

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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20 October 2010

## NOTICE OF MEETING

A meeting of the **LOCAL LICENSING FORUM** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 27 OCTOBER 2010** at **10:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES**
2. **MINUTES OF MEETING HELD ON 13 JULY 2010** (Pages 1 - 4)
3. **FEEDBACK FROM JOINT MEETING WITH LICENSING BOARD HELD ON 8 OCTOBER 2010**
4. **FEEDBACK FROM LOCAL LICENSING FORUM CONVENERS MEETING**  
(Pages 5 - 8)
5. **FEEDBACK FROM NATIONAL LICENSING CONFERENCE 2010**
6. **RECRUITMENT OF NEW MEMBERS TO FORUM**
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**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER,  
KILMORY, LOCHGILPHEAD  
on TUESDAY, 13 JULY 2010**

**Present:** Eric Box, Community Representative (Chair)

Eric Dearie, LSO  
Sheila Johnston, Community Representative  
Calum MacLachlainn, Licensed Trade  
Brian Kupris, Community Representative  
Fred Bruce, Community Representative  
J Russell Buchanan, Ex Licensee  
Charles Reppke, Head of Governance and Law  
Chief Inspector Marlene Baillie, Strathclyde Police  
Stewart Noble, Observer for Helensburgh Community Council

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Cath Cakebread, Catherine Dobbie, David Greenwell, Roanna Taylor, George Ross and Kenneth Harrison.

**2. MINUTES OF MEETING HELD ON 28 APRIL 2010**

The Minutes of the meeting of the Local Licensing Forum held on 28 April 2010 were approved as a correct record.

Arising from item 9 (**Update from LSO**) it was noted that the Memorandum of Agreement with Strathclyde Police had still not been signed off due to issues with Data Protection. Eric advised that this was not causing any disruption to his workload.

Charles advised that Stewart Noble was attending this meeting as an observer for Helensburgh Community Council.

Stewart explained that the Community Council had previously had a liaison person for licensing and may put forward a request to become more involved in this Forum.

**3. REVIEW OF ARGYLL AND BUTE LICENSING BOARD POLICY STATEMENT: WORKSHOP DISCUSSION**

The current Policy Statement was circulated to the Forum in advance of the meeting and it was suggested that the Members of the Forum flag up any issues they would like addressed and that these be discussed in sequential order.

**Decision**

It was agreed to make the following suggestions to the Licensing Board:-

**General Points**

The LLF discussed statements such as “it would be helpful” and “the Board encourages” and were seeking to firm up the use of such terminology. However, on the basis there were no sanctions available to enforce compliance they discussed the possibility of inserting a provision that these be complied with “in so far as appropriate to their premises”.

### **Protecting and Improving Public Health**

That information as to where to obtain posters with regard to sensible drinking, the effects of consumption of excess alcohol and contact points where assistance can be obtained for drink problems should be provided within the statement (AFS Website and/or ADAT Website).

### **Overprovision**

It was agreed that Charles provide an update to the Chair of the Forum regarding where the Licensing Board are with their consultation (having noted that Strathclyde Police have been approached regarding the Statement of Overprovision).

### **Licensing Hours**

That a provision to allow for seasonality be included.

### **Duty to Trade (8.3)**

The LLF noted that the Board had been taking the view that in the interests of economics of operating, premises may shut before the time specified within their operating plan. They suggested that if it is the intention to do so, it would be recommended that a courtesy notice to this effect be displayed.

### **Extended Hours Applications**

There was a suggestion that special events of local or national significance could be identified upfront. The view of the Forum was that it was the responsibility of the Licensee to come forward and make a case for any application for extended hours.

### **Occasional Licences**

Concern was expressed that voluntary organisations could run a licensed event with no training. The Forum recommends that voluntary organisations undertake training by a recognised provider such as Servewise or Highfield.

The Forum also recognised that there would be benefit in advertising this requirement and suggested that this be flagged up on the Council and AVS Websites.

The Forum accepted there may be instances where it was not possible for members of an organisation to have been trained before an event and therefore also recommended a statement in the policy to the effect that “The Board would not usually grant a second or subsequent application without staff having been trained by a recognised provider”.

