

Fife Licensing Forum

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



Thursday, 12 August, 2021 - 2.00 p.m.

AGENDA

	<u>Page Nos.</u>
1. WELCOME AND APOLOGIES FOR ABSENCE	
2. MINUTE – Minute of Meeting of 3 June 2021.	3 - 5
3. APPOINTMENT OF NEW MEMBER	
The Forum is asked to ratify the decision taken at the meeting on 3 June recommending that Ian Davidson, Lead Nurse, NHS Fife Addiction Services, be accepted as a member.	
4. UPDATES FROM FIFE LICENSING BOARD – Minutes of Meetings of 19 April and 21 June 2021.	6 - 17
5. CONSTITUTION & MEMBERSHIP – Constitution attached.	18 - 22
6. UPDATE ON CORONAVIRUS PANDEMIC IMPACT – Discussion	
7. 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)	
8. ANY OTHER COMPETENT BUSINESS	
9. DATE OF NEXT MEETING – 25 November 2021 at 2.00 p.m.	

Eileen Rowand
Executive Director
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

5 August, 2021

If telephoning, please ask for:
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Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

THE FIFE COUNCIL - FIFE LICENSING FORUM – REMOTE MEETING

3 June, 2021

2.10 p.m. – 3.00 p.m.

PRESENT: Jeff Ellis (Convener), Neil Ewing, Fiona Rattray, Rebecca Shovlin and Paul Smith.

ATTENDING: June Barrie, Manager - Legal Services and Elizabeth Mair, Committee Officer, Legal & Democratic Services.

ALSO ATTENDING: Ian Davidson, NHS Fife

APOLOGIES FOR ABSENCE: Jim Bett, David Henderson, Douglas Hardaker, Paul Madill and Susan Normansell.

1. WELCOME

Jeff Ellis, Convener, welcomed members to the meeting. It was noted that there was not a quorum of members present and that any decisions made would be ratified at the next meeting.

2. MINUTE

The Forum considered the minute of meeting of Fife Licensing Forum of 25 February 2021.

Decision

The Forum agreed to approve the minute.

3. UPDATES FROM FIFE LICENSING BOARD

The Forum considered a report detailing the business of the Fife Licensing Board - "List of Decisions" from the Board meeting of 7th December 2020, which was sub-divided into: New Grant(s); Provisional(s); Variation (Major)(s); Personal Licence(s), Premises Licence Review(s) and Personal Licence Review(s).

June Barrie advised that the Licensing Board had met in person within social distancing guidance on 19th April to deal with a small number of applications and other business dealt with by written submissions. She also confirmed that occasional licence applications had been decided by the Board members using email in the past year and that there had been no additional delegated powers.

Decision

The Forum noted:-

- (1) the decisions of the Board Meeting on 7th December 2020; and
- (2) the information regarding Licensing applications.

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4. **IMPACT OF CORONAVIRUS PANDEMIC RESTRICTIONS**

The continuing impact of Coronavirus restrictions was discussed. Jeff Ellis advised that the letter agreed at the previous meeting had been sent to the leaders of the four main political parties at Holyrood but apart from a holding reply from Willie Rennie of the Liberal Democrats, there had been no response so far.

It was reported that, as premises were opening up again as restrictions eased, one of the main issues was staff shortages. Many staff had found other jobs or moved away during the pandemic so were no longer available and others were now taking leave after their return from furlough. The shortage of staff was also leading to wage increases of up to 30% as demand outweighed supply.

Another issue was that licensees now had to start paying back loans and other costs while still operating at much lower profit margins due to lower customer numbers. There had been reports that anything between 25% to 75% of premises would close due to the pandemic for various reasons including an increase in home drinking which might not be reversed when the situation went back to normal. It was suggested that this could be an issue also for the NHS as home poured measures were usually much larger than regulated ones and which could lead to health problems.

Finally, Neil Ewing advised that there had been an increase in domestic abuse reports to the Police over the past year but a decrease in anti-social behaviour. Shoplifting was increasing, possibly due to more people having money problems due to the pandemic. The Police had to make sure that people were kept safe and had been out talking to operators of licensed premises to support them with the majority following the governments guidelines.

Decision

The Forum:-

- (1) noted the current position relating to the COVID-19 pandemic in respect of licensed premises; and
- (2) agreed to await any responses to the letter to the Scottish Government party leaders for discussion at the next meeting.

5. **DATE OF NEXT MEETING**

The Forum noted that the next meeting would be held on 12th August 2021 at 2.00 p.m.

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. **ANY OTHER COMPETENT BUSINESS**

(1) Asymptomatic Testing

There was discussion on the use of asymptomatic testing for staff and whether they were being requested/encouraged to have this done. Paul Smith advised that, following an outbreak amongst staff at one of his premises,

premises, he was now drawing up new working policies and asking all staff to take tests before their shifts. It was also reported that the size of the premises would be a factor as small independent premises were less likely to require staff to provide negative test results before attending work.

(2) Appointment of New Member

Ian Davidson, Lead Nurse, NHS Fife Addiction Services, was in attendance and had expressed a desire to join the Forum. Members present indicated that they were happy to accept Ian as a member but, as there was no quorum, it was agreed that this should be ratified at the next meeting.

