

Minute

Orkney Local Licensing Forum

Friday, 3 November 2023, 10:00.

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



Present

- Representative of Holders of Premises Licences and Personal Licences:
 - Malcolm Stout.
- Representative of Persons having functions relating to Health, Education or Social Work:
 - Dr Louise Wilson (via Microsoft Teams).
- Representatives of Persons Resident within the Forum's Area:
 - Barry Cockerham.
 - Angela Chambers.
 - Andy McGinn.
 - Bob Mackenzie.
- Licensing Standards Officer:
 - Nick Blowfield.
- Representative of the Chief Constable of Police Scotland:
 - Chief Inspector Scott Robertson.
- Representative of Scottish Fire and Rescue Service:
 - David McGroarty, Group Commander (via Microsoft Teams).

Clerk

- Hazel Flett, Service Manager (Governance), Orkney Islands Council.

In Attendance

- Orkney Islands Council:
 - Elaine Sinclair, Legal Clerk.

Observing

- Orkney Islands Area Licensing Board:
 - Duncan A Tullock (for Items 1 to 7).

Apology

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

Not Present

- Representative of Holders of Premises Licences and Personal Licences:
 - Jean Tulloch.

Chair

- Andy McGinn, Convener.

1. Introduction and Apologies

The Convener welcomed everyone to the meeting.

Apologies had been intimated on behalf of Kelly-Marie McGuigan.

2. Minute of Previous Meeting

There had been previously circulated the draft Minute of the Meeting of the Licensing Forum held on 21 August 2023.

The Convener thanked Barry Cockerham for chairing the meeting, given his absence, as well as the Depute Convener.

On the motion of Nick Blowfield, seconded by Malcolm Stout, the Forum resolved to approve the Minute of the Meeting of the Licensing Forum held on 21 August 2023 as a true record, subject to the following amendment:

Revised Statement of Alcohol Licensing Policy

Nick Blowfield referred to the final paragraph of item 4, whereby it stated that “given the circumstances outlined, no response be submitted to the Orkney Islands Area Licensing Board in relation to the review of the Statement of Alcohol Licensing Policy” which was contradictory to the second paragraph of item 13, Any Other Competent Business, whereby he had sought clarification on the response to be submitted, and it was:

Resolved that the final paragraph of item 4 be deleted from the Minute.

3. Matters Arising

3.1. Membership of Forum – Young People

It was suggested that a young person, with working experience in the licensed trade, should be a valuable member of the Forum.

The Clerk advised that she could not locate an Orkney specific application form and agreed to arrange for an application form to be developed, based on examples from other licensing forums.

3.2. Minimum Unit Pricing for Alcohol

There had been previously circulated a briefing paper from Public Health Scotland evaluating the impact of minimum unit pricing for alcohol in Scotland.

Nick Blowfield advised that the consultation regarding the minimum unit pricing (MUP) for alcohol was still live, with responses required by 22 November 2023. The consultation comprised two basic questions, namely whether or not to continue MUP and, if it continued, at what price the minimum unit price should be set in future.

Although the Forum agreed that a response should be submitted, there was no consensus on whether it should remain at the same level or be increased. It was therefore agreed that the response to the first question should be yes (on whether to continue MUP), no response to the second question (at what price the minimum unit price should be set in the future) and use the free text box to advise the Forum had mixed views on whether to increase or not.

3.3. Administrative support for the Licensing Forum

The Convener expressed his thanks to the Clerk for administering the Licensing Forum, given the ongoing staffing difficulties within the Committees team.

Nick Blowfield advised that he had discussed the matter with the Head of Planning and Community Protection who had agreed that administrative support could be provided from within that service, which would result in a clear separation from support to the Licensing Board and the Licensing team.

The Clerk confirmed that the Committees team was independent of the Licensing Board and the Licensing team, consequently there was no requirement to change existing arrangements for administrative support. Confusion appeared to have been caused by recent correspondence regarding the establishment of a national licensing forum group, which had been issued to licensing board contacts as well as licensing forum contacts, and the generic licensing@orkney.gov.uk email had been used to forward the same information to the Convener of the Licensing Forum to clarify arrangements for attending meetings.

The Clerk confirmed that all correspondence regarding licensing forum matters was either distributed from her work email address or the generic committees@orkney.gov.uk email.

3.4. Responsibility for Street Cleanliness outside Licensed Premises

Nick Blowfield advised that responsibility for litter on pavements outside licensed premises was complicated, with street litter control notices being one option, however these could only be served on properties with pavements at their frontages, noting that Bridge Street did not have pavements, and Harbour Street had a large paved area. He further referred to consultee responses to the Licensing Board's Statement of Alcohol Licensing Policy raising the matter of clearing up any litter, particularly at closing time, including discarded bottles, but, in his opinion, the Board had not taken this on board.

