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Argyll and Bute Council Comhairle Earra Ghaidheal agus Bhoid

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17 January 2012

NOTICE OF MEETING

A meeting of the LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on TUESDAY, 24 JANUARY 2012 at 10:30 AM, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE
- 2. APPOINTMENT OF CHAIRPERSON
- 3. MINUTES
 Local Licensing Forum held on 26 October 2011 (Pages 1 4)
- 4. NATIONAL COMMUNITIES PROJECT Presentation by Caroline Church
- 5. RE-THINKING ALCOHOL LICENSING INTRODUCTION OF CURFEWS AND STAGGERING OF VENUE CLOSING TIMES

 Report by Calum Maclachlainn (Pages 5 6)
- LOCAL LICENSING FORUMS BEST PRACTICE DISCUSSION
 Notes from discussion held by Alcohol Focus Scotland on 2 December 2011
 (Pages 7 8)
- 7. ALCOHOL FOCUS SCOTLAND
- **8. POLICE STATISTICS**(Pages 9 20)
- 9. **UPDATE FROM LSO**(Pages 21 22)

10. ISSUE TRACKER(Pages 23 - 24)

11. FUTURE MEETING DATES

- Wednesday 11 April 2012
- Wednesday 18 July 2012
- Wednesday 17 October 2012

LOCAL LICENSING FORUM

Contact: Shona Marshall Tel. No. 01546 60 4407

MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 26 OCTOBER 2011

Present: Eric Box, Community Representative (Chair)

Eric Dearie, Licensing Standards Officer
Calum MacLachlainn, License Trade
Martin Donovan, License Trade
Fred Bruce, Community Representative
Iain McNaughton, Community Representative
Cath Cakebread, Argyll and Bute Addiction Team Manager
Roanna Clark, Young Scot Co-ordinator
Peter Robertson, Argyll and Bute Council
Inspector Alistair Davidson, Strathclyde Police
Hannah MacPhee, Young Person
Catriona Cain, Young Person

1. APOLOGIES

Apologies for absence were received from Tim Saul, J Russell Buchanan, Raymond Boyle, Sheila Johnston, David Greenwell and Kenneth Harrison.

2. MINUTES

The Minutes of the meeting of the Local Licensing Forum held on 19 July 2011 were approved as a correct record.

3. HEALTH SERVICE REPRESENTATION ON THE FORUM

Due to a change in the implementation of the Criminal Justice Act 2010 there was is now a requirement for Forums to raise their membership from 20 Members to 21 Members to include a representative from Public Health the NHS. Cath Cakebread had been in discussions with the Director of Public Health regarding this and Elaine Garmin, Public Health Specialist of NHS Highland had shown an interest in becoming a Forum Member.

Decision

It was noted that Elaine Garmin had been in contact with Charles Reppke and would be invited to attend Forum meetings as a representative of Public Health.

4. ALCOHOL FOCUS SCOTLAND

There were no issues raised under Alcohol Focus Scotland.

5. FEEDBACK FROM NATIONAL LICENSING CONFERENCE HELD ON 15 SEPTEMBER 2011

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Eric Box made reference to the links to the various documents that had been circulated with the agenda. There were no issues raised with regard to the conference by Members of the Forum.

6. RE-THINKING ALCOHOL LICENSING

Alcohol Focus Scotland had circulated copies of the report "Re-thinking Alcohol Licensing" to all key stakeholders including Local Licensing Forums. The document contained key recommendations for Licensing Boards, Licensing Forums and Local Authorities that related to the five licensing objectives contained within the Licensing Scotland Act.

The Forum had a lengthy discussion on whether it would be appropriate to draft a response to this document at this stage or to wait to see if any of the recommendations contained within the report would mean a change in licensing legislation further in the process. The Forum discussed the culture of drinking in Scotland and whether the introduction of curfews and the staggering of venue closing times would be effective in reducing problems of crowds at closing times. They also discussed initiatives such as serving soft drinks and coffee 1 hour before closing time.

Decision

It was agreed to continue this item to a future meeting for further discussion.

7. FEEDBACK FROM JOINT MEETING WITH LICENSING BOARD HELD ON 28 SEPTEMBER 2011

There were no issues raised regarding the joint meeting with the Board, however, it was noted that an amendment should be made to sentence two on page 5 of the Minutes to read "4 times a year" instead of "once a year".

