

INVERCLYDE LICENSING BOARD

28 JUNE 2023 AT 10AM

Present: Councillors Brooks, Cassidy, Jackson, Law, McCormick, McVey, Reynolds and Robertson.

Chair: Councillor Brooks presided.

In attendance: Ms Anne Sinclair and Fiona Denver (for Clerk to the Board), Inspector Joanne Henderson and Sergeant Iain Robertson (Police Scotland), Roisin Dillon (Public Protection Team Lead) and Crawford Brown (Licensing Standards Officer).

Apologies and Declarations of Interest: There were no apologies or declarations of interest intimated.

The meeting was held in the Council Chambers, Municipal Buildings with Councillors Jackson, McCormick and Law attending remotely.

1. Licensing (Scotland) Act 2005: Finance and Function Reports

The Depute Clerk presented the Annual Finance report, with income and expenditure figures, and the Annual Functions report for the period April 2022 until March 2023, and explained that both reports require to be published on the Licensing Board's website by 30 June 2023 to comply with the Licensing (Scotland) Act 2005. In relation to the Annual Finance report, the Depute Clerk highlighted the higher level of income in the last year in relation to liquor licensing fees. The Depute Clerk explained that this is a reflection on the increase in the number of applications received, particularly occasional licence applications, to facilitate outdoor drinking under the Board's previous outdoor drinking policy for the duration of the pandemic until 30 September 2022 and thereafter to facilitate outdoor drinking pending applications for major variation of premises licences. Following questions and a discussion the Members unanimously approved both the Annual Finance report and the Annual Functions report for 2022 to 2023.

2. Licensing (Scotland) Act 2005: Licensing Board Policy Statement Review

The Depute Clerk updated members on the outcome of the initial consultation in relation to the review of the Board's Licensing Policy Statement. The Depute Clerk reminded members that the Licensing Board's reviewed Policy Statement requires to be published within 18 months of the Local Government Elections which were held on 5 May 2022 and therefore no later than 4 November 2023. In particular, Ms Sinclair summarised the results of the 65 responses received in relation to the online consultation in Appendix 1 of the report, the response of Police Scotland, set out in Appendix 2 and the joint response of Inverclyde HSCP/Greater Glasgow & Clyde Health Board in Appendix 3, with health statistics in relation to the 17 intermediate zones in Inverclyde.

The Chair, Councillor Brooks, advised members that the Licensing Board Policy Statement requires input from the Local Licensing Forum and it would be helpful that the Board heard from the Forum in advance of considering what revisions were appropriate to the Policy. Cllr Brooks considered that it would be helpful if Members could have a timeline in relation to review of the policy.

Inspector Henderson confirmed that she had nothing further to add to the written submission on behalf of Police Scotland. The Chair also asked Roisin Dillon, Public Health Protection Manager, if she had anything further to add. She advised that she had no contribution at this time.

Thereafter the Chair invited Members to ask questions of Inspector Henderson or the Depute Clerk. Councillor McVey referring to the Curfew which is currently in place in Inverclyde asked Police Scotland what evidence existed to justify treating Inverclyde differently to other Licensing Board areas in Scotland, commenting that Inverclyde is the only Licensing Board area with such a curfew. Inspector Henderson explained that the response had been submitted by Sergeant Robertson who was currently attending the General Purposes Board and he intended joining the Licensing Board once the General Purposes Board had concluded.

In relation to the issue of over-provision, Cllr McVey expressed the view that the health statistics provided by Dr Daniel Carter are quite shocking and it is clear the Licensing Board requires to consider the issue of over-provision. Councillor McVey asked if it would be possible to differentiate between on and off-sales as one of the consultation responses mentioned that there were three off-sales within close proximity to each other. Ms Sinclair explained that it would be possible to differentiate and if there was an over-provision policy there would then be a rebuttable presumption that any new application would be refused. This policy would require to be applied consistently.

Councillor Robertson outlined two main areas of concern, in relation to the Curfew and the issue of over-provision.

Councillor Robertson explained she had been a member of an earlier Licensing Board which considered and decided to retain the Curfew. Councillor Robertson advised that at that time the Licensing Board Members followed the recommendation of Police Scotland that the curfew was useful in relation to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance. Accordingly, she considered that it was necessary that the Board has evidence before it from Police Scotland in relation to any proposed continuation of the curfew.

