

*Due to Scottish Government guidance related to COVID-19, this meeting will be held remotely.*

Thursday, 9 June, 2022 - 2.00 p.m. (AGM)

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## AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **CONVENER'S REPORT** – Report by Jeff Ellis, previous Convener. 3
3. **APPOINTMENT OF CONVENER** - Appointment of Convener as per paragraph 11 of the attached Constitution. 4 - 8
4. **APPOINTMENT OF MEMBERS** – Appointment of new members and reappointment of existing members as per paragraphs 4 and 9 of the attached Constitution.
5. **MINUTE** – Minute of meeting of the Fife Licensing Forum of 25 November 2021. 9 - 11
6. **LICENSING STANDARDS OFFICERS UPDATE** – Verbal update.
7. **POLICE REPORT** – Verbal update.
8. **MEETING DATES/DAYS/TIMES** – Members are requested to consider and confirm the preferred day and time for future meetings.  
  
For information, the following dates for 2022 were proposed at the last meeting, with a time of 2.00 p.m. -  
  
11 August - Joint meeting with Fife Licensing Board  
24 November
9. **ALCOHOL FOCUS SCOTLAND - EFOCUS NEWSLETTERS** – Newsletters to be accessed via website  
  
Link to Alcohol Focus Website: [Working To Reduce Alcohol Harm | Alcohol Focus Scotland \(alcohol-focus-scotland.org.uk\)](https://www.alcohol-focus-scotland.org.uk)
10. **ANY OTHER COMPETENT BUSINESS**

Lindsay Thomson  
Head of Legal and Democratic Services  
Finance and Corporate Services  
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2 June, 2022

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Agendas and papers for all Committee meetings can be accessed on [www.fife.gov.uk/committees](http://www.fife.gov.uk/committees)

Over the past two years the pandemic has made the work of the Licensing Forum far from easy. It has also changed the licensing landscape quite significantly. Despite this we have been able to maintain contact by way of video conferencing.

Whilst the hospitality sector was trying to handle lockdown the supermarkets and online retailers enjoyed an absolute bonanza. Whilst the retailers were happy it was not good news as regards alcohol/health issues and the expected growth in home consumption has fed through to the highest levels of alcohol-related harms since the 1976 Act was in force.

As licensees will tell you trying to reverse changes in habits is extremely difficult, and is now made worse by the fact that increased costs are having to be passed on to the consumer, making it even more difficult to tempt drinkers away from their cheaper home supplies.

The periods of lockdown and restrictions served to ramp up online sales in particular and the perceived convenience of purchasing in this way will mean that the future of online alcohol retail is even more assured and will create an increasing headache for regulators and the health community.

For the on-trade it is hard to see how things could get any worse. The on-trade provides the only environment for the safe, managed, measured consumption of alcohol but the hospitality sector is under increasing pressure from every side, and there is no sign of when the situation will ease. At a time when energy costs are skyrocketing, the supply costs are rising ahead of the official rate of inflation and wage inflation is adding to the mix HMRC are looking to claw back suspended VAT and National Insurance by April this year. On top of that the increase in NI rates, whilst seemingly modest, will in real terms represent an increase of between 10 and 20% over prior year. VAT rates are due to return to the 20% level. In addition business rates will kick in again and the repayable Covid funding starts to amortise this year. Insurance premiums have doubled as the insurance companies try to recoup money paid out against claims.

Indeed researchers have concluded that the sector has now moved into a really parlous state. Opus Restructuring produced a report at the end of last month in which they reported that with small business debt levels at twice those pre-pandemic around half of UK licensed businesses are already severely stressed. Their research indicates that 1 in 4 businesses will file for insolvency or restructuring in the next three years. Hospitality business failures could double this year. Their findings show that by July last year over 1000 sites had already closed. They have found that the phase of moving from lockdown to recovery is the most delicate. A key factor will be to ensure that funding arrangements are revised appropriately, which pre-supposes that businesses will seek such revisions and that funders are sympathetic.

