

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

10 October 2012

NOTICE OF MEETING

A meeting of the **LOCAL LICENSING FORUM** will be held in **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 17 OCTOBER 2012** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES**
Local Licensing Forum held on 11 April 2012. (Pages 1 - 4)
3. **NOTE OF INQUORATE MEETING OF LOCAL LICENSING FORUM HELD ON 18 JULY 2012**(Pages 5 - 6)
4. **CHIEF CONSTABLES' REPORTS TO LICENSING BOARDS AND LOCAL LICENSING FORUMS**(Pages 7 - 14)
5. **NATIONAL LICENSING CONFERENCE - 12 SEPTEMBER 2012**
6. **DISCUSS WHETHER A RECOMMENDATION BE MADE TO THE LICENSING BOARD TO REVIEW ITS POLICY IN RELATION TO PROCESSING LICENSES SO THAT THE POLICY ALLOWS FOR CERTAIN SPECIFIC PREMISES TO HAVE EXTENDED OPENING HOURS**
7. **ITEM FOR DISCUSSION AT THE NEXT MEETING OF THE LOCAL LICENSING FORUM**
8. **DATE FOR JOINT MEETING OF LICENSING BOARD AND LOCAL LICENSING FORUM**

9. FUTURE MEETING DATES

Wednesday 30 January 2013

Wednesday 24 April 2013

Wednesday 18 July 2013

Wednesday 17 October 2013

LOCAL LICENSING FORUM

Contact: Shona Marshall Tel. No. 01546 604407

**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on WEDNESDAY, 11 APRIL 2012**

Present: Kenneth Harrison (Chair)

Alistair Davidson, Strathclyde Police
Eric Dearie, Licensing Standards Officer
Raymond Park, Licensing Standards Officer
Calum MacLachlann, Licensed Trade
Fred Bruce, Community Representative
Raymond Boyle, Community Representative
Sheila Johnston, Community Representative

Attending: Peter Robertson, Argyll and Bute Council
Graeme Forrester, Argyll and Bute Council
Shona Marshall, Argyll and Bute Council
Linda Bowie, Alcohol Focus Scotland
Caroline Church, Alcohol Focus Scotland
J Woods, Alcohol Focus Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Martin Donovan, Tim Saul, Eric Box, Cath Cakebread, Catherine Dobbie, Roanna Clark, Caroline Smith and Elaine Garman.

Brian Kupris, who had been a member of the Forum since its inception, had tendered his resignation due to work commitments. It was noted that a letter of thanks would be sent to him for his contribution to the work of the Forum.

2. MINUTES

The Minutes of the meeting of the Local Licensing Forum held on Tuesday 24 January 2012 were noted.

3. ALCOHOL FOCUS SCOTLAND

Linda Bowie, Senior Officer (Public Health & Licensing), Alcohol Focus Scotland gave a presentation on Local Licensing Forums (LLFs), as viewed by her organisation.

She outlined the background to LLFs and;

- Legislation on membership of Forums
- Legislation on the function of Forums
- Limitations to the role
- The function of the Licensing Board
- How the role could be approached
- The links between public health and licensing
- How Forums were performing

- Why some Forums worked better than others
- What the learning points were; and
- Working together.

Alcohol Focus Scotland (AFS) was available to provide advice to LLFs if requested, but a Forum was under no obligation to contact them. However, AFS was unable to tell a Forum on how it should operate within their area.

She went on to suggest that the Forum consider the 5 Licensing Objectives and identify a key area(s) from which a particular issue(s) could be identified for development and recommendation to the Licensing Board (LB). This could potentially involve individual members taking ownership of a topic, discussing and researching the issue within their own and partner organisations and bringing it together in a cohesive format for presentation to the LB.

When presenting proposals to the LB, she suggested that the Forum put it in writing in a clear and concise manner, collect evidence and provide two or three recommendations for consideration. This would go some way to ensure improved communication and understanding between the Forum and the LB, and potentially help prevent the difficulties previously encountered during discussions.

She concluded her presentation by highlighting that the key to a successful relationship between a LLF and LB was communication. Members were then invited to ask questions.

Responding to a query on why some LLFs performed better than others, it was highlighted that they tended to be Forums which had dedicated administrative support, and members who had the time and capacity to collate evidence and present it to the LB in a cohesive format.

Decision

The Forum noted what Linda had said and thanked her for her interesting, informative and helpful presentation.