Councillor Robertson also stated that she would expect a report from the Licensing Forum to be made available in order to inform any decision of the Licensing Board in relation to overprovision. She expressed an initial view that over-provision has not been effective in the past. She considered that this was something which could be explored further during the joint session with the Licensing Forum . Councillor Robertson considered that it would be helpful to have additional information from Police Scotland available at the time of the joint meeting with the Inverclyde Licensing Forum.

Thereafter Councillor Jackson addressed Members of the Board on the issue of over-provision. He said that it seemed to him that in the past commercial interests always overruled health interests. Councillor Jackson acknowledged that it was important that any decision was evidence based, but stated that he would like to carefully consider over-provision in light of the health issues.

Thereafter Members heard from Roisin Dillon, Public Protection Manager. With reference to the recent Local Licensing Forum meeting she had attended, Roisin Dillon explained that there had been an in-depth conversation around the health data provided by Dr Daniel Carter. There was a discussion about linking data with areas of over-provision but in her view there is no concrete evidence available that those areas with the worst health statistics are areas where alcohol is being purchased. Roisin Dillon gave the example of Kilmacolm, a low provision area for alcohol, and stated that this demonstrates that residents are not purchasing their alcohol locally.

Ms Dillon also stated that deciding what localities to use for the purpose of overprovision is difficult. She spoke about the difficulty with the current statistics, in her view a lot of the information is weighted as a result of the Covid Pandemic.

The Chair pointed out that one of the objectives of the Licensing Board is to improve public health and the Board requires to consider any evidence based proof.

Thereafter the Board Members discussed a potential review of the Board's policy regarding children and young persons. The current provisions are set out in page 16 of the existing report and reflect that children and young persons shall be accompanied and supervised by a suitable adult or adults when they are in licensed premises with children and young persons permitted in licensed premises until 8pm and permitted in licensed premises between 8pm and 11pm while they are accompanied by an adult and having a meal. Councillor Robertson highlighted that this has previously caused difficulty in relation to applications which have come before the Board. She requested that officers look at the way in which other Licensing Board's deal with the management of children and young persons on licensed premises.

(Councillors Cassidy and Reynolds had left the Licensing Board at 10am in order to join the General Purposes Board. They both re-joined the Licensing Board, as it was not considering any quasi-judicial matter, at 11.05am at which point the Depute Clerk provided them with a summary of the discussion thus far in relation to the Licensing Board Policy Review).

Sergeant Robertson also joined the Licensing Board meeting at this point.

Sergeant Robertson was asked about Councillor Robertson's question concerning the Curfew and what statistical information was available in order to support this. Sergeant Robertson confirmed he thought that the statistics could be made available for a future meeting. He stated that he does not recall being asked previously to comment on evidence to support the curfew. He thought the curfew was in place prior to commencement of Police Scotland and therefore in existence from the days of Strathclyde Police Force. He said he had previously spoken to Licensed Premises owners and they were supportive of retaining the Curfew because it helps retain business. Councillor Robertson pointed out that the Licensing Board must have had clear evidence before it in relation to the Curfew, linked to the licensing objectives when the decision was made to retain the curfew in 2018.

Councillor McVey requested a report on the legislation concerning alcohol deliveries, he raised concerns about the sale of alcohol on apps and fears that children are buying alcohol in this way.

Ms Sinclair provided advice that the use of apps to obtain alcohol deliveries was a modern phenomenon and was not provided for in the licensing legislation. However, officers would be able to prepare a report in relation to legislation around alcohol deliveries.

Thereafter there was a discussion in relation to the invitation which has been extended to **Unite the Union** in order to give a presentation to the Licensing Board regarding the Home Safer Campaign. Ms Sinclair highlighted that this was an outstanding remit from an earlier Licensing Board, and it was agreed that this matter would be considered as part of the review of the Licensing Board Policy Statement. Ms Sinclair confirmed that arrangements were being made for the presentation, which ideally will take place at the joint meeting of the Licensing Board and Licensing Forum which is being arranged.

Following the discussion Members unanimously decided:

- (1) That the outcome of the initial consultation regarding review of the Licensing Board Policy Statement be noted, and no revisals be made to the existing policy at this point in light of the consultation responses;
- (2) Agreed the approach in relation to determining localities as set out in section 6.9 of the report, that is, the Board determined that there are 17 localities replicating the 17 Intermediate zones in the Licensing Board area; and
- (3) that a report should be brought to a joint meeting of the Inverclyde Licensing Board and Licensing Forum with relevant data in relation to each of the 17 localities/intermediate zones including mapping and confirmation of the number of licensed premises in each locality/intermediate zone.