This poses new problems. Those businesses that close will largely have done so because they are unsaleable, which raises the question as to what happens to those premises. It seems that change of use applications have been getting little sympathy so far but such a head-in-sand stance will be unsustainable. If community buy-outs are non-starters re-use/redevelopment will be the only option left.

This will clearly have an impact on the work of the Licensing Forum. If the size of the Fife licensed estate is eroded in this fashion the nature of the Forum's remit will change, especially as a growing proportion of alcohol consumption will be outwith Licensing Board control.

The next couple of years are clearly going to be a period of transition. Historically licensing legislation and regulation has lagged developments in the alcohol market, and central Government has been slow to respond when changes occur and are identified. The trend towards off-sales, given such impetus during lockdown, will continue and the danger is that licensing regulation will be of declining relevance.

Hopefully I will be totally wrong. Hopefully.

**LICENSING (SCOTLAND) ACT 2005  
SECTIONS 10-12 AND SCHEDULE 2**

**FIFE LICENSING FORUM**

**CONSTITUTION**

**1. NAME**

1.1 The name of the organisation shall be the FIFE LICENSING FORUM.

**2. GEOGRAPHICAL BOUNDARY OF FORUM**

2.1 The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of the local government area of Fife.

**3. TERMS OF REFERENCE**

3.1 The terms of reference of the Forum are as follows:-

- (a) To keep the liquor licensing system in Fife under regular review and to respond to consultation exercises undertaken by the Fife Licensing Board and the Scottish Government as appropriate;
- (b) To consider the implications of relevant local data and statistics provided by Fife Constabulary, Fife Health Board and other relevant organisations.;
- (c) To meet the Fife Licensing Board at least once per calendar year; and
- (d) To advise the Fife Licensing Board on any matters of policy and other areas of concern, excepting individual cases.

**4. MEMBERSHIP**

4.1 In terms of the Licensing (Scotland) Act 2005 ("the Act"), the Forum shall consist of not fewer than five and not more than fifteen members from the various representative groups specified in the Act.

4.2 In order to be eligible for membership of the Forum, a person must be:-

- (a) aged 16 years or above;
- (b) able to demonstrate an interest in the licensing system; and
- (c) currently employed in or be a duly appointed representative of one or more of the following groups, namely:-
  - the Chief Constable of Fife Constabulary
  - persons having functions relating to health, education and social work
  - holders of premises licences and personal licences
  - persons resident within Fife; or
  - young people in the area of Fife.

4.3 Members of the Forum will initially be appointed by the Fife Council.

4.4 Once established, the Forum itself may appoint new members to the Forum subject to the maximum number set out at paragraph 4.1 above. New members must meet the criteria set out at paragraph 4.2 above. Applications to become a member shall be submitted in writing to the Clerk at least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.

- 4.5 Any vacancy in membership shall be filled at the next meeting of the Forum occurring thereafter. Applications for membership shall be submitted in writing to the Clerk at least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.
- 4.6 All changes in membership and all details of additional members appointed to the Forum shall be forwarded to the Manager, Committee Services, Fife Council.
- 4.7 A Licensing Standards Officer employed by Fife Council shall be appointed as a member of the Forum.
- 4.8 Other interested parties, as invited by the Forum, shall be entitled to participate actively in the meetings of the Forum and present the Forum with information as required. No voting rights shall apply to such invited parties.
- 4.9 Members of the Forum shall hold office for two years and are eligible for re-election.
- 4.10 Forum Members who fail to attend three consecutive meetings shall, unless the failure to attend was for a reason approved by the Forum, be subject to removal from office by the Forum. In the first instance, the member will receive, if appropriate, a letter from the Clerk enquiring as to the reason for failure to attend and the matter will thereafter be considered by the Forum.
- 4.11 Forum Members can name a substitute to attend meetings in their absence. The substitute should be eligible for membership of the Forum. A person who is a member of the Forum cannot be appointed as a substitute.

## **5. OFFICE BEARERS**

- 5.1 A Convener shall initially be appointed at the first meeting of the Forum.