4. RE-THINKING OF ALCOHOL LICENSING - INTRODUCTION OF CURFEWS AND STAGGERING OF VENUE CLOSING TIMES

The Chair referred to a letter received from Mary Ellmers, Head of Training and Development, Alcohol Focus Scotland. In it she referred to the meeting of the Forum held on 26 October 2011 and the discussion held on the "Re-thinking Alcohol Licensing" report.

She wished to clarify to the Forum that the report was concerned with the links between licensing and the significant rise in the consumption of alcohol from the 1960s onwards and the associated rise of alcohol-related harms. The report did not contain any support for the idea of extending licenses hours and she was surprised that discussion on the report had led to a discussion on the possibility of extending licensing hours.

The Chair explained that there had been discussion at the meeting on Argyll and Bute Local Licensing hours, but that this had not taken place directly in conjunction with the report. It was noted that the Chair would respond to her concerns.

Discussion then followed on the correlation between pre-loading at an off license, extended opening hours for nightclubs, and the resultant harmful impact of these on public health. Linda Bowie referred to Dumfries and Galloway where earlier closing times for licensed premises had shown a direct link to a reduction in the statistics for health related problems in the area.

The Forum was of the opinion that it would be beneficial to have a discussion with the LB on what the actual policy was for granting extensions or changing opening hours for licensed premises.

As a new policy was being drawn up for implementation in 2013, it was suggested that the LLF should raise any recommendations or comments with the LB on the proposed policy as soon as possible to enable meaningful discussion.

Decision

The Forum noted that;

- (i) the Chair would respond to Mary Ellmers, Head of Training and Development, Alcohol Focus Scotland;
- (ii) an Item be placed on the Agenda for the next meeting of the Forum which would bullet point topics the Forum wished to discuss for presentation in a cohesive format to the Licensing Board for consideration; and
- (iii) a draft list of these topics be passed to C MacLachlainn prior to the meeting to enable him to have an informal discussion with licensed premises representatives and bring their comments to the Forum.

5. ALCOHOL:THE FACTS IN FIFE 2011

Linda Bowie explained that the report was an example of a piece of work carried out by a Forum for which they had taken ownership, and had organised their thinking along the 5 policy objectives. This was their first attempt at gathering such information and intended for it to be carried out on a yearly basis. This would help the Forum to identify trends and shape strategies for discussion.

The report was not a model document for each LLF to follow, but was an example of Forum members working together and using the resources available to them.

Decision

The Forum noted that similar information could be gathered for the Argyll and Bute Area. A decision would have to be taken on who would pull the information together.

6. POLICE STATISTICS

There was tabled information on the "Number of Visits to Licensed Premises, LB Sub Division Jan 2012 – March 2012".

Inspector Alistair Davidson spoke to the report on the Summary of Storm Incidents, January – March 2012.

Following this, Raymond Park, LSO, explained that visits by the police to licensed premises tended to take place following notification from a LSO.

There had been an increase in licensee holders attending training, such as courses run by Servewise, which had helped to reduce problems in premises. Licensees had a better understanding and awareness of their responsibilities for persons within and leaving their premises, and the impact on the surrounding neighbourhood.

Decision

Noted that the position and that further police statistics would be brought to the next meeting of the Forum.

7. UPDATE FROM LSO

The Forum noted the update from Eric Dearie.

Decision

Members noted the position and thanked him for his report.

8. ISSUE TRACKER

The Forum noted the following updates;

- (i) National Outcomes for LLF – Second interim report would be out shortly;
- (ii) Promotion of LLF – work was on going;
- (iii) Local Licensing Forum Conveners – Linda Bowie invited the Chair to attend these meetings; and
- (iv) Educational DVD – Don't make the same mistakes we did – Ongoing

Caroline Church gave an update on the National Communities Project. She provided a range of statistics which had been gathered from the questionnaire issued to local residents in the Lochgilphead/Ardrishaig area. These were subject to change as further responses were returned.

9. FUTURE MEETING DATES

The Forum noted the following future meeting dates;

- Wednesday 18 July 2012
- Wednesday 17 October 2012

NOTE of INQUORATE MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 18 JULY 2012

Present: Kenny Harrison (Chair)

Calum MacLachlann, Licensed Trade
J Russell Buchanan, Ex-Licensee
Martin Donovan, Licensed Trade
Fred Bruce, Community Representative
David Greenwell, ADAT
Catherine Dobbie, Education Support Officer
Eric Dearie, Licensing Standard Officer

Attending: Peter Robertson, Legal Services Manager - Corporate
Sheila MacFadyen, Senior Solicitor
Caroline Church, AFS
John Woods, AFS

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Alasdair Davidson, Tim Saul, Eric Box, Sheila Johnston, Raymond Boyle, Roanna Clark and Elaine Garman.