### **Paragraph 9.2**

That for ease of reference this paragraph be split into 9.2a (for personal or premises licence holders) and 9.2b (voluntary organisations)

### **Paragraph 9.4**

That the second paragraph of 9.4 should be numbered 9.5 and the subsequent paragraphs re-numbered accordingly.

### **Paragraph 10.1**

That it be checked whether these were the most appropriate examples to give.

### **Public Awareness Materials – Safe Limits and Drink-Driving**

Reference to be made to ADAT website for supply of notices etc.

### **Access by Children to Licensed Premises**

The hours of access for children should be included?

### **Members Clubs**

20.2 – Should reflect that if the event is for non-members beyond the authorised levels then an occasional licence should be applied for.

### **Licensing Standards Officer**

This should be expanded given there is now an LSO in post.

## **4. POLICE STATISTICS**

Chief Inspector Baillie spoke to the report stating that the trend was busier during the summer months and that the figures were increased for MAKI given that the Police had run a licensing initiative. The initiative was also run in Bute and Cowal during June so figures for this month were also higher.

### **Decision**

It was agreed to ask Strathclyde Police to provide statistics for Helensburgh and Lomond as had previously been arranged and statistics relating to the Pubwatch schemes across Argyll and Bute.

## **5. UPDATE FROM LSO**

The LSO tabled a report advising of the issues he had been involved with since the last meeting which included training Inverclyde Licensing Board and their LLF, attendance at a Licensing Board hearing, formal inspections and mediation.

Callum asked whether Eric Dearie had experienced any problems or whether there was a willingness to work towards a solution. Eric advised that he had not experienced any problems and outlined the procedure that he followed to ensure that he was able to spend time with the licence holder to address any areas of concern.

**6. ISSUE TRACKER**

Jo Smith, the Council's Communications Manager, was present for this item to discuss with the Forum how they wanted to raise the profile of the forum.

Charles advised that the Forum had previously discussed raising the profile and also a recruitment drive to increase their Membership of licensees, young people and general public.

**Decision**

1. Jo suggested, and the Forum agreed, that a direct mail and personal invitation approach should be undertaken. She agreed to draft letters which would include details of what the forum had achieved to date and that she would pass to Charles for distribution to Members of the LLF.

It was also agreed:-

2. that Roanna be approached regarding recruitment of a young person to replace Thomas who had recently resigned.
3. that Inspector Baillie would provide Charles with contact details for the Chairman of the Pubwatch Scheme.
4. that a general press release be issue as a backdrop to the letters.

**7. ALCOHOL FOCUS SCOTLAND: APPOINTMENT OF NEW CHIEF EXECUTIVE**

The Chair advised the Forum that Dr Gillan had been appointed as the Chief Executive of AFS. He had met a few weeks ago with Dr Gillan regarding the services AFS provide to the Forum and had advised her that other than the Annual Conference, there was very little assistance given.

He had also suggested to Dr Gillan that 3 or 4 Conveners from more active Forums meet with her to discuss various matters. He would be attending the first of these meetings tomorrow in Glasgow.

**8. ANNUAL LICENSING CONFERENCE**

The Chair advised that he did not expect to be in a position to attend the annual conference in September. It was agreed that J Russell Buchanan attend in his place.



**Minutes:** Local Licensing Forum Conveners meeting

**Date:** Wednesday 14<sup>th</sup> Jul 2010

**Time:** 2 – 3.45pm

**Location:** Alcohol Focus Scotland offices, Glasgow

**Purpose:** To consider the general issue of how Licensing Forums are doing and whether Forums feel that there is any further support that Alcohol Focus Scotland could be offering.

**Chair:**

Dr Evelyn Gillan Chief Executive, Alcohol Focus Scotland

**Minute Taker:**

Linda Bowie Licensing and ServeWise Manager, Alcohol Focus Scotland

**Present:**

David Sands Fife Local Licensing Forum  
 Eric Box Argyll & Bute Local Licensing Forum  
 Norma Thomson North Aberdeenshire Local Licensing Forum  
 Allan Mackintosh Aberdeen City Local Licensing Forum

**Apologies:**

John Govan Dumfries & Galloway Local Licensing Forum  
 John Kinsella South Aberdeenshire Local Licensing Forum  
 Paul MacLennan Central Aberdeenshire Local Licensing Forum