## **6. MEETINGS**

- 6.1 The Forum shall meet at least quarterly at a date and time appointed at the previous meeting.
- 6.2 The Clerk to the Forum shall, at least six days in advance, provide written notification, by way of Agenda, specifying the date, time and place of such meetings to all members of the Forum.
- 6.3 Public notice of the meeting of the Forum shall be given by posting a notice outside the venue for the meeting at least six days in advance, or, alternatively, posting details on Fife Council's website.
- 6.4 Forum Members who are not able to attend a meeting shall submit apologies to the Clerk in advance of the meeting.
- 6.5 Members of the press and public are entitled to attend Forum meetings.
- 6.6 Meetings of the Forum are to be chaired by the Convener, whom failing, a pro-tem Convener shall be nominated and appointed by those members present at the meeting.

## **7. QUORUM**

- 7.1 The quorum for a meeting shall be one half of the number of members (but in any case not fewer than 3).
- 7.2 If after 10 minutes from the appointed start time for a meeting, a quorum is not present, the Convener shall adjourn the meeting. It shall be recorded that, owing to a lack of the necessary quorum, no business could be transacted.

## **8. CONDUCT OF MEETINGS**

### **8.1 Convener's Duties**

- 8.1.1 To preserve order and ensure that every Forum Member has a fair hearing.
- 8.1.2 To decide on all matters of competency and relevancy.
- 8.1.3 To decide between two or more members of the Forum indicating a wish to speak by calling on the member who has first caught his or her eye.
- 8.1.4 The ruling of the Convener on all matters within his or her jurisdiction as Convener is final.

### **8.2 Conduct of Forum Members**

- 8.2.1 Every member of the Forum shall address the Convener when addressing the meeting.
- 8.2.2 When the Convener speaks, he or she shall be heard without interruption; all other members shall give way.
- 8.2.3 In the event of any Forum Member disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may thereupon be moved and seconded to suspend such member for the remainder of the sitting. The motion shall be put without discussion and, if carried on a two-thirds majority, such a member shall leave the meeting forthwith. This motion shall take immediate precedence over any business which is taking place.

### **8.3 Motions and Amendments**

- 8.3.1 Every motion requires to be moved and seconded. The proposer and seconder shall be recorded in the minutes. If no counter-motion is tabled, the motion is to be put to the meeting. Numbers for/against/abstaining must be minuted. If there is no opposition, the motion is minuted as carried.
- 8.3.2 During debate on a motion, the mover may, with consent of the seconder, modify or withdraw the motion.
- 8.3.3 Each member of the Forum may only move or second one motion or amendment at a time (unless they withdraw their original motion).
- 8.3.4 Motions and amendments moved but not seconded shall not be put to the meeting nor shall they be recorded in the Minutes unless so required by the Member.
- 8.3.5 If there is only one amendment to a motion, the vote will be between the motion and the amendment, and whichever is carried shall be the finding of the meeting.
- 8.3.6 If there is more than one amendment, then unless the Convener otherwise decides, the last amendment is put against that immediately preceding, and, whichever is carried is put against the next preceding and so on until one amendment remains and this is then put against the motion with the amendment voted on first, and whichever is carried shall be the finding of the meeting.
- 8.3.7 Each member present at a meeting shall be entitled to one vote.
- 8.3.8 Voting shall, unless the Convener rules otherwise, be by show of hands. If the Forum so decides, voting shall be by ballot which shall be undertaken by the Convener to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those members present and voting before the ballot may be undertaken.

8.3.9 In the case of an equality of voting, the Convener shall have a casting vote, except where the subject of the vote relates to the appointment of (a) new or additional members; or (b) to any particular office, when the decision shall be by lot.

#### **8.4 Minutes**

8.4.1 The Clerk, as the case may be, shall take a Minute of every meeting of the Forum, which shall include:-

- (a) the names of those present at each meeting, as well as those who have submitted apologies;
- (b) brief notes of topics dealt with, but not the details of discussions;
- (c) a record of all motions and amendments, including names of proposers and seconders, and the outcome, i.e. carried or rejected, and numbers of votes for, against and abstentions.

