie Sutherland, Jean Tulloch and Dr Louise Wilson.

2. Minute of Previous Meeting

There had been previously circulated the draft Minute of the Meeting held on 24 April 2018, which was approved as a true record on the motion of David Brown, seconded by Bob Mackenzie.

3. Matters Arising from Previous Minute

3.1. Alcohol Licensing in Scotland

David Brown confirmed that a response, on behalf of the Licensing Forum, had been submitted to the evidence session on alcohol licensing in Scotland being undertaken by the Local Government and Communities Committee of the Scottish Parliament. A copy would be circulated with the draft minute.

3.2. Dates for Future Meetings

Andy McGinn reported that, following the previous meeting, he had met with the Chief Executive, Orkney Islands Council, regarding continuation of the Forum following the lack of meetings in 2017. It had been agreed that dates for meetings of the Licensing Forum to be held in the next calendar year be agreed at the last meeting of the Forum in the preceding calendar year, to avoid the situation re-occurring.

4. Pubwatch

Angela Crawford, the current secretary of Pubwatch, advised there was nothing to report, which was a good position in that there were no current issues. Membership had been opened up and the scheme was now Orkney-wide, with most pubs in Kirkwall signed up. A meeting of the Pubwatch committee was to be held in late August.

Chief Inspector Matt Webb confirmed that there was very little disorder in licensed premises, there was a greater police visibility and they continued to build relations with licensees. He fully supported the Pubwatch scheme.

5. Licensing Standards Officer – Update

David Brown gave an update on the functions of the Licensing Standards Officer. For 2018/19, 101 premises inspections were due, with 28 carried out in the first quarter (April to June 2018). Of the 28 inspections, one was written to regarding non-compliance, one with advisories and the remaining all classed as satisfactory. During the same period, the service had responded to 60 occasional licence applications and 11 personal licence applications. Five general enquiries had been received, three relating to minimum pricing, which appeared to be settling in well, and two complaints received.

6. Review of Statement of Alcohol Licensing Policy

There had been previously circulated a note of the public consultation being undertaken by Orkney Islands Area Licensing Board in respect of the review of its Statement of Alcohol Licensing Policy.

Elaine Sinclair drew the Forum's attention to paragraph 9 of the consultation document, which stated:

“Current Guidance issued to licensing boards by the Scottish Government under the Act provides that “the results of all consultation should be evaluated to identify robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached, always provided that a dependable causal link can be forged between that evidence and the operation of licensed premises in a locality”.”

Elaine Sinclair advised that, where some licensing boards had agreed a locality within their areas and a policy position of overprovision, in the absence of sufficient evidence, whenever an applicant for a new licence challenged the policy statement, in each case, the licensing board had been unsuccessful in defending its policy statement.

Chief Inspector Matt Webb agreed that evidence was crucial in a licensing board's assessment of overprovision and, from a policing perspective, he was not aware of any issues locally, and was not concerned by the number of licences within a particular locality within Orkney or Orkney as a whole.

Katie Spence, ADP Co-ordinator, referred to the information provided by Alcohol Focus Scotland, referred to at the previous meeting, and confirmed that all three island licensing boards were reported as one, therefore it was not considered reliable information with which to provide a case for overprovision, either within Orkney as a whole or within a certain locality within Orkney.

Carol Stewart, Public Health Manager, NHS Orkney, advised that they were currently undertaking a mapping exercise of the types of premises to determine whether they were mainly tourist or local population focused.

From the licensed trade perspective, Angela Crawford advised she was content with the number of licences held in Kirkwall, with their biggest fear being “chain” pubs buying into the local market, as it was no secret the effect this had had on local businesses as far north as Wick. She felt that recent licences granted relating to eating establishments provided healthy competition, particularly during the tourist season, which was getting busier, as it provided more eating places for locals as well. However, should, for example,

three new pubs open along the harbour front, in her opinion this would saturate the market.

Discussion then followed on drinking habits and how these had changed over recent years, including “happy hours” and pre-loading at home, and the effect this had had on the pub trade. Barry Cockerham suggested that “happy hours” provided an element of controlled drinking, whereas pre-loading at home was uncontrolled, with the effects seen later in the evening. Also, at closing time, there was a significant increase in the number of people outside on the main harbour front, before moving along to Fusion, where the situation could be controlled again. There were also pockets along the harbour front where the Street Pastors regularly cleared glass and/or bottles, for which statistics were kept.

Reference was made to the byelaw prohibiting drinking in public places which, in relation to other areas with similar byelaws, was quite relaxed. Other places did not allow any drinking in public, with certain dates, such as local gala days or the Christmas period, built into the byelaw. In Orkney, should an individual be found to be drinking in public, the police could warn that individual in the first instance and, if that person persisted in drinking and was causing a nuisance, the byelaw could then be used.

In conclusion, on the motion of Dougie Campbell, seconded by Malcolm Stout, the Forum determined that there was no credible evidence of overprovision within Orkney, or any locality within Orkney, and to accept the revised Statement of Alcohol Licensing Policy.

7. Any Other Competent Business

7.1. Renewal of Personal Licences

Malcolm Stout referred to recent trade press articles relating to perceived confusion surrounding renewal of personal licences and what action, if any, was proposed locally.

Elaine Sinclair advised that it became clear last year that there was no specific training course for renewal of a personal licence, although the Scottish Government had advised that it was considering whether undertaking the refresher course would be sufficient evidence. Personal licences required to be refreshed after five years and renewed after 10 years. To date, there was still no dedicated course for renewal, nor an application fee. However, Elaine Sinclair was hopeful that the Scottish Government would have provided further guidance to enable licence holders to undertake the necessary training course, in order to submit an application for renewal of personal licence, together with the appropriate fee, by the deadline of 31 May 2019. She also confirmed that Orkney College would be contacted to make them aware of the potential of increased numbers of people requiring to access the refresher training and a possible new course for renewal of personal licences.

7.2. Duty of Care

Chief Inspector Matt Webb referred to a Duty of Care policy which Police Scotland were currently drafting, together with information on use of drugs on licensed premises and it was agreed that these be circulated and included on the agenda for the next meeting.

8. Dates for Future Meetings

The next meeting was scheduled for 14:00 on 29 August 2018.

Future dates included the following:

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

9. Conclusion of Meeting

There being no further business, the Convener declared the meeting concluded at 11:50.