

# Public Document Pack



## ABERDEEN CITY COUNCIL

To: Allan McIntosh, Convener; Ian Haddock, Derek Murray, Gerard Rattray and George Wyatt (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar, Grampian Police; Jennie Biggs (Alcohol and Drugs Partnership); Murray Leys (Social Work); Sohail Faruqi (Education); Dr. Lesley Wilkie (Health); Mark Donlevy, David Pattinson and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Conor McKay (Youth Representative) and Diane Sande (Licensing Standards Officer).

Town House,  
ABERDEEN 19<sup>th</sup> February, 2010

### LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **THURSDAY, 25 FEBRUARY 2010 at 2.00 pm.**

RODERICK MACBEATH  
ACTING HEAD OF DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Welcome and Apologies
- 2 Minutes of Forum Meeting held on 12th November 2009 and the Sub-Committee held on 3rd February 2010 (Pages 1 - 8)
- 3 Updates from Licensing Board on (a) Overprovision Assessment and (b) Curfew
- 4 Update on Provision of Late Night Bus Services

- 5 Public Safety in the City Centre - report considered by the Aberdeen City Alliance on 25th November 2009 (Pages 9 - 24)
- 6 Statistical Information
- 7 Update from Licensing Standards Officer
- 8 Work Plan (Pages 25 - 32)
- 9 Links with Other Local Licensing Forums - Feedback from meeting held on 8th February 2010 (Pages 33 - 38)
- 10 Local Licence Conditions, Supplementary Statement of Licensing Policy and City Centre Alcohol Issues Meeting Note - papers submitted for information (Pages 39 - 64)
- 11 Alcohol Etc (Scotland) Bill (Pages 65 - 70)
- 12 Weekend Visit with Grampian Police (Pages 71 - 72)
- 13 Invitation to Annual Conference of Licensing Board Conveners " Tackling Alcohol Misuse " Edinburgh 23rd March 2010
- 14 Joint Meeting with Licensing Board
- 15 Any Other Competent Business
- 16 Confirmation of Date and Time of Next Meeting - Thursday 22 April 2010 at 5.00 pm

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Fiona Gardiner, tel. (52)2864 or email [fgardiner@aberdeencity.gov.uk](mailto:fgardiner@aberdeencity.gov.uk)

# Agenda Item 2

## ABERDEEN LOCAL LICENSING FORUM

12 November 2009

Present:- Allan McIntosh, Convener; Linda Alves (as substitute for Murray Leys), Jennie Biggs, Mark Donlevy, Ken Eddie, Councillor Martin Greig, Sandy Kelman (as substitute for Dr. Lesley Wilkie), Connor McKay, Gerrard Rattray, Katherine Ross, Diane Sande, Sergeant Barry Skinner (as substitute for Inspector John Soutar) and Bob Westland.

### **APOLOGIES**

Apologies were intimated on behalf of Mary Crawford, Sohail Faruqi, Murray Leys (Linda Alves substituting), Derek Murray, David Pattinson, John Soutar (Sergeant Barry Skinner substituting), Councillor John West, Dr. Lesley Wilkie (Sandy Kelman substituting) and George Wyatt.

### **WELCOME**

Allan McIntosh, Convener, welcomed everyone to the meeting in particular Katherine Ross who was attending her first Forum meeting.

### **MINUTES**

The Forum had before it the Minutes of the Meeting held on 17<sup>th</sup> September, 2009 and of the Forum Sub-Committee meeting held on 26<sup>th</sup> October, 2009.

**The Forum resolved:-**  
to approve the minutes.

### **APPLICATIONS FOR MEMBERSHIP OF THE LOCAL LICENSING FORUM**

The Forum considered two applications from Mr. Elvis Presley and Mr. Craig Adams and noted the current balance of membership of the Forum.

**The Forum resolved:-**  
to approve the application from Mr. Craig Adams to fill the one remaining vacancy on the Forum having noted that at present there are fewer representatives of Holders of Premises Licences/Personal Licences than representatives of residents within the Forum's Area at this time. It was agreed to thank Mr. Elvis Presley for his application and to invite him to continue to attend Forum meetings as an observer if he wishes to do so.

## **UPDATE ON OVERPROVISION ASSESSMENT**

It was noted that the Depute Clerk to the Licensing Board had received very few responses by the deadline for consultation on the Overprovision Assessment which was 16<sup>th</sup> October, 2009. The Depute Clerk intends to ask the Licensing Board at its meeting on 15<sup>th</sup> December, 2009 to approve in principle a statement on Overprovision as an amendment to the current Policy Statement. The Forum will receive a copy of the amendment to the Policy Statement for its information.

**The Forum resolved:-**  
to note the update.

## **UPDATE ON PROVISION OF LATE NIGHT BUS SERVICES**

The Forum noted the briefing note on intentions to work on an Action Plan to take forward proposals discussed at a meeting held on 2<sup>nd</sup> October, 2009 with representatives from local bus companies together with representatives from NESTRANS, Grampian Police, the City Council and the Convener of the Licensing Board.

It was noted a number of initiatives are under consideration which should make it commercially viable for bus companies to operate late night bus services. It is understood members clubs and other licensed premises would be willing to assist in publicising services, selling tickets and giving advice on the timing of services. Councillor Martin Greig pointed out that the concept of Transport Marshalls established under the auspices of the Community Safety Partnership meant that they had a role to play in addition to assisting in the safe management of queues for taxis.

Experience during Fresher's Week showed that students used the bus services provided and it is considered that there would be sufficient demand to justify enhanced services.

**The Forum resolved:-**  
to note that a further update on the provision of Late Night Bus Services would be submitted to the Forum meeting in February, 2010.

## **FEEDBACK FROM COMMUNITY COUNCILS**

The Forum noted that the local concerns set out in letters received from Culter and Torry Community Councils were being investigated and that Torry Community Council had extended an invitation to the Forum to send a representative to talk about the work of the Forum.

**The Forum resolved:-**  
to thank Culter and Torry Community Councils for contacting the Forum about local concerns and to invite the Secretary of Torry Community Council to contact Allan McIntosh to finalise arrangements to enable him to attend a future Community Council meeting to discuss the work of the Aberdeen Local Licensing Forum.

## **ALCOHOL AND DRUGS PARTNERSHIP**

Jennie Biggs advised the Forum that the Aberdeen Alcohol and Drugs Partnership has established a Community Safety and Criminal Justice Sub-Group. At present the Sub-Group is undertaking work focusing on alcohol and drug related violence. The Sub-Group is at the stage of gathering evidence and examples of good practice in tackling this issue. The Sub-Group has established links with the Northern Criminal Justice Authority, SACRO, the Scottish Prison Service and with the local Procurator Fiscal and courts. Statistics show that alcohol and/or drugs are the main reasons why young men in particular are imprisoned and there is support for raising awareness of the risk of excessive alcohol consumption leading to violence.