8.4.2 The Clerk shall circulate the draft Minutes along with the following meeting's Agenda.

8.4.3 Previous minutes shall be approved at the next meeting and before concluding the agenda discussed for the next meeting. Approved minutes shall be published on Fife Council's website.

8.4.4 The Clerk shall hold copies of the Minutes, signed by the Convener, and copies of Agendas in a file, to act as the Forum's Minute Book.

8.4.5 Copies of Minutes, signed by the Convener, should be forwarded by the Clerk to the Democratic Services Manager.

#### **8.5 Rescission of Previous Resolutions**

8.5.1 No resolution of the Forum shall be altered or revoked within six months of its adoption.

#### **8.6 Adjournment of Meeting.**

8.6.1 The Forum may adjourn any meeting to such time as the Convener may then or otherwise fix.

8.6.2 When an adjourned meeting is resumed, proceedings commence at the point at which they were suspended at the adjournment.

### **9. ANNUAL GENERAL MEETING**

9.1 The Annual General Meeting of the Forum shall take place at the first meeting in each calendar year.

9.2 The business of the Annual General Meeting shall include:-

- (a) an annual report from the Convener;
- (b) the appointment of a Convener; and
- (c) the re-appointment of members as appropriate.

### **10. SPECIAL MEETINGS**

10.1 A Special Meeting of the Forum can be called at any time by the Convener or by requisition of 2/5th of the Forum Membership. Such a request to hold a Special Meeting will be in writing and the Convener will determine the date and place of the Special Meeting.

**11. APPOINTMENT AND REMOVAL OF OFFICE BEARERS**

- 11.1 The appointment of a Convener of the Forum shall be made annually at each Annual General Meeting of the Forum.
- 11.2 The Office Bearers may be removed from office at any of the Forum meetings or at a Special Meeting convened for the purpose at the requisition of 2/5th of the Forum Membership, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

**12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES**

- 12.1 The Forum shall have the power to alter the Constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings, or at a Special Meeting convened for the purpose at the requisition of 2/5th of the Forum Membership, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting. All such alterations require to be approved by a two-thirds majority of those present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.



## THE FIFE COUNCIL - FIFE LICENSING FORUM – REMOTE MEETING

25 November, 2021

2.00 p.m. – 3.05 p.m.

**PRESENT:** John Barclay (Convener), Izzy Corbin, Neil Ewing and Fiona Rattray.

**ATTENDING:** June Barrie, Manager, Legal Services, Elizabeth Mair, Committee Officer, Legal & Democratic Services and Councillor Carol Lindsay, Convener, Fife Licensing Board.

**APOLOGIES FOR ABSENCE:** Jim Bett, Ian Davidson, Jeff Ellis, Douglas Hardaker, Paul Madill and Susan Normansell.

### 1. WELCOME AND APOLOGIES FOR ABSENCE

In the absence of the Convener, John Barclay took the Chair and welcomed members to the meeting. It was noted that there was not a quorum of members present and that any decisions would require to be ratified at the next meeting.

### 2. MINUTE

The Forum considered the minute of the meeting of 12 August 2021.

#### Decision

The Forum agreed to approve the minute.

### 3. FIFE LICENSING BOARD ANNUAL FUNCTIONS AND FINANCIAL STATEMENT

The Forum considered the Fife Licensing Board Annual Functions and Financial Statement. June Barrie highlighted points in the papers and advised that the recently appointed Head of Legal and Democratic Services, Lindsay Thomson, would be the new Clerk to the Licensing Board.

#### Decision

The Forum noted the information provided in the reports.

### 4. UPDATES FROM FIFE LICENSING BOARD

The Forum considered reports detailing the business of the Fife Licensing Board - "List of Decisions" from the Board meetings of 21st June and 25th October 2021, which were sub-divided into: New Grant(s); Provisional(s); Variation (Major)(s); Personal Licence Review(s); Occasional(s); and Premises Licence Review(s).

