

Notice of Meeting and Agenda Joint Renfrewshire Licensing Forum and Licensing Board

Date	Time	Venue
Wednesday, 21 November 2018	14:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Membership

Representing Renfrewshire Licensing Forum

Cheryl Allan; Martin Brier; Hugh Cameron; Clare Colquhoun; Margaret Dymond; David McEwan; Shirley McLean; Piero Pieraccini; Donna Reid; Paul Sale; Elaina Smith

Representing Renfrewshire Licensing Board

Councillor Jennifer Adam-McGregor; Councillor Bill Brown; Councillor Michelle Campbell; Councillor Natalie Don; Councillor John Hood; Councillor Scott Kerr; Councillor Marie McGurk; Councillor Kevin Montgomery; Councillor Andy Steel; Councillor Jane Strang.

Chair

M Dymond, Convener.

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at <http://renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx>

For further information, please either email democratic-services@renfrewshire.gov.uk or telephone 0141 618 7112.

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

- 1 Minute of Previous Meeting** **5 - 8**
Minute of previous meeting held on 23 May 2018.
- 2 Minute of Special Meeting** **9 - 10**
Minute of special meeting held on 25 June 2018.
- 3 Matters Arising**
- 4 Health and Licensing**
Presentation by Elaina Smith, Health Improvement Lead - Alcohol Licensing.
- 5 Police Scotland Update**
Verbal report by Police Scotland representative on local licensing issues.
- 6 Licensing Standards Officer Update**
Verbal report by the Licensing Standards Officer on local licensing issues.
- 7 Review of Statement of Licensing Policy 2018-2022** **11 - 14**
Report by the Clerk to the Licensing Board.
- 8 Licensing Issues**
General discussion between the Licensing Board and the Licensing Forum on licensing issues.
- 9 Date of Next Meeting**
Members are asked to note that the next meeting of the Licensing Forum is scheduled for Wednesday 6 February 2019 at 2.00 pm.

Minute of Meeting Renfrewshire Licensing Forum

Date	Time	Venue
Wednesday, 23 May 2018	14:00	Corporate Meeting Room 3, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present

H Cameron; C Colquhoun; C Dickson; M Dymond; D McEwan; S McLean; D Reid and P Sale.

In Attendance

D Campbell, Assistant Managing Solicitor (Licensing) and P Shiach, Committee Services Officer (both Renfrewshire Council); and Sergeant J Hay, Police Scotland.

Apologies

F MacKay and P Pieraccini.

Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

1 Election of Convener

It was noted that in terms of the Licensing (Scotland) Act 2005 a Forum, at its first meeting in each calendar year, must elect one of its members to be Convener. It was unanimously agreed that M Dymond be appointed as convener. M Dymond assumed the chair at this point.

Order of Business

The Convener intimated that she proposed to alter the order of business to facilitate the conduct of the meeting by considering item 8 of the agenda prior to item 1 of the agenda.

2 Renfrewshire Licensing Forum - Revised Membership

There was submitted a report by the Director of Finance & Resources relative to a review of the membership of Renfrewshire Licensing Forum (the Forum) given that a number of meetings had failed to attract a sufficient quorum of members. The report which had been approved at the meeting of the Finance, Resources and Customer Services Policy Board held on 28 March 2018, explained the establishment and function of the Forum, the criteria for membership and its current composition of 18 members.

The Licensing (Scotland) Act 2005 required that the Forum meet no less than four times each year and hold one joint meeting with the Licensing Board. In 2017 the joint meeting with the Licensing Board could not take place as a quorum was not achieved and the Forum was only able to meet once. In each of the years 2015 and 2016 there were only three meetings.

In order that due recognition be given to the interests of all groups represented on the Forum, it was proposed that the membership be reduced from 18 to 12, with a quorum of six, reflecting regular participation, comprising 1 x Licensing Standards Officer; 1 x Police Scotland; 1 x young person; 3 x Licensing trade; 2 x Health Board (including ADP); 1 x Children's Services; and 3 x local residents.

DECIDED: That it be agreed that membership of the Renfrewshire Licensing Forum be reduced from 18 to 12 members.

3 Minute of Previous Meeting

There was submitted the Minute of the joint meeting of Renfrewshire Licensing Board and Renfrewshire Licensing Forum held on 18 April 2018

DECIDED: That the Minute be approved.

4 Note of Inquorate Meeting

There was submitted the note of the inquorate meeting of Renfrewshire Licensing Forum held on 6 September 2017

DECIDED: That the note of the inquorate meeting be noted.

5 Note of Inquorate Joint Licensing Board/Licensing Forum Meeting

There was submitted the note of the inquorate joint meeting of Renfrewshire Licensing Board/Licensing Forum held on 22 November 2017

DECIDED: That the note of the inquorate joint meeting be noted.

6 Police Scotland Update

Police Constable McEwan advised that there were no issues to raise with the Forum but gave an undertaking to circulate the relevant Police Scotland statistics for the area to members of the Forum at the next meeting.