The Licensing Forum may wish to contribute to the work of the Sub-Group in future.

### **The Forum resolved:-**

to note that further updates on the work of the Community Safety Criminal Justice Sub-Group will be submitted to future Forum meetings.

## **STATISTICAL INFORMATION**

Sergeant Skinner referred to statistics which have been submitted to the Aberdeen Alcohol and Drugs Partnership and to the Alcohol and Violence Sub-Group which show trends in alcohol related offences. Between the period 1/8/09 and 31/10/09 compared to the same period in 2008 there have been 26 recorded offences of refusing to quit licensed premises compared to 1 and 26 offences of disorderly conduct on licensed premises compared to 3. There has been a significant increase in alcohol related offences even taking into account the different approach by Police Officers to recording offences using licensing legislation as oppose to common law crime such as Breach of the Peace. Information on the sobriety of accused persons was given as follows:- 248 people accused of Breach of the Peace were classified as drunk and 108 people accused of minor assaults were classified as drunk. Accused persons who had been drinking amounted to 274 when accused of Breach of the Peace and 184 when accused of minor assaults.

It was considered too early to assess the impact of the curfew. The Licensing Board has advised that they intend to monitor the effectiveness of the curfew by noting any changes in trends of crime statistics. Lack of publicity has led to some confusion and the Forum noted that Unight has arranged to print and distribute 20,000 leaflets to help address this problem. It is understood the Community Safety Partnership will shortly be writing to the Licensing Board asking them to undertake an awareness raising campaign. Sergeant Skinner advised that Grampian Police has already asked the Licensing Board to undertake some media work in the run up to Christmas in relation to the curfew.

Katherine Ross confirmed that students could be kept advised of licensing related issues including the curfew via corridor TVs and video monitors on campus, the regular electronic newsletter and the students' website. Jennie Biggs referred to the potential to use the Healthy Working Lives newsletter.

Mark Donlevy advised that the Unight Scheme has resulted in seven patrons being banned to date and there has been less trouble than anticipated. Licensees are

assisting by being responsible in identifying troublemakers and identification card offences by underage drinkers are being dealt with appropriately. For example Sergeant Skinner advised that the message is getting across that anyone who had their passport outwith their control in this way will find the police have returned it to the passport office and that the passport owner will incur costs in securing its return. In relation to underage drinking there is early evidence of a change in culture as enforcement activity targets this offence.

**The Forum resolved:-**

to note the statistical information and feedback on the early success of the Unight Scheme.

**UPDATE FROM THE LICENSING STANDARDS OFFICER**

Diane Sande advised the Forum of a very successful meeting of the North Regional Licensing Standards Officers Group held in Aberdeen on 29<sup>th</sup> October, 2009. The meeting considered a presentation by the Street Pastors, experience to date in implementing the Licensing (Scotland) Act 2005, opportunities for links between Licensing Forums in the North and identified issues for consideration by their National Group. Examples of the latter being a possible need to amend the statutory form for applying for Occasional Licences as the current form does not prompt applicants to consider issues such as capacity of premises or any terms and conditions to apply to the admission of children. Licensing Standards Officers are addressing issues which arise where Operating Plans are inaccurate and legal advice is awaited on the appropriate way to treat discount cards in the context of the Act's provisions on irresponsible promotions.

Diane advised that her colleagues in the North Region are happy to circulate information on the dates and times of Licensing Forum meetings in 2010 and arrangements for visits by members of the Forum will be discussed by the Forum's Sub-Committee.

**The Forum resolved:-**

to thank Diane Sande for her informative update and to note that arrangements for future visits to other Local Licensing Forums would be discussed at the February 2010 meeting of the Forum's Sub-Committee.

**WORK PLAN**

It was noted that in relation to the licensing objectives of the 2005 Licensing (Scotland) Act it is a matter for each Licensing Board to interpret the legislation and draw up its own policies. However a variety of interpretations of the legality or otherwise of discount/loyalty cards would be confusing to the trade and customers. Sergeant Skinner confirmed that Grampian Police had had a lot of enquiries to deal with in relation to loyalty cards and it is hoped that there will be clarity for the Grampian area prior to Christmas. The main problem is that loyalty cards as such are not mentioned in the Licensing (Scotland) Act 2005 and they do not fit any of the criteria in relation to irresponsible promotions. In relation to some matters of interpretation of the Act it was noted that court cases may be required to clarify the way forward.

The Forum noted that one way forward in relation to obtaining information from the Licensing Board on their methods of monitoring achievement of the licensing objectives in particular Protecting Children from Harm, would be to discuss this again with them at the next joint meeting. One option might be to encourage full participation in the Best Bar None Scheme and to confirm that the level of scrutiny of applications undertaken by the Board includes using the licensing objectives as assessment criteria.

**The Forum resolved:-**

to note the Work Plan update and to request the Clerk to write to the Scottish Government asking for clarification on the statistics they will require from Licensing Board in 2010 as Local Licensing Forums would benefit from access to statistical information in discharging their own responsibilities.

**LICENSING BOARD POLICY FRAMEWORKS**

The Forum considered a note on work on scrutinising the policy frameworks of other Licensing Boards in Scotland as requested by The Aberdeen City Alliance. The Forum's Sub-Committee will continue to work on this task during 2010 and in due course a response will be submitted to the Alliance. In the meantime it was noted the Depute Clerk to the Aberdeen City Licensing Board had supplied a copy of the Licence Conditions which are the equivalent of some of the details noted in the Policy Statements of other Licensing Boards. Actions to address alcohol related disorder are due to be considered by the Alliance at its meeting on 25 November, 2009 and a copy of the report will be submitted to the first meeting of Forum in 2010.

**The Forum resolved:-**

to note the update, request the Clerk to circulate the list of Licence Conditions as supplied by the Depute Clerk to Aberdeen Licensing Board and note that the February 2010 meeting of the Forum will have an opportunity to consider the "Alcohol Related Disorder Profile – Aberdeen City Centre" report update.

**"LICENSING FOR PUBLIC HEALTH" PUBLICATION**

The Forum considered the statistical and other useful information contained in the "Licensing for Public Health" publication recommended to the Forum by Dr. Lesley Wilkie. The publication contains very useful information for reference purposes which will be of assistance to the Forum as it undertakes its work in 2010.

**The Forum resolved:-**

to note the "Licensing for Public Health" publication.

Jennie Biggs confirmed that all members of the Forum would be welcome to attend the launch event for the Aberdeen Alcohol Strategy being held on Monday, 14 December, 2009 at 10.00am in the Citadel in Aberdeen. The Forum was reminded that they had contributed to the draft Strategy and that in common with a number of agencies, the Forum has the responsibility to contribute to the achievement of the Actions identified in the Strategy. For example in relation to Reducing Consumption Action 2 refers to the Licensing Board consulting widely on specific measures to deliver and enhance policy including receiving advice from the Licensing Forum and public sector representatives in line with the Forum's Action Plan. Reference was made to the role of the universities, Aberdeen College and the student body in respect of one action under Supporting Families and Communities "The safety and wellbeing of students within a culture of alcohol will be investigated and supported".