**Attachments:**

None

	Action
1. Welcome	
2. General performance of Local Licensing Forums	
a) <b>Membership of the Forums and communication with the public</b> <ul style="list-style-type: none"> <li>• Publicity for the Forums varies across Councils. Discussed whether it would be helpful to have examples of work completed by Forums to use in publicity as it's difficult to explain the advisory role of the Forum to the public.</li> <li>• <b>Difficult to get people interested in the Forum. Examples discussed of inviting Community Councils, press, etc</b></li> <li>• Membership of Forums varies. There was some discussion about who should appoint members of the Forums and the possible issues if the decision is left solely to the Forum or the Council.</li> </ul>	
b) <b>Support for Forums</b> <ul style="list-style-type: none"> <li>• <b>Forums generally operate individually and there may be a benefit in meeting other Forums and sharing issues and good practice.</b></li> </ul>	

	Action
<ul style="list-style-type: none"> <li>• Some Forums have a legal adviser – in some instances this is the same person as clerks the Licensing Board. There was some discussion of the benefits and disadvantages of this, and the possible conflict of interest.</li> </ul> <p>c) <b>Forums and Boards</b></p> <ul style="list-style-type: none"> <li>• Aberdeen City now meet with the Licensing Board twice per year: one meeting chaired by the Board and one meeting chaired by the Forum.</li> <li>• <b>Convener of Fife Forum has a one-to-one meeting with the Convener of the Board quarterly to discuss licensing issues.</b></li> <li>• Legal question over whether the Forum can meet with, or comment on, other Committees within the Council which link to licensing, such as late night catering or transport.</li> </ul> <p>d) <b>Work of the Forums and Boards</b></p> <ul style="list-style-type: none"> <li>• A common question is, 'What does the Forum do?' There appears to be differing views and understanding of the role of Forums. It was suggested that some agencies don't always have a clear view of what they're trying to achieve or of the Licensing (Scotland) Act 2005.</li> <li>• Suggested that Forums annually review their achievements and effectiveness, for example, the list of recommendations they have made to the Licensing Board.</li> </ul> <p>e) <b>Communication between Alcohol Focus Scotland and Forums</b></p> <ul style="list-style-type: none"> <li>• <b>There's an on-going difficulty for Alcohol Focus Scotland to get equal communication with all Forums. Some are more willing to engage than others.</b></li> <li>• <b>Linda Bowie receives minutes from approximately half of Licensing Forums. These are read and good practice points collated – where possible good practice is added to the website <a href="http://www.local-licensing-forums.org.uk">www.local-licensing-forums.org.uk</a></b></li> <li>• <b>Forums website generally found to be useful.</b></li> </ul>	
<p><b>3. Suggestions for further support to Forums</b></p> <p>a) <b>Communication between Forums and Alcohol Focus Scotland</b></p> <ul style="list-style-type: none"> <li>• <b>Suggested that Alcohol Focus Scotland could add an item to the agenda of each Local Licensing Forum with responses to be reported back to Alcohol Focus Scotland</b></li> </ul> <p>b) <b>Communication between Forums</b></p> <ul style="list-style-type: none"> <li>• Suggested that Alcohol Focus Scotland include a meeting of Forums within the programme of the National Licensing Conference in September. For example, this could include asking Forums to bring a brief resume of the work they've undertaken so far and a list of the recommendations they have made to the Board</li> <li>• <b>Conveners were asked to consider the benefits of regional or national meetings of Forums and how these could be best implemented.</b></li> </ul>	<p>AFS</p> <p>Conveners</p>
<p><b>4. Suggestions for further work in wider licensing context</b></p> <p>a) <b>Strengthening role of Forums</b></p> <ul style="list-style-type: none"> <li>• <b>A Ministerial statement on the importance of Local Licensing Forums would help to raise the status of Forums, particularly with other stakeholders who currently show some resistance.</b></li> </ul> <p>b) <b>Budget</b></p> <ul style="list-style-type: none"> <li>• There were different opinions on the benefits of the Forum having its own budget</li> </ul>	<p>AFS</p>