DECIDED: That the information be noted.

7 Licensing Standards Officer Update

C Dickson (LSO) provided an update in relation to his recent licensing activities. He advised that during the period 120 compliance visits had been made to licensed premises. There had been 19 further visits through enquiries or revisits.

He indicated that further compliance visits had been deferred as current visits being undertaken were in relation to minimum pricing. He indicated that of 48 visits undertaken, 15 had been non-compliant. Several premises were being monitored.

The LSO provided information on the number of licensed premises in the Renfrewshire area with a breakdown of on and off-sale premises, the number of premises which were no longer licenced and the number of new premises licenced since his last report.

The LSO was then heard in answer to questions from members of the Forum on the report.

DECIDED: That information be noted.

8 Review of Statement of Licensing Policy 2018-2022: Responses to Initial Consultation and Further Procedure

The Clerk to the Licensing Board updated the Forum relative to the Review of the Statement of Licensing Policy 2018-2022, the responses to the initial consultation and the further procedure to be undertaken. He indicated that the closing date for responses was 3 August 2018.

Following discussion, the Convener proposed that a Special Meeting of the Forum be convened in late June to allow the Forum to agree a formal response to the Consultation prior to the closing date of 3 August 2018. This was agreed unanimously.

DECIDED: That a Special Meeting of Renfrewshire Licensing Forum be be convened in late June to allow the Forum to agree a formal response to the Consultation prior to the closing date of 3 August 2018.

9 Festive Terminal Hour

The Clerk to the Licensing Board advised the Forum that the Licensing Board would welcome comments prior to its determination of festive hours for 2018/19. The Convener suggested that the terminal hour policy had worked well previously and proposed that the Forum support terminal hours which were broadly in line with 2016/17. This was agreed unanimously.

DECIDED: That the Licensing Forum agree to support festive terminal hours policy as approved by the Licensing Board during the 2017/2018 festive period.

10 Proposed Dates for Future Meetings

There was submitted a report by the Clerk proposing dates for future meetings of the Forum as under:

Wednesday 12 September 2018;
Wednesday 21 November 2018;
Wednesday 6 February 2019; and
Wednesday 29 May 2019.

DECIDED:

(a) That the proposed dates for future meetings of the Forum, as detailed in paragraph 3.3 of the report be approved; and

(b) That it be delegated to the Clerk, in consultation with the Conveners of the Licensing Board and the Licensing Forum to determine which of these meetings will be a joint meeting with the Licensing Board.

Minute of Special Meeting Renfrewshire Licensing Forum

Date	Time	Venue
Monday, 25 June 2018	14:00	Corporate Meeting Room 3, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present: Mr Martin Brier, Mr Hugh Cameron, Ms Margaret Dymond, PC David McEwan, Ms Shirley McLean, Ms Donna Reid, Mr Paul Sale

Chair

M Dymond, Convener, presided.

In Attendance

P Shiach, Committee Services Officer Renfrewshire Council.

Apologies

F MacKay and P Pieraccini.

Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

1 Review of Statement of Licensing Policy 2018-2022

Under reference to item 7 on the Minute of the meeting of Renfrewshire Licensing Forum held on 23 May 2018 there was submitted a report by the Clerk to Renfrewshire Licensing Board relative to the Review of the Statement of Licensing Policy 2018 – 2022.

The report advised that Renfrewshire Licensing Board required to carry out a detailed consultation exercise in relation to the review of its Statement of Licensing Policy. The Statement of Licensing Policy set out the policy on which the Board would base its decisions on how it regulated the sale of alcohol in Renfrewshire. The policy would have to be published in early November 2018 and would apply until 2022, when a further update policy was due to be published.

The report indicated that prior to the formal consultation, the Board undertook an initial informal consultation between 2017 and February 2018 to obtain a range of views as to what should be included in their licensing policy. Following that initial informal consultation, a draft Statement of Licensing Policy had been prepared for the purpose of consultation.

The report indicated that the Board sought the views of consultees on the following matters: -

Overprovision Assessment in relation to Licensed Premises;
Licensing Objectives;
Children's Access;
Licensed Hours;
Licence Conditions;
Enforcement;
Alcohol Deliveries; and
Extended Use of Occasional Licences

Following full discussion on all of these matters the Forum approved a consultation response to be submitted to the Clerk to the Licensing Board by the closing date of 3 August 2018.

DECIDED: That the Forum approve the consultation response for submission to the Clerk to the Licensing Board by the closing date of 3 August 2018.

**REVIEW OF STATEMENT OF LICENSING
POLICY 2018-2022**

The comments below set out the Board's reasoning in response to each of the areas of the policy covered by the Forum's formal consultation response: -

1. Overprovision-

Prior to the Board deciding upon its localities for the purposes of the formal consultation, an informal consultation was carried out (between December 2017 and February 2018). In response to this initial consultation, the Convener of the Forum had responded in an individual capacity, suggesting that the Board consider an extended Paisley Town Centre area as a locality for the purposes of the formal consultation. At the Board's meeting on 11th May 2018, the Board considered this proposal, as well as a different proposal from Police Scotland which asked the Board to continue to declare the existing Paisley Town Centre area as a locality. The Board had available to them, at that meeting, maps showing each of these areas, with details as to the numbers, capacities and licensed hours in each of the proposed areas. The Board, after considering each of the proposed localities, preferred the submission of Police Scotland that the existing area of Paisley Town Centre should be considered a 'locality' for the purposes of the formal consultation.