**The Forum resolved:-**

to note the contributions the Forum will make to the achievement of the Actions set out in the Alcohol Strategy and to request the Clerk to issue the invitation to the Aberdeen Alcohol Strategy launch event to members of the Forum.

**LIAISON WITH GRAMPIAN POLICE**

The five members of the Forum who had expressed an interest in accompanying the police during late night weekend patrols were reminded to contact Inspector John Soutar to finalise the arrangements.

**JENNIE BIGGS**

Jennie advised the Forum that she was retiring and this would be the last meeting of the Aberdeen Local Licensing Forum that she would attend.

On behalf of the Forum, Allan McIntosh, Convener, thanked Jennie for her contributions to the work of the Forum since its inception and wished her well for the future.

**NEXT MEETING**

It was confirmed that the next meeting of the Forum would be on Thursday, 25 February, 2010 at 2.00pm in Committee Room 5 in the Town House.

- **ALLAN McINTOSH, Convener**



## ABERDEEN LOCAL LICENSING FORUM SUB-COMMITTEE

Wednesday, 3 February, 2010

Present: Sandy Kelman (substituting for Doctor Lesley Wilkie), Raymond Morrison, Diane Sande and Inspector John Soutar.

Apologies: Apologies were intimated on behalf of Sohail Faruqi, Allan McIntosh, Bob Westland, Dr. Lesley Wilkie and George Wyatt.

### **AGENDA ITEMS FOR FORUM MEETING TO BE HELD ON 25<sup>TH</sup> FEBRUARY, 2010**

The Sub-Committee agreed that the following items should be included on the agenda for the Aberdeen Local Licensing Forum meeting on Thursday, 25<sup>th</sup> February, 2010 at 2pm:-

- (1) Update on Overprovision Assessment;
- (2) Update on Provision of Late Night Bus Services
- (3) Public Safety in the City Centre
- (4) Statistical Information
- (5) Update from Licensing Standards Officer
- (6) Work Plan
- (7) Links with other Local Licensing Forums and Feedback from meeting on 8<sup>th</sup> February, 2010
- (8) Aberdeen City Licensing Board – Local Licence Conditions and Supplementary Statement of Licensing Policy
- (9) Alcohol Etc. (Scotland) Bill – Update
- (10) Feedback from weekend visit with Grampian Police
- (11) Invitation to Annual Conference of Licensing Board Conveners “Tackling Alcohol Misuse” Edinburgh, Tuesday, 23<sup>rd</sup> March, 2010

### **WORKPLAN**

The Sub-Committee noted the proposed amended format of the Workplan and that the intention was to record decisions/actions agreed by the Forum and monitor progress.

The Sub-Committee noted the update in relation to Staffing Levels in particular the fact that Aberdeen City is the only city in Scotland to employ only one Licensing Standards Officer. Having noted the outcome of consideration of this matter by the Head of Service (Housing and Environment) in the City Council, it was agreed to recommend to the Forum that they consider noting the update but requesting the Chief Executive of the City Council to supplement the staffing resources in 2010/11 bearing in mind the Council's corporate priority of addressing substance misuse and its commitment to contribute to the achievement of the objective set out in the Aberdeen Alcohol Strategy which was launched in December, 2009.

In relation to statistical information it was agreed to ask the Forum to clarify the categories of information it requires in order to make a comparison with the performance information which Licensing Board and statutory agencies such as NHS Grampian and Grampian Police indicate they will be making available to the Forum later this year. Meantime the Sub-Committee noted that the Licensing Board are still awaiting confirmation from the Scottish Government on the content and frequency of performance reports they will require. The Sub-Committee also agreed it would be useful for the Forum to clarify what action it intends to take in the light of information made available to it in future in order to maximise the value of the work in producing the data.

### **ABERDEEN LOCAL LICENSING FORUM SUB-COMMITTEE**

The Members of the Sub-Committee present agreed with the suggestion that it would be a more efficient use of their time if future meetings of the Sub-Committee considered specific tasks and remits from the Forum or other bodies and that it would not be necessary in future to meet to consider agenda business for Forum meetings. An arrangement whereby the draft agenda for Forum meetings would be circulated to Members of the Sub-Committee for their approval or suggested amendments would be more appropriate in future. It was agreed to recommend this change in the role of the Sub-Committee to the next Forum meeting.

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
	<b>PREVENTION</b>			
P1	Review current education programmes for pupils and students around the impact of youth disorder and antisocial behaviour and seek enhancements to current provision.	<ul style="list-style-type: none"> <li>• Police School Liaison / school-based officers currently undertake ASB related inputs in schools.</li> <li>• Grampian Fire &amp; Rescue also make inputs to schools, including targeted inputs where problems have been identified, and as part of the Gramps initiative.</li> <li>• Currently public health staff work with education and community learning staff to support the curriculum for excellence and work with the police school liaison officers. Implementation depends on the support of head teachers and available timetable.</li> <li>• Similar work also takes place in further and higher education.</li> <li>• Specific actions in the new alcohol strategy will assist further with students.</li> <li>• The new edition of “Alcohol – It’s Your Choice” DVD with additional guidance to accompany the films made by local 16-24 year olds about their experience of alcohol has now been published. This will be used in colleges / universities / schools / community learning. This has been evaluated and performs well.</li> <li>• A further addition to this programme is being developed with Aberdeen Prison, Social Work Training Team and SHMU – as a training aid for professional workers, and as a targeted intervention for young people on the edge of trouble delivered by trained professionals.</li> <li>• The next CSP Strategic Assessment is likely to feature recommendations that the Police, NHS and ADP co-ordinate their efforts more effectively to deliver more integrated inputs.</li> </ul>	Ongoing – via Police Schools Liaison Officer, Serious & Violent Crime Plan, ADP	M

