

Minute of Joint Meeting of the **ANGUS LOCAL LICENSING FORUM AND ANGUS LICENSING BOARD** held in the Council Chambers, Town and County Hall, The Cross, Forfar on Thursday 31 October 2019 at 10am.

Present: ANGUS LOCAL LICENSING FORUM

HOLDERS OF PREMISES LICENCES & PERSONAL LICENCES

SHEENA COCHRANE  
GRAEME STRACHAN  
BRUCE SHERIDAN

RESIDENTS

ANGUS COUNCIL

DANIEL COLEMAN, LICENSING STANDARDS OFFICER.  
LAURA OGILVY, ANGUS ALCOHOL AND DRUGS PARTNERSHIP

POLICE SCOTLAND

PC FORBES  
PC CHALMERS

ANGUS LICENSING BOARD

Councillor CRAIG FOTHERINGHAM  
Councillor RICHARD MOORE  
Councillor BRIAN BOYD  
Councillor COLIN BROWN  
Councillor BRENDA DURNO  
Councillor DAVID LUMGAIR  
Councillor GAVIN NICOL  
Councillor BETH WHITESIDE

COUNCIL OFFICERS

NANNETTE PAGE, Senior Solicitor  
LYNSEY KIMMITT, Solicitor  
DAWN SMEATON, Licensing and Litigation Assistant  
STEWART BALL, Service Manager, Regulatory, Protective and Prevention Services  
LEE THOM, Building Standards Manager

**Also Present:** FIONA ANDERSON, Committee Officer.

**Apologies:** Apologies for absence were intimated on behalf of IRENE MCLELLAN and ANGIE MERRILEES Holders of Personal Licences and Councillors DAVID FAIRWEATHER and ALEX KING Members of Angus Licensing Board.

Sheena Cochrane, Chair of Angus Licensing Forum in the Chair

**1. WELCOME AND INTRODUCTIONS**

Sheena Cochrane welcomed all those present to the twelfth Joint Meeting of the Angus Local Licensing Forum and Angus Licensing Board. Thereafter introductions were made.

**2. MINUTE OF PREVIOUS JOINT MEETING**

There was submitted and noted the minute of meeting of the Joint Meeting of the Angus Local Licensing Forum and the Angus Licensing Board of 1 November 2018.

**3. ANGUS LOCAL LICENSING FORUM**

Sheena Cochrane, Chairman of the Forum, reminded those present that there was a statutory requirement for the Licensing Board and the Forum to meet together at least once a year. She stressed that the joint meeting marked the continuation of a positive relationship between the Licensing Forum and the Licensing Board and that the Forum had a wide range of knowledge, interests, experience and skills, all of which were available to the Board to help them in developing and exercising their functions.

As a Forum, Mrs Cochrane felt members experience had grown over the past twelve years and were now well on their way to carrying out their remit as set out in the 2005 Act. It was also heartening to have such a good working relationship with the Board. She thanked the Board for allowing this Joint meeting with them to take place at 10am to help accommodate the volunteers that were members of the Forum.

She advised that the membership of the Forum had changed since last year and they had welcomed Bruce Sheridan, who was a Personal licence holder on to the Forum. Bruce had a wealth of experience on licensing matters having been in the trade for a number of years and would be an asset to the group.

It was noted that during 2019, the members of the Forum had received Equalities training for volunteers from Doreen Phillips, Senior Practitioner (equalities) which they had found very interesting and useful.

The members had also met with the new LSO Daniel Coleman in June 2019 and looked forward to working more closely with him and receiving his regular updates and reports to the Forum meetings. The Forum members had noted that this year had been another busy year for the licensing team and that a number of special meetings had been convened to deal with applications and urgent matters. They also noted the large amount of work involved in producing the annual functions report.

Sheena thanked the licensing team for the way that they had dealt with the large number of Personal Licences that required to be renewed by 31 May 2019. This had been a huge task to complete especially when the team was very short staffed. She also thanked Angie Merriless, Forum member, who in her day job had helped train over 400 personal licence holders.

She thanked the representatives from Police Scotland for their informative reports to the Forum over the last year and was heartened to know that they were on hand to help licensees should they require advice about any issues they may have.

In conclusion, Mrs Cochrane thanked Forum members for their commitment to take their role seriously and attending meetings without fail. She also thanked Angus Council for the administrative and financial support which had been given to the Forum in the past year.

#### **4. ANGUS LICENSING BOARD**

On behalf of the Board, the Convener, Councillor Craig Fotheringham, expressed their appreciation for the opportunity to hold an annual joint meeting and indicated that it underpinned the mutual benefit of working together for the people of Angus. Both organisations strived constantly to encourage responsible drinking within the County and to work towards reducing anti-social behaviour.

Councillor Fotheringham advised that since the last joint meeting of the Angus Licensing Board and Licensing Forum on 1 November 2018, the Angus Licensing Board has met on ten occasions and during these meetings the Board has dealt with the following matters : -

- 6 new premises licence applications
- 2 provisional premises licence applications
- 9 requests to vary premises licences
- 2 reviews of premises licence
- 5 review of premises licences for non-payment of fees
- 9 matters pertaining to Personal Licences
- 3 Extended Hours applications
- 0 Occasional Licence applications

The following applications were also dealt with in accordance with the Scheme of Delegation, as at 7 October 2019:

- 595 Occasional Licence applications

- 7 Extended Hours applications
- 340 Personal Licence applications
- 63 Requests for minor variation or transfer
- 3 Premises licence has been surrendered

As of 7 October 2019, there were 347 premises licences in-force;

- 105 on-sales
- 154 on/off sales
- 858 off sales

Last November saw the departure of previous Licensing Standards Officer Mark Gillespie and Solicitor Tina Magson. Both have since been succeeded by Daniel Coleman LSO and Lynsey Kimmitt Solicitor in April 2019 and have settled well into their respective roles.