The Forum's response to the subsequent formal consultation suggested extending this identified locality for the purposes of assessing overprovision. However, the Board had regard to recent case law which stated that the Board should identify any localities prior to the formal consultation. The Board had identified the locality (the area covered by the Board's previous policy), as stated above, at its meeting of 11th May and this was the area on which views had been requested from the numerous consultees. Those consultees had not therefore expressed views on any extended area. The Board were of the view that any consideration of further areas in relation to overprovision would require a future consultation exercise.

The Board considered detailed information on the numbers, capacities and licensed hours of the licensed premises in the locality and were satisfied that there continued to be overprovision in this locality in relation to "liquor or pub type premises" (as defined in the previous policy), excluding hotels, restaurant and nightclub premises. The Board were not persuaded by the terms of the Forum's submission that there was overprovision of all licensed premises types in the area.

2. Licensing Objectives-

The Board agreed with the Forum that further control measures should be adopted within the policy in relation to door supervisors being identifiable by wearing high-visibility clothing and them being instructed to encourage persons leaving premises to do so in an orderly fashion without causing disturbance.

The Board did not agree that CCTV should be required as a condition of licence for new licensed premises. The Board were aware in this regard that the Information Commissioner's Office (ICO) advise against a blanket requirement to install CCTV in licensed premises. A copy of the ICO's guidance note is available at the link below for the Forum's information:

https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf

In relation to imposing a CCTV requirement as a licence condition at review hearings, the Board were of the view that this would require consideration of the circumstances of an individual review, as any variation of licence at a review hearing would require to be proportionate and necessary/ appropriate for the licensing objectives.

3. *Children's Access-*

The Board considered the Forum's suggestion in relation to specifying children's hours of access. However, they did not agree that this would achieve a standardised time for access by children and young persons to all premises, as any change in policy would not alter the times they access any existing licensed premises with children and young persons' access. The Board were of the view that the existing policy allowed consultees to raise their concerns about individual licence applications, with any new application for grant or variation (which sought an increase in children and/or young persons' access) requiring to be considered by the Licensing Board at a meeting. The Board were of the view that, irrespective of any policy agreed on access, they would still require to consider any requests for exceptions to that policy. The Board were, in any event, aware that, in relation to a number of recent applications, children and young persons' access had been restricted by the Board, when considering applications, and by Board Members, when considering occasional licence applications.

4. *Licensing Hours-*

The Board noted that the Forum proposed no change to the current policy in relation to the commencement or terminal hour of licences. The Board agreed that the current policy on licensed hours should continue.

5. *Enforcement-*

The Board agreed to include more information in relation to the role of the Licensing Standards Officers, as proposed in the Board's consultation document ("Issues Paper"). This proposal had been supported by the Forum.

6. *Alcohol Deliveries-*

The Licensing Board agreed to introduce the licence conditions in relation to deliveries of alcohol set out in the "Issues Paper", which the Forum supported, with the exception of the condition that alcohol deliveries be accompanied by a delivery of food. The Board considered the formal consultation responses received to this suggested condition, including the response received from the Scottish Grocers' Federation which did not favour this particular condition. While the Board noted that there was some support for this condition from other consultees, they were of the view that there was no general requirement for food to be sold with alcohol and that the proposed condition would therefore place a very specific restriction on deliveries. The Board

agreed in the circumstances that this condition should not be included within the terms of their policy.

The Board did however agree an additional condition that alcohol should not be left unattended or with children or young persons in the absence of an adult to accept delivery. This additional condition was agreed in light of concerns raised in the formal consultation responses from NHS Greater Glasgow and Clyde and Alcohol Focus Scotland.

7. Extended Use of Occasional Licences-

While the Board had set out in its Issues Paper possible changes to how repeated applications for occasional licences might be dealt with, the Board decided that the arrangements set out in the Board's previous Statement of Licensing Policy should continue.

While the Board understood the concern that premises might operate on the basis of repeated occasional licences for a significant period prior to obtaining their full premises licence, they were of the view that the terms of the 2005 Act required that these applications required to be granted in the absence of specific concerns raised by objectors, Police Scotland and the Licensing Standards Officers. The 2005 Act gave Boards no discretion to refuse such applications.

The Board were of the view that, were concerns to be raised in respect of particular premises, then an application for an occasional licence would already require to be considered at least by two Licensing Board Members and, potentially, by the full Licensing Board. As such, there appeared to be little benefit in requiring applications to be referred to Members or the full Licensing Board in the absence of adverse comments, where the only option open to Councillors would be to grant these applications.