Neil Ewing advised that the Police were engaging with premises to provide advice and support for the implementation and enforcement of Covid restrictions, including Covid vaccination passports. There had been reports from nightclub owners that some persons were complaining about having to show the proof of vaccination when they hadn't had to provide this at other premises. However, not all types of hospitality premises were included in this requirement and Neil advised that some local nightclub owners had sent representations to the Scottish Government as they felt they were being singled out.

Izzy Corbin advised that, due to the recent surge of infections in St Andrews, linked to University students, some older people were now afraid to go out to local shops or other premises. There had been a number of recent events held and students were out in local premises in large numbers. Neil Ewing advised that the Police were aware of some recent incidents and also that there were two officers dedicated to the University. It had been noted that there was a significant reduction in mask wearing and social distancing. Following a question regarding vaccination rates for students he advised that he would ask the University if they had any information on this.

### **Decision**

The Forum noted the information contained in the reports.

## **5. UPDATE ON IMPACT OF CORONAVIRUS PANDEMIC**

Neil Ewing reported that, during the earlier period of the pandemic, crime figures had reduced, including shoplifting and night time crime. However, over the past few months, although attendance was still lower than normal, crime figures had returned to the numbers seen before the pandemic and calls to Police had returned to their previous level.

Councillor Carol Lindsay advised that, although the Licensing Board was continuing to meet and issuing licenses, there was still the potential for premises to close due to lower income and higher costs. John Barclay reported that there was still a lack of confidence in the community to attend licensed premises as much as before the pandemic. Neil Ewing advised that, although older people were not going out to the same extent, younger people were making up for lost time and this was resulting in a lot of issues. Fiona Rattray reported that there was a large backlog of cases for the courts to process and of course new cases continued to come in. She had noticed a vast reduction in mask wearing and social distancing on a recent holiday in England and was also of the opinion that older people had become used to drinking at home and would probably continue to do so.

John Barclay advised that, following a recent celebration in Newcastle, members of a local football team had taken three tests after social contacts to make sure they had not been infected and he felt that education in testing was the key. Fiona Rattray advised that there were very useful YouTube videos which demonstrated how to take lateral flow tests.

### **Decision**

The Forum noted the updates and information provided.

## **6. ALCOHOL FOCUS SCOTLAND - EFOCUS NEWSLETTERS**

The Forum noted that eFocus newsletters could be accessed directly through the Alcohol Focus Scotland website and a link was provided.

## **7. DATES FOR 2022**

The Forum considered a draft timetable detailing dates of meetings for 2022.

### **Decision/**

**Decision**

The Forum:-

- (1) agreed the meeting dates for 2022 as detailed in the timetable; and
- (2) noted that the next meeting would be the AGM and that agenda items would include appointment of a Convener and reappointments of members as appropriate.

**8. ANY OTHER COMPETENT BUSINESS**

- (1) Licensing Standards Officers  
June Barrie and Neil Ewing advised that it had been agreed that an additional Licensing Standards Officer be recruited in addition to the existing two posts. This had not yet been advertised but work was ongoing.
- (2) Traffic Light (RAG) Police Report  
In response to a question from John Barclay on the availability of the 'traffic light' reports which had formerly been submitted to the Forum, Neil Ewing advised that these reports were still prepared and he would provide one for the next meeting. It was agreed that this should be a summary of the full report and would not specify names of individuals.
- (3) Spiking/Injections  
Izzy Corbin expressed concern regarding recent reports of persons being injected with drugs in nightclubs and licensed premises. It was noted that anyone noticing anything suspicious should report this to the police or premises manager. Izzy suggested that an approach similar to 'Ask for Angela' might be useful and Neil Ewing advised that those who had received Bystander campaign training should be able to assist. He also advised that there had been no reports of spiking by injection in Fife so far and most cases were still through drinks being spiked. Premises staff had been advised to call an ambulance and the police if they suspected a spiking incident. He did not think that metal detectors would be an option for premises as a preventative measure but bag searches could be carried out. Where incidents did occur it was important to get any evidence as soon as possible.

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