The Convener advised that since the last joint meeting, we had seen the first 10 year renewal process of Personal Licences, with the deadline of 31<sup>st</sup> May 2019 for the majority. There had been 264 Personal Licences due for renewal on 31<sup>st</sup> May 2019, which increased the workload of an already over stretched Licensing Team. Of these 264, 117 did not renew in time. Overall, 191 Personal Licences had been successfully renewed in Angus. The expiry of some was due to natural slippage, but the expiry of others had been through late submission and the licensing team had worked extremely hard with the public to solve issues as they arose.

During 2019, the Board responded to a Scottish Government Consultation on reviewing the fee for occasional licences and considering a limit on the number and duration of occasional licences. A response was sent indicating that an increase from the current fee of £10 would be justified, with administrative costs of processing the application being well in excess of £10. Given the huge diversity in the occasional licence applications received and the cost to the Board varies, the Board recommended that a tiered structure be introduced. The Board would want any increases to be balanced with the highest fees being charged to the commercial types of applications (e.g. larger, profit making events) which incur the substantial work and the lower fees being charged to the smaller event applications. He advised that the Board would not want any increase to unfairly hamper small businesses or small charitable events and a balance must be struck. It was very difficult to set a fixed rate but there was no doubt an increase was required given the work generated.

The Board had also noted with dismay that there had been some applicants utilising the occasional licence process to circumvent the premises licence process. The Board therefore recommended to the Government, that there must be consideration given to this as it is not within the spirit of the Act. The Board would suggest introducing a requirement for an applicant to demonstrate that:

1. The event they are applying for is an "occasion". An "occasion" must therefore be defined in legislation; and
2. They are seeking a Premises Licence. That is, should an applicant be part way through a Premises Licence process, they are permitted to be granted Occasional Licences for the interim period.

However, the Board did not deem the high volume of applications in terms of farmer markets for off-sales to fall into this category. On the contrary, the Board was pleased that such business was booming in Angus and its recommendation was targeted at businesses such as shops and cafes who frequently apply for occasional licences instead of a full premises licence.

He advised that the Board had also responded to a Scottish Government consultation on the draft revised Licensing Board Guidance issued by the Scottish Ministers. The first guidance for Licensing Boards had been issued in April 2007 to support Boards in the exercise of their functions under the Licensing (Scotland) Act 2005. One of the purposes of the guidance was for the Scottish Ministers to give guidance to Licensing Boards on the effect of the complex areas of, and interactions between, the legislative provisions. That guidance, however, had not been updated to reflect the major changes since then, such as the numerous amendments made to

the Licensing (Scotland) Act 2005 brought about by the Air Weapons and Licensing Scotland Act 2015.

The Board had responded to the new draft revised guidance in a positive fashion, as they considered the guidance to be helpful and easy to navigate. The guidance was clear and provided assistance when dealing with licensing procedures.

He concluded by expressing his pleasure at the high standard of licensed premises within Angus and thanked the Clerk, licensing staff and LSO in respect of the visits he undertakes, and any issues that arise from them. He felt that the licensing trade continued to work together in a co-operative manner with the LSO and licensing team as a whole, making sure that standards were upheld, and the five licensing objectives adhered to.

He wished the Licensing Forum every success in the year ahead and hoped to continue to attend future meetings.

## **5. UPDATE BY POLICE SCOTLAND**

PC Forbes gave members an update on the work currently being undertaken by Police Scotland and explained to Angus Licensing Board members how it was very important for licence holders to have the correct paperwork on display in the premises or stored in an area within the premises where other members of staff were made aware of its location. This paperwork was required for inspection and should always be made available to officers. It was hoped that over the next year, Police Scotland would continue to made licence holders more aware of this requirement.

He advised that there were no major issues within Angus and early intervention regarding any troublesome licensed premises was found to be the best approach to help avoid further problems in the future.

The Chairman thanked PC Forbes for his update.

## **6. CHIEF CONSTABLES REPORT TO ANGUS LICENSING BOARD**

There was submitted and noted the Chief Constables Report to the Angus Licensing Board for the period 1 April 2018 to 31 March 2019.

## **7. ANNUAL FUNCTIONS REPORT – SECTION 9A OF THE LICENSING (S) ACT 2005**

There was submitted and noted for information, Report No LB 56/19 by the Clerk advising of the new statutory requirement to produce an Annual Functions Report and presenting the second Annual Functions Report for the period 1 April 2018 to 31 March 2019 as detailed in Appendix 1 to the Report.

The Report indicated that on 20 December 2017, Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 amended Section 9 of the Licensing (Scotland) Act 2005 and inserted a new Section 9A which obliged all Licensing Board to produce an Annual Functions Report no later than 3 months after the end of each financial year ending on 31 March.

The members noted the information provided.

## **8. TIMETABLE OF MEETINGS FOR 2020**

It was agreed that the Forum meet on the following dates: -

Monday 24 February 2020

Monday 1 June 2020

Thursday 26 November 2020 (Joint meeting with Angus Licensing Board).