## TACA City Centre Report – Recommendations – Progress / Status and Prioritisation

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P2	Reduce opportunity for young persons to access alcohol, educating parents and others who would knowingly or otherwise be complicit in enabling its procurement.	<ul style="list-style-type: none"> <li>• Test purchase operations are taking place, conducted on an intelligence-led basis across the city</li> <li>• Relevant enforcement action will be taken as appropriate</li> <li>• Thing B4UDrink is being rolled out to more youth organisations through training, and remains available to all educational and youth settings in the city. It covers access to alcohol issues, and parents and adults responsibilities.</li> <li>• Grampian Police/Unight Aberdeen running “Is it Worth It” campaign through police schools liaison officers, educating young people about consequences of using fake ID i.e. family member / friend, etc. to gain entry to licensed premises.</li> <li>• Problem profile on underage drinking being prepared for consideration by joint group to identify further action required.</li> <li>• Parenting contracts also in use for parents who allow / do not do enough to prevent their children from drinking alcohol.</li> <li>• Pilot Drugproof Your Kids parent programme (which includes alcohol) to be rolled out city-wide – Children’s Services Management Group have agreed to mainstream this programme.</li> </ul>	<p>Test purchasing – ongoing as required. Based on intelligence led approach (Police / ACC Environmental Health)</p> <p>ADP continues to develop and rollout educational material aimed at both young people, parents/adults. ACC Children’s Services.</p>	M
P3	Work with the media to highlight the dangers of excessive alcohol consumption and drug use, which can result in members of the public becoming victim to Serious Assault and Robbery.	<ul style="list-style-type: none"> <li>• Ongoing work with members of UNIGHT and Pub Watch through advertising / media campaign e.g. posters / messages on polycarbonate glasses / beer mats / using polycarbonate glasses / giving away water at end of night.</li> <li>• Best Bar None also provides opportunities to promote safety messages as part of announcing results.</li> <li>• CSP Communications plan outlines a range of seasonal interventions (e.g. festive campaign) notwithstanding the responses to ongoing incidents (e.g. publicity re spate of robberies or similar seeking information / providing advice to public).</li> </ul>	Ongoing – UNIGHT, Safer Aberdeen, new City Centre / Safer Aberdeen Forum	H

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P3 cont.		<ul style="list-style-type: none"> <li>• 2009/10 city centre marketing campaign targeting general public and city centre night-time users, public reassurance, advice, environmental improvements.</li> </ul>		
P4	Partnership work with licensed premises to find new ways to reduce violent crime linked to the excessive consumption of alcohol	<p>See P3</p> <ul style="list-style-type: none"> <li>• UNIGHT launched in June 2009 and is a partnership of nightclubs and entertainment venues working closely with Grampian Police and the Council through the Safer Aberdeen programme.</li> <li>• This partnership aims to combat incidents of violence, drug misuse, dishonesty, theft, physical or verbal abuse and any other relevant incidents in or around licensed premises. Information, intelligence and images are shared between members via the Safer Aberdeen Programme Manager and entered on a national database to produce regular bulletins to combat antisocial behaviour and other incidents around licensed premises.</li> <li>• UNIGHT Aberdeen and Best Bar None premises working with Grampian Police Crime Reduction Unit displaying posters, beer mats, cards with messages re: road safety, violent crime, drug awareness, taxi information.</li> </ul>	<p>See P3</p> <p>Ongoing via Unight and Safer Aberdeen programme.</p>	M

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P5	Liaison with bus companies to encourage more frequent late night buses to all areas of the city, particularly student residences	<ul style="list-style-type: none"> <li>• Meeting took place in October 2009 between Council, Police, bus companies re improving night time buses. Action plan being produced to include:-</li> </ul> <p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>○ Customer information – where are customers coming from / going to? What time do they require services? Would they use buses?</li> <li>○ Examples of night time bus services in other cities – times of operation; frequency of services; pilot schemes (Sunderland, Inverness and Southampton).</li> </ul> <p><u>Possible Scheme Options</u></p> <ul style="list-style-type: none"> <li>○ Routes, times, costs, contracts – pilot and / or subsidies.</li> </ul> <p><u>Funding</u></p> <ul style="list-style-type: none"> <li>○ Investigate sources – BID, Licensing levy (voluntary or compulsory), Nestrans, Bus Route Development Fund, Scottish Government initiatives (safety, public transport or accessibility)</li> </ul> <p><u>Risks</u></p> <ul style="list-style-type: none"> <li>○ Loss of current service levels; further crime increases; lack of funding for options; legislation delays or restrictions; lack of support or co-ordination.</li> </ul> <ul style="list-style-type: none"> <li>• City Centre Safer Aberdeen Forum to be restarted, providing opportunities to engage with local bus companies.</li> <li>• RGU raised need to train their staff in the Student Union and in residences to deal with drunks – consider this for taxi drivers and bus staff.</li> </ul>	Ongoing – City Centre / Safer Aberdeen Forum	M

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P6	As people drink later into the night and the alcohol takes greater and greater effect, there is a need for them to have access to food and non-alcoholic drinks in order to allow their bodies to cope with what they have consumed. Night clubs and bars should provide catering service during the main part of their operating hours to provide healthy refreshment. In Leeds, it was found that by providing water fountains there was a marked impact on the levels of drunkenness. Liaison with relevant licensees to discuss this responsible approach should be considered.	<ul style="list-style-type: none"> <li>• See P3</li> <li>• Licensing Summit in November may address some of these issues.</li> <li>• Licensing Board / Licensing Forum has an important role in encouraging these developments.</li> </ul>	Licensing Board / Licensing Forum, UNIGHT and City Centre / Safer Aberdeen Forum can assist / support – ongoing	L
P6	Commission an independent review of current licensing to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the Trade.	<ul style="list-style-type: none"> <li>• Licensing summit on 16 November, 2009, following motion by Councillor Cormie at Licensing Board, may identify key licensing issues re implementation of new legislation to be further explored.</li> <li>• The ADP may consider further work on this as part of implementing the Alcohol Strategy.</li> <li>• Licensing Forum has a role / interest in this, including concern re overprovision and late hours catering and licensed premises extensions.</li> </ul>	ADP / Licensing Board / Licensing Forum all have interest. Further contact with Licensing Team and NHS Grampian to identify potential lead / priority for this.	M

## TACA City Centre Report – Recommendations – Progress / Status and Prioritisation

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P7	Engage in dialogue with the Business Sector, listen to their views and where appropriate, work together on the compilation of strategies that would be of benefit to the City Centre in terms of tackling anti-social behaviour related to alcohol.	<ul style="list-style-type: none"> <li>• Linked to P8 and P9</li> <li>• New UNIGHT scheme brings together licensed trade to tackle antisocial behaviour related to alcohol, improve the image of the city centre, etc.</li> <li>• Daytime / retail scheme links also bring further involvement from retail sector.</li> <li>• Licensing Board / Licensing Forum have important role if progress is to be made.</li> <li>• ADP Alcohol Strategy includes involvement of Business Sector, including through the Healthy Working Lives Programme and the NHS Grampian Health and Business programme.</li> </ul>	<p>In place – UNIGHT / Retail Scheme / Safety Aberdeen Forum / Barwatch</p> <p>Licensing Board / Licensing Forum</p>	L
P8	Attract different types of premises to deliver more choice for family oriented entertainment during the evenings such as late night coffee shops, cafés etc.	<ul style="list-style-type: none"> <li>• Linked to P7 and P9 – This will form part of ongoing discussion with UNIGHT and Pubwatch.</li> <li>• Licensing Board / Licensing Forum have important role if progress is to be made.</li> <li>• Approach to be made to Economic Development and Infrastructure to comment / lead on this.</li> </ul>	<p>UNIGHT / Pubwatch / Safer Aberdeen Forum</p> <p>Licensing Board / Licensing Forum</p> <p>Economic Development</p>	L
P9	Adopt a more café-bar style approach to public houses and bars when new licensed premises are proposed or planned. Provide incentives for some of the larger chains who specialise in this type of facility	<ul style="list-style-type: none"> <li>• Linked to P8</li> <li>• Licensing Board have important role if progress is to be made.</li> <li>• Could involve the City Centre / Safer Aberdeen Forum being restarted, however would need lead from Economic Development</li> <li>• See P8</li> </ul>	<p>Safer Aberdeen Forum</p> <p>Licensing Board / Licensing Forum</p> <p>Economic Development</p>	M