8. POLICE STATISTICS

Inspector Alistair Davidson spoke to the Police Statistics for the period July to September 2011. There were no issues highlighted other than that there were 3 licensed premises found selling alcohol outwith licensed hours in the 3 month period, which was particularly unusual.

9. UPDATE FROM LSO

Eric Dearie spoke to the LSO report for the period 1 July 2011 to 18 October 2011. Eric advised that Raymond Park, who had been offered the post of LSO for the Helensburgh and Lomond; and Bute and Cowal Area, had started on 24 October 2011 and was based in Hill Street, Dunoon. Callum asked Eric Dearie if all LSOs were ex Police to which he replied there were a high percentage of LSOs that were ex Police but there were others that who were not and He added that there were 3 or 4 in the west area that were ex licensed trade. Cath asked how much the 5 licensing objectives featured in the job of the LSO to which he replied that it they featured very much so as part of the Inspections Programme.

10. ISSUE TRACKER

With regard to the National Outcomes for LLF; it was noted that Fiona Meyers was

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about one third of the way through the study.

With regard to the Promotion of LLF; there was no update.

With regard to Local Licensing Forum Conveners; it was noted that Eric Box would be attending a meeting with Linda Bowie and other Conveners on 2 December 2011.

With regard to Alcohol Focus Scotland; Linda Bowie had indicated that she intended to visit the April 2012 meeting of the Forum.

With regard to the Educational DVD; Roanna advised that £1000 funding had been received from Charles Reppke and £1000 funding had been received from the Substance Misuse Group in Oban and Lorn to assist with the production of the DVD. Work had started on the DVD and interviews had taken place with Teen Aid and Strathclyde Police. It was noted that the group were to feature on Oban FM also.

11. ANY OTHER BUSINESS

Arising from the Joint Meeting held on 28 September Peter advised that the item regarding the National Communities Project item had not been explained fully. Peter advised that a local woman, Caroline Church, who has Ardrishaig family connections was interested in carrying out a project in the Lochgilphead area where she would speak to the Licensing Forum, Licensing Board and Community Safety Partnership to obtain their views on what particular issues affected the area, then speaking to the Community to obtain their views on what issues affected their area and compare both to see if both views matched. The project had taken place in Blackburn and had been very successful. Peter suggested that Caroline Church be asked to a future meeting to speak to the Forum about the project and to gauge their interest in participating. This was agreed by the Forum. Cath advised that the Chair of the Substance Misuse Forum had also been approached and was very interested in participating.

Roanna advised that Young Person Representative Laura Meek had now left the area and asked that she be authorised to nominate another person to sit on the Forum. She suggested that a slightly older person be nominated than had sat on the Forum before. This was agreed by the Forum.

3am Extension:

- We have found that customers begin to leave from around 2am, which means there is less of a crowd on the street when the venue closes at 3am.
- By making a curfew at 12.30am, one of the conditions of a 3am license, there would be less chance of "pre loading" as the customer will be in for longer and therefore loses the incentive to preload. Also with doormen being on from scratch it makes it easier to make sure customers are not drunk on entry.
- In the city the majority of 3am licenses are usually given to either basement or first floor premises that are not open before 10pm. This means that they are more open plan premises as pubs tend to be designed with nooks and crannies which makes it harder to monitor late at night. With the premises being on the basement and first floor they can then remain closed before 10pm as rent, rates are far cheaper. This ensures the venue is strictly designed for late night entertainment and not a multitude of uses which can compromise safety and health.
- With normal pubs shutting an hour before the late night venue it gives taxi drivers time to get the first customers home before the late night venue shuts. This reduces the opportunity for violence, frustration, noise pollution etc. and increases the revenue for taxi drivers. It also helps the police monitor a town centre as opposed to when all premises pour out at the same time.
- The late licence allows the venue to charge, which in turn allows it to spend more on the entertainment. This can encourage local youngsters not to go to the city but stay in their home town.
- 1. If the entertainment is better then it attracts more people therefore it increases the tourist and also encourages the local to stay.
- 2. If the entertainment is better it allows us to compete with the cities in terms of young professionals.
- 3. When we have had 3am extensions we have put on some very expensive performers and they receive the door money. This allows the venue operator to source bigger names raising the profile of that particular town.
- There can be problems with customers from other bars gathering outside the biggest venue when it closes at the same time as all the other bars. This increases the chance of incidents on the street outside and also makes it difficult to get the crowds to leave. When 3am licence is in place this problem is completely eradicated.