FIFE LICENSING BOARD LICENSING BOARD

MEETING, 19 APRIL 2021 AT 11.00 A.M. IN , COUNCIL CHAMBERS, FIFE HOUSE, NORTH STREET, GLENROTHES, FIFE, KY7 5LT

LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Provisional(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1388	BREW SHED BEERS THE OLD WOODWORK HOUSE FORTHVIEW INDUSTRIAL ESTATE VALLEYFIELD DUNFERMLINE FIFE KY12 8TL	BREW SHED BEERS LIMITED C/O TLT HOBART HOUSE 80 HANOVER STREET EDINBURGH EH2 1EL	30 September 2020	Granted unanimous with online/delivery conditions
FLB 1394	THE HABERDASHERY BAR 123 NEW ROW DUNFERMLINE FIFE KY12 7DZ	HABERDASHERY FIFE LTD	17 December 2020	Granted

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

New Grant(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1391	TOWN HOUSE DELI & BAKERY HIGH STREET FALKLAND FIFE KY15 7BU	MTN FOODS LTD	27 October 2020	Granted unanimous
FLB 1392	HANNAH WHISKY MERCHANTS LTD 25 WEST WAY BUSINESS PARK WEST WAY DALGETY BAY FIFE KY11 9AE	HANNAH WHISKY MERCHANTS LTD	2 November 2020	Granted unanimous with online/delivery conditions

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

New Grant(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1393	HOUSE OF GIN 24 BRUCE STREET DUNFERMLINE FIFE KY12 7AG	HOUSE OF GIN LTD	18 November 2020	Granted unanimous with online/delivery conditions
FLB 1395	FALSIDE MILL KINGSBARNES ST ANDREWS KY16 8PT	FALSIDE MILL EVENTS LTD	9 December 2020	Granted unanimous with following condition; At least two weeks notice of large events (over 250 persons) must be given to Fife Council, Building Standards, to ensure adequate toilet provisions is in place.

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 544	THE TAVERN 2A BRODICK ROAD KIRKCALDY FIFE KY2 6EY	KINGDOM PROPERTIES LIMITED C/O YOUNG & PARTNERS 1 GEORGE SQUARE CASTLE BRAE DUNFERMLINE FIFE KY11 8QF	7 December 2020	Granted unanimous
FLB 1358	THE CALEDONIAN CRAFT BEER MERCHANT GROUND FLOOR 22 MAYGATE DUNFERMLINE FIFE KY12 7NH	COLIN GARDNER	9 December 2020	Granted unanimous with online/delivery conditions

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 667	THE WEST END BAR 11 MAIN STREET LOCHGELLY FIFE KY5 9AG	TRUST INNS LIMITED C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	21 December 2020	Granted unanimous

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Personal Licence Review(s)

Lic No	Premises	Applicant	Date Received	Decision
FI 380	ANTONIO CITRO	CHIEF CONSTABLE	15 December 2020	Review Heard Grounds for review established. No further action taken.

FIFE LICENSING BOARD LICENSING BOARD

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Premises Licence Review(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 737	TRUTH 75-79 NORTH STREET LEVEN FIFE KY8 4LY	CHIEF CONSTABLE	16 March 2021	Review Heard Grounds for review established. No further action taken.
FLB 132	THE AULD HOOSE MILTON ROAD WINDYGATES LEVEN FIFE KY8 5DF	CHIEF CONSTABLE	3 December 2020	Review Heard Grounds for review established. No further action taken.

FIFE LICENSING BOARD LICENSING BOARD

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Personal Licence Review(s)

Lic No	Premises	Applicant	Date Received	Decision
FI 5722	KEVIN EWAN C/O TLT 140 WEST GEORGE STREET GLASGOW G2 2HG	CHIEF CONSTABLE	3 December 2020	Review Heard Grounds for review established. No further action taken.

FIFE LICENSING BOARD LICENSING BOARD

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Provisional(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1390	PREMIER 6 - 10 MERCER PLACE DUNFERMLINE FIFE KY11 4UG	TANVEER AHMED C/O GNE CONSULTANCY LTD 47 WALLACE BRAE DRIVE REDDINGMUIRHEAD FALKIRK FK2 0FB	8 October 2020	Granted unanimous with online/delivery conditions

FIFE LICENSING BOARD LICENSING BOARD

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

New Grant(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 1387	BANNERS HOUSE HOTEL 1 HIGH STREET MARKINCH GLENROTHES FIFE KY7 6DQ	GLENSHIRE HOSPITALITY LTD	16 September 2020	Granted unanimous
FLB 1396	THE WEE CHIPPY 4 SHORE STREET ANSTRUTHER FIFE KY10 3EA	CHRIS LEWIS	4 January 2021	Granted unimous

FIFE LICENSING BOARD LICENSING BOARD

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LICENSING (SCOTLAND) ACT 2005

LIST OF DECISIONS

Variation (Major)(s)

Lic No	Premises	Applicant	Date Received	Decision
FLB 922	THE SAINT 170/172 SOUTH STREET ST ANDREWS FIFE KY16 9EG	SIGNATURE PUBS LIMITED C/O TLT HOBART HOUSE 80 HANOVER STREET EDINBURGH EH2 1EL	29 December 2020	Granted unanimous with the following condition: Maximum capacity of 120 in the rear gardens split with 60 in each garden at any one time.

FIFE LICENSING BOARD LICENSING BOARD**MEETING, 19 APRIL 2021 AT 11.00 A.M. IN , COUNCIL CHAMBERS, FIFE HOUSE, NORTH STREET, GLENROTHES, FIFE, KY7 5LT****LICENSING (SCOTLAND) ACT 2005****LIST OF DECISIONS****Personal Licence Review(s)**

Lic No	Premises	Applicant	Date Received	Decision
FI 4618	JOSEPH S GRAHAM	CHIEF CONSTABLE	26 November 2020	Continued to next licensing Board at request of applicant.

**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.