## TACA City Centre Report – Recommendations – Progress / Status and Prioritisation

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
P10	Parity between the boundaries of partner organisations is an important part of the community planning process, therefore it is imperative that if one organisation requires to carry out a realignment, it should only be done after an appropriate level of consultation, otherwise other partners' ability to provide accurate information can be compromised.	<ul style="list-style-type: none"> <li>• Currently differences between Police and Council neighbourhood boundaries.</li> <li>• Already raised at Locality Planning Forum, part of wider community planning issue regarding boundaries.</li> <li>• The Police are restructuring Aberdeen Division and this will come into place in the New Year. There will be 13 Inspector Areas in the city although exact boundaries not yet known.</li> </ul>	TACA ongoing	M
	<b><u>Other activity not referred to in recommendations:-</u></b>	<ul style="list-style-type: none"> <li>• Street lighting programme to improve lighting in problem areas.</li> </ul>	Aberdeen City Council	Ongoing as and when required.
		<ul style="list-style-type: none"> <li>• Lane Gating to design out opportunities for crime, e.g. at Back Wynd and proposed at Adelphi.</li> </ul>	Aberdeen City Council	Ongoing as and when required.
		<ul style="list-style-type: none"> <li>• ADP work on Alcohol &amp; Drug Related Violence has commenced and will feed in to ongoing work across the recommendations.</li> </ul>	ADP	M / Ongoing
		<ul style="list-style-type: none"> <li>• Linked to proposals to pedestrianisation of Union Street, Justice Mill Lane, Langstane Place to improve image, culture of city centre.</li> </ul>	ACC	Ongoing
		<ul style="list-style-type: none"> <li>• Provision of late night portable urinals to reduce number and impact of incidents of public urination. Well received by public and those premises affected by this problem, as their doorways etc. are no longer being soiled / damaged.</li> </ul>	ACC	Ongoing

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

<b>Number</b>	<b>Recommendation</b>	<b>Progress/Status</b>	<b>Further Action Required / Lead</b>	<b>Priority</b>
	<b>INTERVENTION</b>			
I11	Consider an education programme throughout school which covers all aspects of violence, including general assault and the risks associated with use of weapons.	<ul style="list-style-type: none"> <li>• Ongoing – see P1. Alcohol and Drug Partnership also carry out alcohol and drug linked interventions.</li> <li>• Attempts have been made by Schools Liaison Supervisor to use School Nurses for this but limited success.</li> <li>• CSP Serious and Violent Crime Plan recommends co-ordinated campaign.</li> <li>• Work is ongoing to involve doctors in these inputs – too early to gauge response.</li> </ul>	See P1	L
I12	Link this report's recommendations with the JADAT's (now ADP) alcohol strategy and the Community Safety Partnership's Strategic Assessment. Ensure that there is cohesion and parity between the various existing strategies within Partnerships / Organisations which deal wholly or in part with this subject.	<ul style="list-style-type: none"> <li>• Already strong links between the Alcohol Strategy and the alcohol related priorities from the Community Safety Partnership.</li> <li>• 2010/2013 Strategic Assessment currently being produced will underline these links.</li> <li>• Strong links between CSP and ADP (Alcohol and Drug Partnership, formerly JADAT) in place and require to be maintained.</li> <li>• ADP's Criminal Justice / Comm Safety Sub Group plan is focussing on alcohol related violence and reflects actions already in place.</li> </ul>	Done – all recommendations reflected in Alcohol Strategy	Completed

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
I13	Using an intelligence-led process identify priority locations to allow prompt redeployment of multi-agency CCTV resources. The formulation of an overarching CCTV strategy for the city, incorporating an enhanced public space CCTV system is essential.	<ul style="list-style-type: none"> <li>• Ongoing with further development of tactical meetings of CSP as route to manage / deploy portable/wireless cameras based on intelligence.</li> <li>• Technology problems mean that quality of images from wireless cameras are unsatisfactory.</li> <li>• Problem also exists when developers build in front of existing public space CCTV cameras – more consideration of these issues required at planning stage, requiring closer involvement of Police Architectural Liaison Officer with planning service (as recommendation in Local Development Plan).</li> <li>• Work has started on the modernisation of the existing public space CCTV system, including problems with existing wireless systems, with costed options to be produced by Summer 2010.</li> </ul>	Deployment – via further development of Tactical CSP meetings. CCTV Modernisation – ongoing joint project team Council / Police	H – use tactical meetings by May 2010. CCTV – costed options by July 2010.
I14	Active promotion by the Licensing Board of the Best Bar None scheme in respective City Centre pubs, bars and clubs.	<ul style="list-style-type: none"> <li>• Best Bar None is promoted on the Council website as part of Safer Aberdeen and links to the Licensing Board webpages and further promotion of the BBN by the licensing board will be explored.</li> <li>• The Licensing Board have indicated support for BBN – seek inclusion of BBN info in Licensing Board website / documentation.</li> </ul>	Ongoing via Safer Aberdeen Programme Manager  Licensing Board / Team	H – 2010

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
I15	<p>Develop reporting relationship between Partners through the effective implementation of information sharing protocols which equally balance the need for anonymised intelligence against the principles of Caldicott and clinical confidentiality. One manifestation of this would be the appointment of an Analyst to extract injury surveillance data from the 'EDIS' software that would allow a better view of the number of persons attending Accident and Emergency Department as a result of alcohol related injury. Current national indicators show that the Police only see in the region of 25% of all of violent crime.</p>	<ul style="list-style-type: none"> <li>• Data from A&amp;E is now provided every fortnight, however there are problems with the current EDIS system which will be addressed in 2010, which limit the accuracy of the data.</li> <li>• Whilst it is still too early for a complete analysis of this data, some comparison of this data with other data sources for city centre incidents is intended.</li> <li>• The Ambulance Service are also now supplying data which will be included in this analysis and shared via CSP Tactical Group and Safer Aberdeen programme as appropriate, and relevant action taken.</li> </ul>	<p>Further development after EDIS is upgraded in 2010</p>	<p>M</p>