2. MINUTES

In the absence of a quorum the Forum noted the Minute of the meeting held on 11 April 2012 and noted that this would go to the next meeting for approval.

3. ALCOHOL FOCUS SCOTLAND

The Forum noted the letter that had been sent to Mary Elmers in response to her letter regarding the Forum's discussion on the Re-thinking Alcohol Licensing Report.

In the absence of a quorum the Forum had an informal discussion on the format of future meetings to allow the Forum to operate in an efficient manner, to ensure that they had a focus and that they fulfilled their role of making recommendations to the Licensing Board. The following suggestions were made –

- A particular issue of interest to the Forum should be placed on the agenda for discussion at a meeting, should be the focus of that meeting, that a conclusion be reached at the meeting and any recommendations to the Board be taken forward.
- Background information should be collated on the issue to be discussed i.e. statistical information before the meeting of the Forum that a particular issue has to be discussed.
- Any relevant organisation should be invited to attend a meeting to answer any questions the Forum may have and to provide any views on a particular issue to be discussed which would aid the Forum in reaching a conclusion on a particular

matter.

- Members of the Forum should be invited to email in suggestions for topics of discussion/questions before a meeting of the Forum which can be researched before that meeting and before discussion takes place.
- A decision should be made at the end of each meeting regarding the topic to be discussed/focus of the next meeting.

Those present agreed that the item to be discussed at the next meeting of the Forum should be whether or not a recommendation be made to the Board to review it's Policy in relation to processing licenses so that the Policy allows for certain specific premises to have extended opening hours.

4. CHIEF CONSTABLES' REPORTS TO LICENSING BOARDS AND LOCAL LICENSING FORUMS

It was noted that this would go to the next meeting of the Forum.

5. RE-THINKING OF ALCOHOL LICENSING - TOPICS FOR DISCUSSION WITH LICENSING BOARD

The Chair advised that a date of 10 August 2012 had been suggested for a Joint Meeting with the Licensing Board. He highlighted that this would be the first meeting with the new Licensing Board and that it would be helpful to have good attendance at this meeting.

6. POLICE STATISTICS

It was suggested that the Police Statistics be removed from the agenda for future meetings unless specifically asked for.

7. UPDATE FROM LSO

It was suggested that this item be removed from the agenda for future meetings of the Forum and anything of importance could be highlighted and placed on the agenda if required.

8. ISSUE TRACKER

There was no discussion under this item.

9. DATE FOR JOINT MEETING OF LICENSING BOARD AND LOCAL LICENSING FORUM

It was noted that there was a suggested date and time of 10 August 2012 at 2pm as there was a Licensing Board meeting being held in the morning of that day.

10. DATE OF NEXT MEETING

Noted as 17 October 2012.

**STRATHCLYDE
POLICE**

Date: 31 May 2012

Your Ref:
Our Ref: L300**CHIEF CONSTABLE**
Stephen House QPMArgyll & Bute Licensing Forum
Kilmory
DX 599700
LOCHGILPHEAD'L' Division Headquarters
Stirling Road
DUMBARTON
G82 3PT

Tel: 01389 822000

Fax: 01389 822030

Dear Sir

**LICENSING (SCOTLAND) ACT 2005, SECTION 12A: CHIEF CONSTABLES'
REPORTS TO LICENSING BOARDS AND LOCAL LICENSING FORUMS**

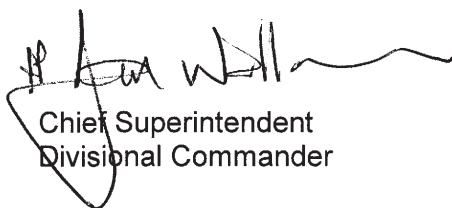
I refer to the above legislation, which provides that the Chief Constable should send a report to the Local Licensing Forum at the end of the financial year that sets out the following information.

- * His views about matters relating to policing in the Licensing Board's area during that year and the following year, in connection with the operation of the Licensing (Scotland) Act 2005; and
- * any steps taken during the year, or intended to be taken in the following year, to prevent the sale or supply of alcohol to children or young people in the Board's area.