	Action
<p>c) <b>Statistics and evidence gathering</b></p> <ul style="list-style-type: none"> <li>• Suggested that guidance on how to gather evidence would be helpful. For example: <ul style="list-style-type: none"> <li>– List what statistics would be relevant to each of the 5 objectives</li> <li>– List the relevant Scottish statistics</li> <li>– Direct Forums to where they can source these statistics for their local area</li> <li>– Note that local statistics should be shown in relation to trends – for example, how the local statistics compare to the national average; how statistics for each ward or area compares to the average for the Council area; how statistics for an area have changed over time (trends)</li> </ul> </li> <li>• It is noted that much of the Guidance seems to be concerned with on-licence. As alcohol-related harm is directly linked to per capita consumption, there is a need to consider the volume of alcohol sold, particularly by the big supermarkets, when collating evidence.</li> <li>• The Guidance states there has to be a 'causal link' shown between premises and problems - Alcohol Focus Scotland will raise this with the Government.</li> <li>• There is an issue about who should collate the evidence given the limited resources available to Forums.</li> </ul> <p>d) <b>Licensing Standards Officers</b></p> <ul style="list-style-type: none"> <li>• Noted that LSOs are required to do a lot of administration and compliance visits which can impact on the amount of time left for the advice and guidance parts of their roles. This is of particular concern where there are low numbers of LSOs. Geography of the Council area as well as the number of licensed premises will impact on the number of LSOs required.</li> </ul> <p>e) <b>Fees</b></p> <ul style="list-style-type: none"> <li>• Agreed that current system of fees is unfair and large premises with large off-sales facilities, such as supermarkets, pay proportionally less. It was suggested that licensing fees could be linked to volume of alcohol sold. It may be more appropriate to progress the issues through the provision of the social responsibility fee.</li> </ul>	
<p><b>5. Any other business</b></p> <p>a) <b>Next steps</b></p> <ul style="list-style-type: none"> <li>• Linda will phone each of the Conveners to collate the specific information about engagement with young people on behalf of the Scottish Government. Any additional comments or ideas from today's meetings will be welcomed.</li> </ul>	<p><b>LB/ Conveners</b></p>

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**Summary of Storm Incidents  
July 2010**

	Public Drunkenness	Outwith Lic Hours Sect.62	Noise Comp Inside	Noise Complaint Outside	Disturb Outside Violent	Disturb Inside Violent	Drunkenness & Disorderly Conduct	Assist Remove Patron	Underage Drinking	In Extended Hours	Drugs in Licensed Premises	Arrests
<b>OBAN</b>	2		2	1	3	2		1				2
<b>LORN</b>							1					1
<b>ISLE</b>			1		1							
<b>C'TOWN</b>						2	1					
<b>KINTYRE</b>								1				1
<b>ISLAY</b>				1	1							
<b>MID ARGYLL</b>			1		2	1	1	1				1
<b>DUNOON</b>	1			1			1	3			1	1
<b>COWAL</b>												
<b>R'SAY</b>			1			2			1			
<b>TOTAL</b>	3		5	3	7	7	4	6	1		1	6

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**Summary of Storm Incidents  
AUGUST 2010**

	<b>Public Drunkenness</b>	<b>Outwith Lic Hours Sect.62</b>	<b>Noise Comp Inside</b>	<b>Noise Comp Outside</b>	<b>Disturb Outside Violent</b>	<b>Disturb Inside Violent</b>	<b>Drunkenness &amp; Disorderly Conduct</b>	<b>Assist Remove Patrons</b>	<b>Underage Drinking</b>	<b>In extended Hours</b>	<b>Drugs in Licensed Premises</b>	<b>arrests</b>
<b>Oban</b>	1		3	2	1	4	1	7				6
<b>Lorn Isles</b>												
<b>C'town</b>	1				2	3	1	4				6
<b>Kintyre</b>					1							
<b>Islay</b>					1	2						
<b>Mid Argyll</b>			1		1			2	2		2	1
<b>Dunoon</b>	1		2		3	2		1				
<b>Cowal</b>							1					
<b>R'say</b>			1	1	2	3		3				4
<b>TOTAL</b>	3		7	3	11	14	3	17	2		2	17
<b>Helensburgh</b>												
<b>Gare'head</b>												
<b>TOTAL</b>												

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**Summary of Storm Incidents  
Sept 2010**