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

<b>Number</b>	<b>Recommendation</b>	<b>Progress/Status</b>	<b>Further Action Required / Lead</b>	<b>Priority</b>
I16	In conjunction with Faith Groups such as Street Pastors, consider the provision of a triage facility somewhere in the City Centre to alleviate pressure on some of the partners, particularly the Ambulance Service as well as Accident and Emergency Department personnel.	<ul style="list-style-type: none"> <li>• Has been tried in the city centre, initial model was not cost effective.</li> <li>• Subsequent model worked more effectively involving Ambulance Service but future of existing base in doubt beyond March 2010.</li> <li>• Ongoing work with Pastors looking at an SOS Bus and associated funding – drop-in bus providing safe space, getting home safely help etc.</li> </ul>	Ongoing work Police / Street Pastors to develop SOS bus	M
I17	Should the current designated place at Albyn House be withdrawn, consider an alternative which provides a similar service at lower cost in order to deal with drunkenness from a health and safety perspective.	<ul style="list-style-type: none"> <li>• Currently being considered as part of the joint commissioning of alcohol related services in the city involving the Council and NHS Grampian, with the involvement of Grampian Police. Tender document is currently out enabling providers to tender for a range of Alcohol Services including the Designated Place, or simply the designated place alone. Providers expected to be appointed in the New Year.</li> <li>• National research being published in November 2009 on this issue.</li> </ul>	ADP/ Council / NHS Grampian Joint Commissioning Group	Ongoing – wef 1/4/2010
I18	Provide more diversionary activities for young persons in the City Centre which does not involve alcohol.	<ul style="list-style-type: none"> <li>• Scottish Government Cashback funded sports and arts programmes have been established in the city to increase diversionary activities for young people, promote positive social behaviour, eg Twilight Basketball in Torry and soon in Northfield, Street Rugby and Street Football in hotspot areas, arts programme targeting Looked After Children.</li> <li>• Approach to be made to Education, Culture &amp; Sport service re scope for this – lack of suitable city centre venues for sport is an issue.</li> </ul>	ACC	M

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

Number	Recommendation	Progress/Status	Further Action Required / Lead	Priority
	<b><u>Other activity not referred to in recommendations:-</u></b>	<ul style="list-style-type: none"> <li>• Alcohol signpost card being rolled out – basic information about alcohol, points of referral, delivered via Police, courts, prison, A&amp;E, ambulance and others could include City Wardens – to be put in people’s pockets/bags to be read when sober.</li> <li>• Based on Glasgow model, and will be further evaluated at end of pilot period.</li> </ul>	ADP – Ongoing	H
		<ul style="list-style-type: none"> <li>• Transport Marshals provided by Council at 3 night time city centre taxi ranks each weekend, and additional days in Festive period.</li> <li>• Linked to Police, provide uniformed presence to manage taxi queues, prevent incidents and report incident early to police before they escalate.</li> </ul>	ACC / Safer Aberdeen programme – ongoing	H
		<ul style="list-style-type: none"> <li>• Night time urinals provided at key points in the city centre Friday / Sat nights from 10pm – 5am.</li> <li>• Reduces public urination offences and related environmental impact. Broad support from city centre association, local church otherwise affected by public urination, and well-used by public.</li> </ul>	ACC / Safer Aberdeen programme – ongoing	H
		<ul style="list-style-type: none"> <li>• Additional street cleaning by Council Saturday / Sunday early mornings to ensure streets are clean for daytime Saturday / Sunday.</li> </ul>	ACC Environmental Services	H

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

<b>Number</b>	<b>Recommendation</b>	<b>Progress/Status</b>	<b>Further Action Required / Lead</b>	<b>Priority</b>
	<b>ENFORCEMENT</b>			
E19	Further develop intelligence enhancement and information sharing systems with partner agencies.	<ul style="list-style-type: none"> <li>• UNIGHT Aberdeen scheme launched in July 2009, involves information and image sharing of ASB and violent individuals with licensed trade and hope to have the same for all city centre pubs in the near future.</li> <li>• City Wardens have access to information sharing bulletins to assist with enforcement.</li> <li>• Encouraging the uptake of RadioLink amongst those licensed premises not already using radios.</li> <li>• Council, through the Safer Aberdeen Programme Manager and Police City Centre Inspector providing support, other multi agency work to tackle problem individuals ongoing – case management, use of enforcement measures, etc.</li> <li>• Barwatch scheme now in operation ensures information sharing amongst city centre bars re troublesome people and ensures action to ban from all premises etc. is taken and enforced.</li> </ul>	UNIGHT Partnership / Safer Aberdeen Programme Manager	H
E20	Alongside the resources from partner organisations, maintain significant Police presence in City Centre. Continue to increase the number and presence of Police patrols in the city centre area and the development of initiatives to target alcohol related violence.	<ul style="list-style-type: none"> <li>• City Centre Unit has been considerably expanded. As part of Aberdeen Division restructuring plans further expansion of city centre unit may be likely in New Year.</li> <li>• Weekend policing plan adds to existing resources at weekends.</li> <li>• Council Transport Marshals and Street Pastors also work closely with the Police at weekends.</li> <li>• City Wardens linked to Police CCTV Control Room.</li> </ul>	Grampian Police	H

**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

<b>Number</b>	<b>Recommendation</b>	<b>Progress/Status</b>	<b>Further Action Required / Lead</b>	<b>Priority</b>
E21	Increase the use of Test Purchase Operations at on and off-sales premises to deal with irresponsible licensees.	<ul style="list-style-type: none"> <li>• See P2.</li> </ul>	Grampian Police / ACC Environmental Health	M
E22	Partners should deal more proactively with offences under the littering legislation.	<ul style="list-style-type: none"> <li>• City Wardens enforcing littering however safety concerns when dealing with people under the influence of alcohol.</li> <li>• National Litter Day in May 2009 – police and city wardens worked together on this literature.</li> <li>• Police to consider using their powers re litter more extensively.</li> </ul>	Grampian Police / ACC – ongoing	H
	<b><u>Other activity not referred to in recommendations:-</u></b>	<ul style="list-style-type: none"> <li>• Use of police fixed penalty notices for antisocial behaviour offences.</li> </ul>	Grampian Police – ongoing	As and when required
		<ul style="list-style-type: none"> <li>• Use of Antisocial Behaviour Orders to ban violent individuals from city centre.</li> </ul>	Aberdeen City Council (in conjunction with Grampian Police)	As and when required
	<b>REHABILITATION</b>			
R23	Effective use of partnerships to identify persons addicted to drugs or alcohol, assisting them in finding support and treatment.	<ul style="list-style-type: none"> <li>• Effective use of partnerships to identify persons addicted to drugs and alcohol led by ADP/NHSG and also via community safety case management ongoing.</li> <li>• Further development of Integrated Alcohol Team is ongoing to improve capacity.</li> <li>• Drug Treatment waiting list has been significantly reduced over last 2 years, and new Integrated Drug Treatment Service being developed at the Timmer Market will further enhance provision and effectiveness of this work.</li> </ul>	ADP / ACC / NHSG – ongoing. Community Safety cases forums ongoing	H



