

Minute

Orkney Local Licensing Forum

Wednesday, 29 August 2018, 14:00.

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:
 - 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.
- Licensing Standards Officer:
 - David Brown.

Clerk

- Hazel Flett, Senior Committees Officer.

In Attendance

- Elaine Sinclair, Legal Clerk.

Observing

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

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.
- Representative of Scottish Fire and Rescue Service:
 - Dougie Campbell and John McKenna.

Chair

- Andy McGinn, Convener.

1. Apologies

Apologies were intimated on behalf of Kelly-Marie McGuigan, Dr Louise Wilson and Simon Gordon.

2. Minute of Previous Meeting

There had been previously circulated the draft Minute of the Meeting held on 12 July 2018 which was approved as a true record on the motion of Angela Crawford, seconded by David Brown.

3. Matters Arising from Previous Minute

There were no matters arising from the previous minute which were not the subject of a later item.

4. Renewal of Personal Licences

There had been previously circulated information from the Licensing team at Orkney Islands Council regarding renewal of personal licences, including a local version of a communications document published by the Scottish Government, which included directions about local requirements on how to apply for renewal, directions to the application form and notification that applications must be accompanied by two new passport photos and evidence of recent refresher training.

The Licensing team was currently issuing letters to all personal licence holders who required to renew their licences before 31 December 2019, with 136 persons affected. Orkney College had also been contacted to advise them of the potential increased demand for personal licence refresher training courses.

Andy McGinn thanked Elaine Sinclair for bringing the information to the attention of the Forum.

5. Duty of Care

There had been previously circulated a draft Duty of Care Policy and a Drugs Policy for Licensed Premises within Highland Area, produced by Police Scotland.

Chief Inspector Matthew Webb joined the meeting at this point and explained that the two policies were a national idea and discussions were ongoing with licensing forums across Scotland. The idea behind the policies was to improve the public experience when out and about and the proposal was that the policies be included as a local condition on any new licences issued, or when variations were considered.

From the on-sale trade perspective, Angela Crawford suggested that such policies already existed and that licensees were well aware of their responsibilities. Staff were trained accordingly, but it was a fine line between the licensee's duty of care and patrons taking responsibility for their own actions. Each individual case was different and staff within licensed premises could not see when all patrons left the premises, particularly if not all exits were covered by door stewards.

Elaine Sinclair suggested that any policy could be voluntary on the licensee's part. There was a heavy element in the training course, but she was not aware that these were narrated in the mandatory licensing conditions. Further, additional conditions could not be automatically attached to all variations, as applicants could not be forced to accept a condition they had not originally applied for and in respect of which there was no background demonstrating problems which would be addressed by the imposition of such conditions.

Chief Inspector Webb responded that the proposal was to be seen to be doing something and there was no deliberate ploy to have a two-tier system. Further, the policies were not for the police to use as a one-off tool to apportion blame to any particular licensed premises, although should there be a repeat pattern, this could be looked at.

Elaine Sinclair confirmed that, should Police Scotland have concerns about an individual licensed premise, they were entitled to bring a report to the Licensing Board seeking a review of that licence and, if required, special conditions could be attached to that licence, following the review.

In the first instance, Chief Inspector Webb agreed to attend a future meeting of Pubwatch to discuss the policies further.

6. Pubwatch

Although Angela Crawford had intimated at the previous meeting that Pubwatch would meet towards the end of August, this had not happened. Arrangements would be made for a meeting within the next 4 to 6 weeks, with Police Scotland invited along.

7. Licensing Standards Officer – Update

David Brown advised that routine inspections were being carried out. The risk assessment criteria had been reviewed, resulting in formal and routine visits being undertaken every two years. However, should concerns be raised in respect of any premises through justifiable reasons, including complaints, six-monthly visits would be carried out until the service was satisfied that all matters had been addressed. On reflection, there was a good standard of licensed premises in Orkney.

8. Any Other Competent Business

Members had no other competent business to raise.

9. Dates for Future Meetings

The next meeting was scheduled for 11:00 on 7 November 2018, followed by the joint meeting with the Orkney Islands Area Licensing Board at 12:00.

10. Conclusion of Meeting

There being no further business, the Convener declared the meeting concluded at 14:35.