- The 3am licence means that customers do not remain on the street after closing as they do with the 2am licence, i.e. they tend to go straight home due to the later time. Similarly this also means that people do not move on to un-monitored house parties where there is no control over drinking and behaviour. Most of the serious problems occur at private parties where there is no supervision. At these parties, people drink too much, arguments are not sorted by security and are allowed to escalate, drugs are sold and taken freely, there is no control over noise which is usually way above the acceptable level that you would have in a late night venue with a high investment in sound proofing etc. This causes serious problems for the neighbours and the community as a whole.
- With 3am licences bar trade always slows down in the last 90 minutes of opening and customers drink more responsibly because they do not feel time pressure. At the moment some late night venues only sell alcohol for an hour to an hour and a half. This creates tension as the bar has to make a profit and then has 15 minutes to clear the venue. This creates a degree of frustration for the customer and therefore outside in a crowd there is more potential for disorder.
- Customers, in general, are more relaxed, there is happier atmosphere and there is much less aggressive behaviour during the 3am licence extensions we have not had any incidents on the nights we have had extensions.
- As Argyll relies on the tourist industry we feel the 3am extension will add to the visitor experience.
- Many young, backpaker type, tourists come to the area and expect a good night out. They are often disappointed when the entertainment has to stop by 01:30am and they can no longer buy alcohol after 2am.
- For the tourist sector in Argyll to claim that venues can provide more high profile entertainment and refreshments until 3am would be a huge attraction for the area.
- The extra hour provided by an extension will allow venues time to increase revenue in order to have more diverse entertainment. For example, at present most places have one DJ performing on a typical Saturday night with 2am licence, but with a 3am extension they can have at least one live band every Saturday night as well. Again this is a huge selling point for tourism and would greatly enhance the experience for visitors and locals alike.

Notes from the Local Licensing Forums Best Practice Discussion Friday 2nd December 2011, Alcohol Focus Scotland

Review of action points identified by each person at July meeting and progress to date

Each person reminded the group of the action points they had identified for their Local Licensing Forum and gave a brief update on progress so far.

- Inquorate meetings 1
 - Forum members were sent an email pointing out that the previous meetings had been inquorate and therefore business could not be progressed.
 - The two meetings following this email have been quorate.
- Inquorate meetings 2
 - Have attracted new members to reinvigorate the Forum.
- Youth member
 - Engaged a new youth member through the Young Peoples Services.
- Lack of direction 1
 - Two people have taken responsibility for setting the agenda, which now includes standing items. The structured agenda has helped to guide discussion and inform the agenda for the following meeting.
 - Will also invite experts in particular areas of interest to address the Forum.
- Lack of direction 2
 - Introduced the West Dunbartonshire report that led to the overprovision assessment to members as an example of work being done by other Forums. Hope this will lead to further discussion and action by the Forum.

Identifying areas of difficulty and sharing good practice

- Communication between Board and Forum
 - Felt that one joint meeting per year was not enough
 - Discussed whether the Conveners of the Board and Forum could meet outwith the Joint meetings. Noted that this happens in at least one other area - Fife.
 - Post meeting note: as discussed at the July meeting, any recommendations made to the Licensing Board must clearly state what recommendation is being made and give the reasons why the Forum is making the recommendation. Language such as "The Forum is concerned about x" does not make it clear why the Forum believes there is a problem; it does not make it clear that the Forum is advising the Board to take action and does not make it clear what action the Forum is recommending to the Board.
- Membership and constitution of the Forum
 - Discussed the benefits of having a certain number of places per category (eg 2 residents, 2 trade) versus allowing people to 'wear two hats'. Number of places per category allows an equal spread of members across the various bodies that should be represented: health, licensed trade, young people, etc, however if a member fits into more than one category - eg someone who is there as a resident but also works in the licensed trade - then this will lead to accusations of an imbalance in the Forum. Accepting that people have more than one interest allows the Forum to benefit from their experience and knowledge but makes it more difficult to show the balance of interests on paper.
 - Post meeting note: be aware that the licensed trade is only one category that should be represented on the Forum. If a Forum has places for one pub, one restaurant, one sports club, one off-sales and one nightclub then the category has 5 places on the Forum. Are there 5 places for residents, 5 for health/social work/education, 5 for young people, 5 for police? If not, then there is an imbalance.