**TACA City Centre Report – Recommendations – Progress / Status and Prioritisation**

<b>Number</b>	<b>Recommendation</b>	<b>Progress/Status</b>	<b>Further Action Required / Lead</b>	<b>Priority</b>
R24	Where there are identified licensed premises which are seen to be poorly run and are the source of problems related to the consumption of alcohol, create the condition where the licensee must engage in the Best Bar None scheme and bring his or her premises up to the standard required for accreditation.	<ul style="list-style-type: none"> <li>• It is not legally possible to make the scheme compulsory</li> <li>• The Licensing Board do support Best Bar None and encourage licensees to participate – seek further promotion of Best Bar None, UNIGHT, Barwatch via Licensing Board webpages.</li> <li>• Work ongoing to encourage wider range of premises to participate through breweries</li> <li>• Police and Environmental Health have powers to tackle the way that licensed premises are being run, including the role of Licensing Standards Officer</li> <li>• Need for improved monitoring of licensed premises by police and licensing standards officers to promote responsibility by landlords re selling to already drunk people and improve standards</li> <li>• BBN Inspection Panel have agreed to introduce a 6 monthly check-up for all BBN premises to ensure they are maintaining standards to retain their Award.</li> </ul>	Police & ACC Licensing Standards / Environmental Health Service, BBN Panel (Police, ADP, ACC Environmental Health and Safer Aberdeen Programme Manager)	H
R25	Consider the creation of a scheme for off-sales premises which mirrors the principles of Best Bar None and which could be enforced where poor management is seen to exist.	<ul style="list-style-type: none"> <li>• Currently no interest nationally, and sponsorship not available due to economic downturn</li> <li>• Will continue to look at possibilities of developing BBN further to include off sales at more appropriate time, some scoping work has commenced. The considerable time involved from staff in partner agencies to assess applicants for such a scheme would need to be considered, and may not be a priority alongside other more pressing priorities and reducing resources.</li> </ul>	Ongoing through City Centre / Safer Aberdeen Forum	L

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## ABERDEEN LOCAL LICENSING FORUM

### WORKPLAN AS AT FEBRUARY, 2010

#### Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum's area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. "Case" is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as "policemen" with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

<b>Action/Decision agreed by Forum or Sub-Committee</b>	<b>Update/Outcome/Response</b>	<b>Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)</b>	<b>Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)</b>
Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals.		
Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum had been represented at conferences and training events and will continue to do so.		
Overprovision – Assisting the Licensing Board in adopting a statement as part of Licensing Policy.	The Forum submitted its views to the Clerk to the Licensing Board and a further update will be considered at the Forum meeting on 25/2/10.		
To receive reports from the Licensing Board containing relevant statistical information.	The Licensing Board Clerk will advise the Forum of the frequency and content of statistical reports the Forum can anticipate receiving throughout 2010.		

<b>Action/Decision agreed by Forum or Sub-Committee</b>	<b>Update/Outcome/Response</b>	<b>Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)</b>	<b>Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)</b>
To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five licensing objectives.	An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes appropriate references to the objectives. The Board has also confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.		This is an issue appropriate for discussion at the first joint meeting with the Licensing Board in 2010.
Public Safety in the City Centre	An update report will be considered by the Forum at its meeting on 25/2/10.		
Late Night Bus Services	An Update will be considered by the Forum at its meeting on 25/2/10.		
Policy Review	The Sub-Committee and the Forum have considered Licensing Policy Statements from other Boards in Scotland. No significant gaps have been identified and the Forum will be asked to consider responding to the Aberdeen City Alliance giving its findings as the Alliance requested the Forum to consider this matter.		The issue of the variety of level of details in Licensing Board policies and the use of Local Licensing Conditions may be appropriate for discussion at the next Joint Meeting with the Licensing Board.

<b>Action/Decision agreed by Forum or Sub-Committee</b>	<b>Update/Outcome/Response</b>	<b>Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)</b>	<b>Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)</b>
Aberdeen Alcohol Strategy	The Forum or the Sub-Committee would benefit from considering the contributions the Forum can make to the achievement of the Strategy and this may require information on work in progress by other relevant bodies to avoid duplication of effort. For example work being undertaken by the Community Safety Partnership and by the Community Safety Criminal Justice Sub-Group of the Aberdeen Alcohol and Drugs Partnership.		It would perhaps be of assistance to learn from the Licensing Board their approach to ensuring they are contributing to the achievement of the Aberdeen Alcohol Strategy and are monitoring progress.
Standard of Training - The Forum requested information from the Scottish Government on the quality assurance process in respect of compulsory training to comply with the Licensing (Scotland) Act 2005 in the light of concerns about the quality of some on-line training courses.	Alcohol Focus Scotland meets regularly with the Scottish Qualifications Authority to investigate these matters. Alcohol Focus Scotland created a guide for managers on how best to plan their own training sessions for their staff. A copy can be obtained free of charge from their website. Alcohol Focus in conjunction with an experienced training provider Quality Hospitality International provides an online staff training course which offers more in-depth		

Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>training and interactive work which would secure a good quality outcome. This would perhaps be more appropriate than an exclusive reliance on trade produced staff workbooks. Their course includes a demonstration facility which is available at <a href="http://www.servewiseonline.co.uk">www.servewiseonline.co.uk</a></p>		
<p>Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing levels elsewhere in Scotland may be out-of-date there is no doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p>	<p>A response to the issues raised was received on behalf of the relevant of Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing Board were also sought. It was agreed it would be premature to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act 2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline</p>		

Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties. Other staff have also received elements of LSO training and this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. It is suggested the Forum may wish to review the position at its meeting on 11/11/10 as any approach to the City Council to consider enhancing staff resources could be considered</p>		



Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	then as part of the 2010/11 Budget process.		

ACTIONS FOR LICENSING FORUM IN

ALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.
- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.

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# Agenda Item 9

## LOCAL LICENSING FORUMS ABERDEEN AND ABERDEENSHIRE

Monday, 8 February, 2010

Present: Aberdeen Local Licensing Forum: Allan McIntosh (Chair), Craig Adams, Ken Eddie, Sandy Kelman, Raymond Morrison, Derek Murray, David Pattinson, Barry Skinner and Bob Westland. Aberdeenshire Council's Licensing Forums and Licensing Boards: Robin Currie, Chris Endersen, Stanley Green. John Main, Grampian Police, Keith Simpson, Fiona Stewart (Depute Clerk to North Licensing Board), Andrew Sutherland and Sarah Ward.

In Attendance: Linda Bowie, Acting National Licensing Development Officer, Alcohol Focus Scotland.

Officers: Fiona Gardiner, Senior Committee Services Officer (Aberdeen City Council) and Arlene Kelday, Assistant Committee Officer (Aberdeenshire Council).

### **WELCOME**

Allan McIntosh, Chair of the Aberdeen Local Licensing Forum welcomed everyone to the meeting and introduced Linda Bowie, Acting National Licensing Development Officer who had requested an opportunity to meet representatives of the Forums in the North East to learn from experience to date with a view to assisting Forums elsewhere in Scotland and also to share information on planned developments in the support available to Forums.