	<b>Public Drunkenness</b>	<b>Outwith Lic Hours Sect.62</b>	<b>Noise Comp Inside</b>	<b>Noise Comp Outside</b>	<b>Disturb Outside Violent</b>	<b>Disturb Inside Violent</b>	<b>Drunkenness &amp; Disorderly Conduct</b>	<b>Assist Remove Patrons</b>	<b>Underage Drinking</b>	<b>In extended Hours</b>	<b>Drugs in licensed premises</b>	<b>arrests</b>
<b>Oban</b>	1		2	3	1	3		1			1	3
<b>Lorn</b>												
<b>Isles</b>			1		1							
<b>C'town</b>	1					1		5				1
<b>Kintyre</b>						1						
<b>Islay</b>				1								
<b>Mid Argyll</b>	1	1	1		1	4	1	1	1			2
<b>Dunoon</b>					1	5		2				2
<b>Cowal</b>					1			1				
<b>R'say</b>		1				4						1
<b>TOTAL</b>	3	2	4	4	5	18	1	10	1		1	9
<b>Helensburgh</b>												
<b>Garelochhead</b>												
<b>TOTAL</b>												

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**Number of Visits To Licensed Premises  
Helensburgh  
July 2010 to September 2010**

<b>JUL 10</b>	<b>AUG 10</b>	<b>SEPT</b>	<b>TOTAL</b>
<b>104</b>	<b>52</b>	<b>74</b>	<b>230</b>

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<b>Title of Item</b>	<b>Name of Officer or organisation</b>	<b>Date of Meeting</b>	<b>Action required</b>	<b>Notes</b>
<b>Servewise Training</b>	<b>LLF</b>		<b>Agreed to delay until new Members in place</b>	<b>2010 Training Materials now available to borrow.</b>
<b>Draft Statement on Overprovision</b>	<b>Licensing Board</b>	<b>Discussed Joint Meeting 17 Nov 09</b>	<b>Clerk to provide draft statement for comment following consideration by L.B</b>	<b>Report on overprovision to be provided to meeting on 13 July 2010 (no report provided to meeting on 13 July)</b>
<b>National Outcomes for LLF</b>		<b>Discussed October 09</b>	<b>Await National Outcomes</b>	<b>Person from NHS appointed to review</b>
<b>Promotion of LLF</b>	<b>Council</b>	<b>Discussed Joint Meeting Nov 09</b>	<b>Arrange with New Communications Manager</b>	<b>New Communication Manager in post – discussion with Chair to be set up</b>  <b>Meeting on 13 July 2010 agreed that Jo Smith would draft letters and a general press release. To go to next meeting.</b>
<b>Items for Discussion with Licensing Board</b>		<b>Discussed 8 October 2009</b>	<b>Agreed to ask the Board to take a view on the Forums suggestion that there be a low set fee for all off-sales licences in terms of the new Act with an additional charged levied in respect of annual turnover.</b>	<b>Fees being reviewed presently</b>

<b>Duty to Trade</b>	<b>LLF</b>	<b>27 January 2010</b>	<b>To be discussed at next meeting once information obtained on court case.</b>	<b>Case withdrawn – any further information to be brought to the attention of the LLF</b>
<b>Offsales Licenses for sale of Gifts</b>	<b>LLF</b>	<b>27 January 2010</b>	<b>For discussion at future meeting</b>	<b>Discussed at meeting on 28 April 2010 - Licensing Board to review annual fees – currently set at maximum. To be brought back to a future meeting once fees have been reviewed.</b>
<b>Review of Argyll and Bute Licensing Board Policy Statement</b>	<b>Licensing Board</b>	<b>28 April 2010</b>	<b>LLF to provide comments to Board by end of July. Workshop to be set up to discuss.</b>	<b>Discussed at meeting on 13 July 2010</b>  <b>Joint Meeting to be held with Licensing Board at beginning of October</b>
<b>Policing of Licensed Clubs</b>	<b>LLF</b>	<b>28 April 2010</b>	<b>Inspector Wallace to raise issue with Command Structure and report back.</b>	
<b>Recruitment of Young Persons Representative</b>	<b>LLF</b>	<b>13 July 2010</b>	<b>Roanna Taylor to nominate young person to Forum</b>	