- Several Forums have constitutions that allow members to send a replacement when they cannot attend.
- Several Forums have constitutions that state if a member has not attended the Forum for 2 (or 3) consecutive meetings, nor sent a replacement, then they will be removed from the membership.
- · Young people
 - Several Forums amended their constitutions to allow persons under 18 to attend the Forum
 - Young people may require extra support to attend Forum meetings, eg a pre-meeting
 - In one area West Lothian they encourage a group of young people to attend the Forum in order to offer support to each other (safety in numbers). However they are limited to 2 official places ie they have 2 votes. This works well in this area.
- Agenda and reports
 - Discussed the benefits of having standing items on the Forum agenda to give a clear structure to meetings. Noted that reports from the LSO and police would inform discussions on some of the 5 objectives: preventing crime and disorder; preventing public nuisance; securing public safety and possibly protecting children from harm. A further standing item must be included on health to cover the other objective: protecting and improving public health.
 - Noted that reports are more beneficial to members when they include a summary of issues and/or an overview of trends. Statistics by themselves are not very meaningful to those who are not experts in the subject.
- "Alcohol: the Facts in Fife 2011"
 - This report was shared as an example of good practice. In terms of good practice there was an agreement between the Licensing Board and Local Licensing Forum to do this work and to use the statistics. The information is organised by each of the 5 objectives which will make it easier for the Licensing Board to use it in their Statement of Licensing Policy. There are some summaries highlighting areas for members of the Board and Forum to prioritise. The intention is to do this piece of work each year to build up a picture of the trends in the areas. Also it is intended that gaps in information will be identified and better information will be able to be collected. It offers a good comparison to the West Dunbartonshire report to the Licensing Board in 2010 which gave comparisons and recommendations and informed the overprovision policy.

Next meeting

It was agreed that it would be useful to continue to meet and discuss progress and good practice. 6 monthly seemed to be a reasonable timescale. The date for the next meeting will be set nearer the time.

Summary of Storm Incidents Oct 2011

	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
Oban	2		1	2	3	4	1	1				2
Lorn						1						
Isles					1	2						
C'town	1			2		1						2
Kintyre						1						
Islay					1							
Mid						5		1				3
Argyll												
Dunoon	2			1	3	4			1		1	4
Cowal						1						1
R'say						3			1			2
Total	5		1	5	8	22	1	2	2		1	14

Summary of Storm Incidents Nov 2011

	Public Drunkenness	Outwith Lic Hours Sect.62	Noise Comp Inside	Noise Comp Outside	Disturb Outside Violent	Disturb Inside Violent	Drunkenness & Disorderly Conduct	Assist Remove Patrons	Underage Drinking	In extended Hours	Drugs in licensed premises	arrests
Oban	1					5		1	1			6
Lorn												
Isles								1				
C'town					1	2						2 0
Kintyre												Page
Islay						1		1				е
Mid Argyll			1		1	2						2 🔿
Dunoon	1		1			6	1	2			1	2
Cowal												
R'say						2		1	1		1	
TOTAL	2		2		2	18	1	6	2		2	12
TOTAL												

Summary of Storm Incidents December 2011

	Public Drunkenness	Outwith Lic Hours Sect.62	Noise Comp Inside	Noise Comp Outside	Disturb Outside Violent	Disturb Inside Violent	Drunkenness & Disorderly Conduct	Assist Remove Patrons	Underage Drinking	In extended Hours	Drugs in Licensed Premises	arrests
Oban	1				6	8	5	1	1			12
Lorn						1						
Isles												
C'town					1	1			1			U
Kintyre												Page
Islay							1					Je
Mid Argyll					1	3			1		1	1 3
												~
Dunoon				1	2	2		3			2	3
Cowal												
R'say					1	1					1	1
TOTAL	1			1	11	16	6	4	3		4	17

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Summary of Storm Incidents Helensburgh

	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
Oct 11	1			2	6	3		3				2
Nov 11			2	2	6	7	3	1				6
Dec 11			4		7	6	2				1	2
Dec 11			4		/	0	2				1	2
Total	1		6	4	19	16	5	4			1	10

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Number of Visits To Licensed Premises LB Sub Division Oct 2011 – Dec 2011

	October 2011	November 2011	December 2011	Total
OBAN	270	178	239	687
MAKI	416	636	393	1445
COWAL	484	480	668	1632
TOTAL	1170	1294	1300	3764
HELENSBURGH	65	151	146	362

