

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

Customer Services  
Executive Director: Douglas Hendry



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19 November 2013

## NOTICE OF MEETING

A meeting of the **LOCAL LICENSING FORUM** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **TUESDAY, 26 NOVEMBER 2013** 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 2 October 2013. (Pages 1 - 2)
3. **LICENSING POLICY STATEMENT**  
Verbal update by Legal Manager, Customer Services.
4. **PRESENTATION ON ALCOHOL TAX BY NORTH ARGYLL YOUTH FORUM**
5. **CHIEF CONSTABLE'S REPORT TO THE ARGYLL AND BUTE LICENSING BOARD**  
Report by Steve House, Chief Constable, Police Scotland (Pages 3 - 12)
6. **OVERPROVISION - THE WAY FORWARD**
7. **JOINT MEETING BETWEEN THE LOCAL LICENSING FORUM AND THE LICENSING BOARD**
8. **DATES FOR MEETINGS IN 2014**

## LOCAL LICENSING FORUM

Raymond Boyle  
Russell Buchanan

Fred Bruce  
Cath Cakebread

Councillor Rory Colville  
Martin Donovan  
David Greenwell  
Sheila Johnston  
Iain MacNaughton  
Tim Saul

Catherine Dobbie  
Elaine Garman  
Kenneth Harrison  
Calum MacLachlainn  
James Robertson  
Stuart Watson

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**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBERS,  
KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 2 OCTOBER 2013**

**Present:** Kenneth Harrison(Chair)

J Russell Buchanan, Licensed Trade  
Martin Donovan, Licensed Trade  
Fred Bruce, Community Representative  
Raymond Boyle, Community Representative  
Iain MacNaughton, Community Representative  
Cath Cakebread, (Argyll and Bute Addiction Team Manager)  
Eric Dearie, (Licensing Standards Officer)

**Attending:** Susan Mair, Argyll and Bute Council  
Craig McNally, NHS Highland  
John Woods, Alcohol Focus Scotland  
Caroline Church, Alcohol Focus Scotland

Prior to the start of the meeting, S Mair, Legal Manager, informed the Forum that at the Council meeting held on 26 September 2013 Councillor R Currie was appointed as the new interim Licensing Board Chair and Councillor A McNaughton as Vice-Chair. Membership of the Licensing Board had not been changed.

**1. APOLOGIES**

Apologies for absence were intimated on behalf of Tim Saul, Roanna Clark, Sarah Nicolson, Elaine Garman and Alana Maclachlan.

**2. MINUTES**

The Minutes of the Meetings of the Local Licensing Forum held on 15 May and 8 August 2013 were approved as a correct record.

**3. CONSULTATION ON REVIEW OF STATEMENT OF LICENSING POLICY**

The Forum considered the draft revised "Statement of Licensing Policy" which reflected the proposed changes to the policy, along with the attached form which had been prepared to highlight the principal changes.

Discussion took place around the main topics which had been of concern to Forum members, these being Section 6 – Overprovision, Section 9 - Occasional Licences, Section 20 – Members Clubs and Section 21 – Excluded Premises – Garages.

S Mair pointed out that an information and evidence gathering exercise had been commenced by the Licensing Board in conjunction with the Local Licensing Forum with a view to considering the matter of overprovision and that the outcome of that exercise would be the subject of separate public consultation in due course.

It was suggested that any statements made in the Policy could be backed up by having statistical local background information.

The Forum then recommended the following changes to the Policy;

(i) Section 6 – Overprovision

6.3 to change “the Board has reached...” to “the Board had reached...”

6.5 to remove “in due course” after “separate public consultation” and insert “within a year”

### **DECISION**

1. Noted and welcomed the measures being put forward for the granting of occasional licences, making them more consistent with the five licensing objectives;
2. Noted that any future Licensing Policy may have to put in place measures for dealing with the delivery of on-line alcohol sales to homes in Argyll and Bute; and
3. Noted that members of the Forum could also submit any recommendations or suggestions on an individual basis to the Council for consideration by the Licensing Board.

### **4. DATE OF NEXT MEETING**

Noted that the date of the next meeting would be circulated to Members.

NOT PROTECTIVELY MARKED



**POLICE  
SCOTLAND**

Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE  
ARGYLE & BUTE LICENSING BOARD**

**FOR THE PERIOD  
1<sup>ST</sup> April 2012 to 31<sup>st</sup> March 2013**

NOT PROTECTIVELY MARKED

### **Foreword**

It gives me great pleasure to introduce my first report to Licensing Boards and to the Licensing Forums as the first Chief Constable of Police Scotland. As you will be aware, 1<sup>st</sup> April 2013 saw the formation of the Police Service of Scotland, merging eight forces to provide great opportunities to share resources and expertise and also to develop a consistent level of policing across the country.

My report to you reflects the work carried out by the eight legacy forces under their respective Chief Constables over the 2012/13 year and it outlines what steps I will take in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

There is an increasing body of evidence to demonstrate the harm that is caused by alcohol across all our communities and the cost of this is a huge burden on the public purse. Where alcohol is sold irresponsibly or when alcohol is misused or abused, we will seek all necessary steps to prevent any recurrence, reporting licence holders to COPFS and also to the relevant Licensing Board.