I am pleased to enclose the Chief Constable's report for the year April 2011 to March 2012 for the information of the Forum. I would be happy to arrange for an officer to attend a meeting of the Forum to discuss the report should the Forum wish.

I trust that this is helpful.

Yours faithfully



Chief Superintendent
Divisional Commander

**CHIEF CONSTABLE'S REPORT TO ARGYLL & BUTE LICENSING
BOARD
FOR THE PERIOD 01/04/2011 – 31/03/2012**

INTRODUCTION

This report has been produced for the information of Argyll & Bute Licensing Board and Argyll & Bute Licensing Forum in accordance with Section 12A of the Licensing (Scotland) Act 2005.

The report relates to police performance and activities undertaken in the financial year April 2011 to March 2012 and is in two distinct parts:

Part 1: contains the Chief Constable's views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year. It also looks forward and identifies areas he intends to address or focus on in the coming year.

Part 2: highlights the steps that officers have taken, or intend to take, to prevent the sale or supply of alcohol to children or young people in the Board's area.

Argyll & Bute is a beautiful sparsely populated area covering approximately 10% of Scotland while housing only 92,000 people. The area relies a great deal on tourism to support the local economy. Licensed premises contribute greatly to the tourist industry and as such it becomes vital that these premises are policed positively and proactively in line with the Licensing (Scotland) Act 2005 and the Licensing Objectives.

BOARD AREA – POLICING RESPONSIBILITY

Argyll & Bute is policed by Strathclyde Police 'L' Division with the Divisional Headquarters based at Dumbarton police office, Stirling Road, Dumbarton G82 3PT. The Divisional Commander Superintendent Russell Dunn has overall responsibility for licensing issues within the division.

Due to the geographical expanse of Argyll & Bute the area is split from a policing perspective into three geographical areas Oban, Kintyre and Cowal and Bute. Each of these areas has a designated Chief Inspector that has local control of licensing issues in their area. The area Chief Inspector further delegates licensing issues to one of the area Inspectors. The area Inspectors link in with the Divisional Licensing Departments based at Lochgilphead and Dumbarton regarding licensing issues.

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**Introduction**

Area Inspectors and local officers regularly attend licensed premises for routine inspections in relation to compliance with the Licensing (Scotland) Act 2005.

Each day the area Inspector also reviews all police incidents relating to licensed premises in their areas.

Following this review and discussion at the sub-divisional morning meeting the area Inspector or their designated sergeant attends at the premises. There he reviews the incident in line with the premises behaviour in line with the Licensing (Scotland) Act 2005, Licensing Objectives. This review takes the form of a general discussion regarding the operation of the premises in line with the Licensing Objectives. Where the premises is found to fall short of these Objectives the attending officer will commence a Police Intervention highlighting the premises shortfalls in line with the Licensing Objectives. At this time the officer gives the premises recommendations in line with these objectives and a period of time to comply. At the end of the period of time allocated the area Inspector reviews the premises efforts to comply with these recommendations and uses this to decide whether the premises have made suitable effort to comply with the Licensing Objectives. Where a premises have been found to fail to reach what the police believe to be an acceptable standard the premises will be reported to the Licensing Board requesting a Licence Review.

a). Summary of policing in connection with the operation of the Act in the Board's area during the reporting year:

Table 1: Premises and personal licences

Applications for Reviews of Licences		Total
Premises Licences (Section 36)	Off-sale only (shop premises):	0
	On-sale (all others):	2
Personal Licences (Section 84A)	Off-sale only (shop premises):	0
	On-sale (all others):	0
Interventions		
Total number of Intervention Meetings carried out:		
Stage 1: Discussion		24
Stage 2: Intervention Meeting		8
Stage 3: Pre-review Warning		1

Off-sale only (shop premises):		
Stage 1: Discussion		0
Stage 2: Intervention Meeting		0
Stage 3: Pre-review Warning		0
On-sale (all others):		
Stage 1: Discussion		24
Stage 2: Intervention Meeting		8
Stage 3: Pre-review Warning		1

Working in Partnership:

Table 2: Initiatives with Partners

Activity Details
<p>a) Strathclyde police are working closely with Argyll & Bute Licensing Standards Officers (LSO) to assist with licensing issues. Where a premise has been identified for a police Intervention the LSO works closely with the police and other agencies to rectify the noted problem in an attempt to prevent this leading to a licence review.</p> <p>b) Where a local Pub Watch is in operation a designated local police officer attends these meeting in support of the group. These Pub Watches have a positive impact on the safety of both patrons of the premises and staff as well as the potential to enjoy a trouble free evening on licensed premises.</p> <p>c) Following a 'glassing' incident in the Dunoon area of Argyll & Bute the police Licensing Department in conjunction with A&B LSO attended at a number of identified premises in possession of the 'Polariscope' glass testing machine. All identified premises were advised at this time regarding the suitability of the glasses they were using and the safest way forward.</p>

Training and Development (Internal):

Table 3: Training and Development Carried Out

Training details
<p>'L' Division Licensing personnel have attended various Licensing seminars while keeping themselves abreast of any changes in Licensing legislation.</p> <p>All identified area licensing officers are regularly updated with changes in Licensing legislation.</p> <p>A section of Divisional Training now requires probationer constables to attend the Licensing Department for a days input from Licensing personnel.</p> <p>All relevant changes in Licensing legislation are devolved to Divisional staff to assist in the front line use of this by patrol officers.</p>

National Policing Activity:

Table 4: National Policing Activity

a)

National Policing Activity
<p>'L' Division have over the period of this report participated in National Policing Activity in relation to various Initiatives related to Drink Driving Campaigns, working with UK Borders Agency and tackling Serious and Organised Crime Groups. Although figures are not available in relation to these Initiatives these operations must always looked upon as disruptive to these forms of criminality.</p>

b) Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

'L' Division has carried out a pro-active year in relation to the Licensing (Scotland) Act 2005 and the Licensing Objectives. Police officers have carried out numerous visits to licensed premises to create a positive link between staff on licensed premises and the police.

Our Licensing department has monitored all incidents related to licensed premises and where necessary raised a police Intervention to improve the running of the premises. On occasion the police have been required to report certain premises to Argyll & Bute Licensing Board for failure to conform to the Licensing Objectives.

c) Looking ahead (2012-2013) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

'L' Division will continue to visit all licensed premises at various times but will now include a new format for licensed premises 'Inspections. These Inspections will assist the police in tackling failure to conform to the Licensing Objectives while offering further support to the premises.

Divisional enquiry has revealed an issue with regard to alcohol sales outside licensing hours. This will be strictly policed and where premises are identified to be selling alcohol outside their permitted hours they will be reported both to the local Procurator Fiscal and to the Licensing Board for a review of their Licence.

Oban Chief Inspector Brian Auld has identified the need in the area for an organised Pub Watch to assist in the safe management of local licensed premises. This will be set up and organised in collaboration between the Divisional Licensing sergeant, area staff and local licence holders.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

The police are aware that children and young persons can be the most vulnerable groups in our society. The Licensing (Scotland) Act 2005 specifically covers under its Licensing Objectives 'Protecting children from harm'.

In relation to these concerns 'L' Division has been proactive in policing premises in relation to the underage sale of alcohol to children and young persons. Local officers make regular visits to licensed premises to deter and detect the sale or supply of alcohol to children or young persons.

a) Activity carried out to prevent the sale or supply of alcohol to children

Table 5: Offences relating to children and young persons

Total number of persons charged under sections 102 to 109 of the Licensing (Scotland) Act 2005	3
Designated Premises Managers/Personal Licence Holders	0
No Personal Licence Holders	0

b) Proposed activity to be carried out to prevent the sale or supply of alcohol to children during next reporting period:

We will continue to proactively attend premises in relation to the potential for the sale of alcohol to children and young persons. This will now involve the Strathclyde police licensed premises Inspection where required.


Where an area is known for alcohol related youth problems and there is information that the alcohol is being purchased locally we will consider the use of an organised Test Purchase Operation targeting licensed premises in these areas. We will continue to work with our partner agencies in identifying these areas where we will proactively prevent and detect offenders.

CONCLUSION

'L' Division police officers covering the Argyll & Bute area have shown a positive approach to the Licensing (Scotland) Act 2005 throughout this year. They have shown support to the licensed trade while implementing the requirements of the Act and detecting offences.

This good work will be continued with officers intending to work closely with licensed premises in achieving the Licensing Objectives and supporting the local community.

Yours faithfully



Chief Superintendent
Divisional Commander

This page is intentionally left blank