Total Number of visits over the 3 month period = 4126

Drink related Domestic Incidents	Oct 11	Nov 11	Dec 11	Total
OBAN	2	2	4	8
LORN				
ISLE				
C'TOWN	8	5	2	15
KINTYRE			-	
ISLAY	2		-	2
MID ARGYLL	2	3	5	10
DUNOON	6	3	6	15
COWAL			2	2
ROTHESAY	4	4	1	9
HELENSBURGH	4	5	6	15
TOTAL	28	22	26	76

LOCAL LICENSING FORUM MEETING TUESDAY 24TH JANUARY 2012 LICENSING STANDARDS OFFICER REPORT ACTIVITY BETWEEN 19th OCTOBER 2011 TO 12th JANUARY 2012

1. GUIDANCE

Training

20/10/11 – input to Scottish Certificate for Personal Licence Holders in Loch Lomond.

27/10/11 – input to licensing training for the National Federation of Retail Newsagents in Greenock.

16/11/11 – attended Gambling Commission Training, Edinburgh

Information/Advice

Provided information on licensing on 30 occasions (in person or by e-mail/telephone)

Liaison

Maintained contact with Licensing Board, police and trade.

13 & 14/12/11– met with Caroline Church, Alcohol Focus, Scotland, re-National Communities Project. 29/12/11 – accompanied Dunoon police on town premises visits after an assault on 18/12/11.

2. COMPLIANCE

Licence Processing - Oct to Dec 2011

91 Occasional licence and 169 Extended Hours licence applications processed.

Licensing Board

Attended meeting on 15/11/11.

Premises Licence Review

1 premises licence review.

Formal LSO Inspections

A total of 30 formal LSO inspections were carried out. These included initial and follow up inspections and visits where advice was provided.

All inspections continue to focus on:

Statutory Notices Display Staff Training/Knowledge Management Overview Security Children & Young Persons

Monthly Premises Review Meetings

None

3. MEDIATION

Licensing Complaints

I have dealt with and resolved 2 complaints. All centred on noise and music nuisance.

Eric Dearie Licensing Standards Officer 12th January 2012

Title of Item	Name of Officer or organisation	Date of Meeting	Action required	Notes
National Outcomes for LLF		Discussed October 09	Await National Outcomes	Fiona Meyers from NHS appointed to conduct 3 year study of new Act to include the role of Boards and Forums – outcomes could not be set until this had been completed Noted at meeting on 26 October
				2011 that the study was around one third complete.
Promotion of LLF	Council	Discussed Joint Meeting Nov 09	Arrange with New Communications Manager	New Communication Manager in post – discussion with Chair to be set up
		19 July 2011		Noted that it may be appropriate to promote the work of the LLF to the new Licensing Board in May 2012
Local Licensing Forum Conveners	LLF	27 October 2010	Convener to set up meeting with other Forums with a view to having some consistency within the roles of forums.	
		19 July 2011	Charles to discuss with Linda Bowie the possibility of a central Local Licensing Forum	Noted that there was a central Forum for LSOs.
		26 October 2011		Noted on that Eric Box would be meeting other Conveners and Linda Bowie on 2 December 2011

Alcohol Focus Scotland	Committee Services	27 October 2010	Agenda item "Alcohol Focus Scotland" to be added to agenda for future meetings and responses reported back to AFS.	Charles been in discussion with Linda Bowie and anticipated visit to October meeting (17/05/11)
		19 July 2011		Noted that Linda had given no firm commitment to attend October 2011 meeting – Charles to contact her
		26 October 2011		Noted that Linda Bowie intended on attending the April 2012 meeting of the LLF
Educational DVD – Don't make the same mistakes we did	Young Scot	25 January 2011	DVD to be shown at a future meeting of the Forum	Noted that funding of £1050 needed to continue production (17/05/11)
		26 October 2011		Noted that a total of £2000 funding had been received from Charles Reppke and from the Substance Misuse Group in Oban.
National Communities Project	Peter Robertson	26 October 2011	Linda Church to be invited to a future meeting of the Forum to guage the Forum's interest in participating	
Re-thinking Alcohol Licensing	Forum	26 October 2011	Forum to discuss further the introduction of curfews and staggering of venue closing times to reduce problems associated with crowds at closing times.	