Police Scotland will build on the existing foundations and successes we have achieved so far and working together with partners we will identify and tackle alcohol misuse at its core, reduce alcohol related crime and the harm it causes. I want to deliver long term change, positively improving the quality of life for individuals, families and communities throughout Scotland, underpinned by our core message - keeping people safe.

Steve House  
Chief Constable

## **ARGYLL & BUTE LICENSING BOARD AREA**

### **Police Service of Scotland Priorities**

The national priorities for the Police Service of Scotland for 2013-2014 are:

- **Reduce violence, disorder and antisocial behaviour**
- **Protect the public**
- **Increase road safety and reduce road crime**
- **Tackle serious organised crime and terrorism**
- **Effectively police major events and threats**
- **Maintain high levels of public confidence in policing**
- **Deliver our equality and diversity outcomes**

### **Argyll & Bute Policing Priorities**

Following our public consultation process, the policing priorities for Argyll & Bute, as set out in our Local Policing Plan are as follows;

- Reduce violence, disorder and antisocial behaviour
- Public Protection
- Serious crime & Terrorism
- Road Policing

### **Senior Officers**

The senior officers who hold responsibility for licensing within the Argyll & Bute area are as follows;

Chief Superintendent Barry McEwan  
Superintendent Gail McClymont  
Chief Inspector Gary Stitt  
Chief Inspector Marlene Bailey  
Chief Inspector Thomas Harper  
Inspector Ian Wallace  
Inspector John Blair  
Sgt John Hendry

Divisional Commander  
Partnerships Superintendent  
Area Commander(s)

DCU Inspector  
Alcohol & Violence Reduction Unit  
Licensing Sergeant



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

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the over supply to already intoxicated individuals in licensed premises.

**Consultation and Review processes**

Breakdowns of licensing applications, interventions and review applications received by Argyll and Bute area are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

**The Intervention process**

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action.

If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.



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

Police Scotland are working closely with Argyll & Bute Licensing Standards officers (LSO) to assist with licensing issues. Where a premises has been identified for a police intervention the LSO works closely with the police and other agencies to rectify the problem in an attempt to prevent this leading to a review of the licence.

This year Police Scotland have introduced the Alcohol & Violence Reduction Unit who work closely with the Licensing Department at Dumbarton police office with aims to reduce harmful consumption of alcohol and to reduce alcohol fuelled violence. The division in the past year has implemented Campaign Against Violence Days working with partners to focus on identified area's with high levels of violent crime, disorder and anti-social behaviour. In the past year there were successful operations carried out on these days targeting licensed premises that had been bypassing their electricity meters and thus putting patrons and staff at risk.

The Licensing Department review every incident which occurs in licensed premises and carry out frequent visits to ensure that education and enforcement of the Act is continuous and ongoing. However it is clear that there are still premises in the Boards area operating outwith the provisions of the Act. By maintaining robust enforcement and bringing these premises before the board, this has sent a clear message to all concerned that this type of poor management will not be tolerated.

**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.**

Policing will continue in the same vein as the previous year with problem premises and those persons responsible for them being proactively targeted.

The division will continue to implement Campaign Against Violence days in the coming year promoting public reassurance whilst detecting offences across a spectrum of criminality, targeting problematic licensed premises and working with partners to focus on identified area's with high levels of violent crime, disorder and anti-social behaviour.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled anti social behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small

team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing anti-social behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade, utilising a problem solving approach to day to day issues. By working with the licensed trade, we seek to drive up licensing standards in premises and utilise a robust Inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

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

### **Introduction**

Understanding why children and young persons drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons, by problematic premises or by proxy (agent purchase), and working with our partners take the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1<sup>st</sup> October 2011 has not seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children or young persons purchasing alcohol themselves.

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

**Appendix A**

Argyll & Bute Area  
Summary of Policing in connection with the operation of the  
Licensing (Scotland) Act 2005

<b>Applications for a Premises Licence Review</b>		<b>Total</b>
Premises Licences (Sec 36)	On sale	<b>1</b>
	Off sale	<b>0</b>
Personal Licences (Sec 84A)	On sale	<b>0</b>
	Off sale	<b>0</b>
<b>Interventions</b>		<b>Total</b>
Premises Interventions	On sale	<b>12</b>
	Off sale	<b>0</b>
No. of interventions which led to a review application		<b>0</b>
No. of interventions where no further action was required		<b>12</b>
<b>Test Purchasing Operations</b>		<b>Total</b>
Number of Test Purchases conducted		<b>0</b>
Number of first failures		<b>0</b>
Number of second failures		<b>0</b>
Number of Premises Licence Review applications based on Test Purchase failure		<b>0</b>
Number of Personal Licence Review applications based on Test Purchase failure		<b>0</b>
<b>Number of offences reported to COPFS</b>		<b>Total</b>
Section 63 (allowing consumption outwith permitted hours)		<b>3</b>
Section 102 (sale of alcohol to a child)		<b>0</b>
Section 105 (sale on behalf of a child)		<b>1</b>
Section 111 (Drunk persons within licensed premises)		<b>11</b>
Section 114 (DPM not to be drunk)		<b>2</b>
Section 116 (Refusal to leave licensed premises)		<b>14</b>
<b>TOTAL</b>		<b>31</b>

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