The Convener queried whether this was within the jurisdiction of the Licensing Board and the Legal Clerk advised that, if there were any specific issues, these could have been raised direct with the Licensing team, who would have looked in the matter. However, a flexible approach was taken, rather than imposing conditions on premises licences which

may well have unintended consequences. The Licensing Board wished to be flexible and supportive to applicants/licence holders, rather than being restrictive.

Barry Cockerham suggested that more litter bins be provided as the ones at the harbour front were often full, therefore there was no incentive for the public to use them. Nick Blowfield advised that, during the summer months, street cleansing and waste staff were regularly attending to bins, however during the winter, there were no Council staff emptying bins and cleaning streets from Friday through to Monday – any discarded bottles etc were removed by the Street Pastors, but only on a Saturday night.

4. Potential Establishment of National Licensing Forum Group

There had been previously circulated notes from a meeting held on 30 August 2023 regarding the potential establishment of a national licensing forum group, together with draft terms of reference for such a group.

The Convener advised that, although both himself and the Depute Convener had agreed to attend the meeting on 30 August 2023, due to circumstances outwith their control, both were subsequently unable to attend. Although initially, he thought a national forum might be beneficial, from the 32 Licensing Boards across Scotland, only 8 were represented at the meeting, with none of the island areas (Orkney, Shetland or the Western Isles) represented. With the current financial situation, he also queried whether it was value for money setting up yet another national group.

The Convener also referred to Nick Long representing Orkney Licensing Forum (as detailed in the Minute), reiterating that it was himself and the Depute Convener who had been invited to attend, and he had not authorised anyone else to represent the Forum.

Although there was support for a national licensing forum group, in that best practice could be shared, it was felt that this information could be obtained without attending meetings, which officers could ill afford both the time commitment and the cost of attending, if no virtual option was provided.

The Convener, seconded by Angela Crawford, moved that the Orkney Licensing Forum should not take part in the proposed national licensing forum group.

Dr Louise Wilson, seconded by Nick Blowfield, moved an amendment that the Orkney Licensing Forum should contribute to the national licensing forum group.

On a vote being taken 3 members voted for the amendment and 5 for the motion, and it was:

Resolved that the Orkney Licensing Forum should not take part in the proposed national licensing forum group.

5. Orkney Islands Area Licensing Board

The Legal Clerk advised the Licensing Board had agreed its revised Statement of Alcohol Licensing Policy on 5 October 2023, which was now available on the Council's website.

6. Pubwatch

The Clerk advised that Senga Flett, the Chair of Pubwatch, was unable to attend the meeting.

7. Orkney Street Pastors

Due to time constraints, it was agreed to defer the update from Barry Cockerham on the work of the Orkney Street Pastors to the joint meeting with the Licensing Board due to commence immediately following the conclusion of this meeting.

8. Licensing Standards Officer

There had been previously circulated a report on the work of the Licensing Standards Officer during the period 1 July to 30 September 2023.

In response to a query from the Convener, the Legal Clerk confirmed that, once an application for an occasional licence was received and advertised on the Council's website, Police Scotland had seven days to submit a response, with the Licensing Standards Officer having 21 days to respond.

From the Licensing Standards Officer's perspective, Nick Blowfield confirmed that, depending on the level of information received, most responses would be based on a desk assessment. On site premises visits did occur on occasion. Checking whether licensed door stewards were on site was not part of the application process, but could be checked at the time of the event, but these were generally only required for a licensed event which went beyond 01:00.

Generally, if an Environmental Health Officer was visiting a premise in respect of food licensing, that officer, if qualified, may also look at licensing matters. Across Scotland, licensing standards officers would also carry out inspections out of "normal office" hours when licensed premises were operating. However, given the current staffing situation within the local environmental health service, this was not currently possible.

9. Public Health

Dr Louise Wilson had forwarded an alcohol briefing from Public Health Scotland, which the Clerk would circulate to all members of the Licensing Forum for information.

For the next meeting, Dr Wilson agreed to circulate information in respect of alcohol related hospital admissions, as this information had not been presented to the Forum since pre pandemic.

10. Police Scotland

Although the agenda stated that the Chief Constable's Annual Report was attached, the Clerk had not circulated the paper with the other papers for this meeting. The Chief Constable's Annual Report would be circulated to all members as soon as possible after the meeting.

In response to a query from Angela Chambers regarding support for Pubwatch locally, Chief Inspector Scott Robertson advised that he was keen to make resources available, despite recent changes within Police Scotland. This would also include the Orkney Drugs Dog visiting licensed premises.

Dr Lousie Wilson left the meeting during discussion of this item.

11. Scottish Fire and Rescue Service

David McGroarty advised that Quarter 2 (July to September 2023) data included two accidental dwelling fires, neither of which had alcohol related factors.

12. Any Other Competent Business

No other competent business was raised by members.

13. Proposed Dates for 2024

Proposed dates for quarterly meetings in 2024 would be circulated and agreed via email.

14. Conclusion of Meeting

There being no further business, the Convener declared the meeting concluded at 11:15.