### **NATIONAL LICENSING DEVELOPMENT OFFICER**

Linda Bowie advised that she was currently undertaking the duties of Acting National Licensing Development Officer and that the funding for the post expires on 31<sup>st</sup> March, 2010. Linda explained that the future was not clear but there was a possibility that she would continue to discharge some of the duties in addition to her substantive post as ServeWise Training Manager with Alcohol Focus Scotland. Linda advised that the main areas of work for the National Licensing Development Officer were supporting Local Licensing Forums to become established and to offer basic training. Linda apologised for the fact that resource constraints meant that the free training courses being offered in Hamilton, Edinburgh and Inverness this month were not being offered in the North East. However she explained that a free DVD would be produced after the programme of training which would include input from the speakers who would each address one of the five licensing objectives. The DVD will be accompanied by a training pack comprising feedback from the workshops on the main issues discussed. It was explained that this would be a useful resource for Forums and for new members in particular. It was suggested that the DVD could help Forums consider the licensing objectives perhaps by including an opportunity to discuss them on the Forum agendas.

Linda also advised the meeting that Alcohol Focus Scotland was shortly launching a new website [www.local-licensing-forums-org.uk](http://www.local-licensing-forums-org.uk) which would contain sample Licensing Forum Constitutions and Work Plans, a checklist of best practice and basic legal information. She explained that an online discussion forum restricted to members of Licensing Forums would also be established. Linda explained that the existing website had proved of value to members of the public keen to learn about the new licensing legislation and therefore the new website will continue to be accessible.

Linda indicated she was aware that Licensing Standards Officers had formed Regional Groups in Scotland and that they had been developing a national structure. She asked the Forum Members present to think about whether or not it would be useful to try to establish a national forum for Local Licensing Forums. The absence of a national body or annual conference may make it difficult to establish common positions on issues on which to make representations to the Scottish Government or other national bodies. Alternatively a local perspective is one of the key strengths of the Forums and seeking a broad consensus on a particular issue may not be appropriate. There is also the issue of timing. For example there was no mechanism to collate views on the Alcohol, Etc. (Scotland) Bill between its publication in November, 2009 and the deadline for comments of 20<sup>th</sup> January, 2010.

The meeting proceeded to discuss operational aspects of Licensing Forums and opportunities to improve their effectiveness. The points made are summarised below –

### **MEMBERSHIP AND SUPPORT**

Aberdeenshire Council embarked on a successful publicity campaign to encourage membership and devised a simple application form. Their Licensing Forums Clerk has been proactive in improving communication between the three Forums and Licensing Boards and there had been a lot of information sharing between the bodies. An online discussion forum has been established and any enquiries received through this will be responded to promptly. The Conveners of the three Licensing Boards in Aberdeenshire attend their respective Local Licensing Forum meetings as observers. They do offer information on the rationale behind Licensing Board policies, decisions, etc. However, they do not take a lead role at Forum meetings. Feedback suggests that there has been a good working relationship between the Forums and the Licensing Boards. Licensing Board agendas and minutes (once approved) are placed on the Council's website. Licensing Boards welcome issues being raised with them via Licensing Forums and would welcome potential solutions to issues, particularly if the Forums have explored aspects of a problem with other agencies and have evidence to support their proposals. An example of effective working was the recent research undertaken on behalf of Licensing Boards on overprovision. The bulk of the work was undertaken by Licensing Standards Officers on behalf of Forums it was a valuable experience which may serve as an example to be repeated when another policy issue arises.

Licensing Standards Officers attend Forum and Board meetings and have proved to be effective links and also additional links with the public. Licensing Boards appreciate the work of Licensing Standards Officers in mediation and, in investigating complaints and objections. Where possible Review Hearings and

other formal action can be avoided if voluntary co-operation to resolve difficulties is secured.

In Aberdeenshire in the past there has been a lack of items of business for the joint meetings between Licensing Boards and Licensing Forums and so far one joint meeting per year has been sufficient.

A membership problem currently being experienced in the Aberdeenshire Forums relates to a lack of Youth Representatives. It was suggested that they may wish to consider approaching the Aberdeenshire Youth Parliament Members and the Youth Council or equivalent body.

It was confirmed that the Forums in Aberdeenshire and in the City have constitutions but have not felt it necessary to adopt Codes of Conduct. The Aberdeen Forum currently has a waiting list for membership and the recruitment process used was a public advertisement supplemented by requests to organisations likely to be interested in joining. Securing good attendance and maintaining a balance of representation have been achieved by a review of membership and by a clause in the constitution which states that if any member fails to attend three consecutive meetings and does not arrange for a substitute to attend on their behalf they will cease to be members. Forum meetings are open to the press and public with the agendas and reports included on the City Council's website. The Licensing Standards Officer is a member of the Forum and she attends or sends a substitute. It was noted that Aberdeen City had one full time and one part time Licensing Standards Officer whereas Aberdeenshire had four.

Neither the City nor Aberdeenshire Forums have ringfenced budgets but both benefit from the resources of their respective Councils in terms of administrative support, funding for attendance at conferences, training and access to legal advice. The Licensing Board Clerks in Aberdeenshire consider that there would be an ethical difficulty in acting as legal advisers to both Licensing Boards and Licensing Forums. However they would assist colleagues in their Legal Service in offering specialist advice on licensing matters required by Forums. It is also understood that the practice in relation to this issue varies across the country. Licensing Board Clerks have assisted in training programmes for Forum members and produced basic guidelines on licensing legislation, etc. They have also spoken to the Community Council Forum in Aberdeenshire on their duties in respect of licensing.

## **TRAINING**

Support was expressed for joint training between Licensing Board and Licensing Forum members. The Chair of the City Forum attends the annual meeting of Licensing Board Conveners and has found this to be a valuable experience. Networking also assists in breaking down barriers and recent experience of the joint meetings between the City Forum and the Licensing Board have been positive and productive. There was an uncertainty about the respective roles of Board members and Forum members at the first joint meeting.

The City Forum representatives expressed a preference for access to national training programmes and the assistance of Alcohol Focus Scotland in this regard is very much appreciated. Training needs were identified which include having information on how to undertake research and how to ensure the Work Plan is a valuable tool which includes monitoring progress in relation to the actions. It would

also be of assistance to Forum members to have an understanding of the decision-making processes of Licensing Boards and the procedure to raise issues with them.

Linda Bowie advised that from feedback she had received a number of Forums are unclear about the point at which issues become legitimate business for them and then in due course become of more relevance to Boards. An understanding of community planning structures and appropriate linkages to other bodies would also be of value to Forum members. This would ensure that issues considered by the Forum are referred to the appropriate body at the appropriate time.

## **KEY ISSUES AND ACHIEVEMENTS**

The main achievements of the Aberdeenshire Forums include their successful publicity and promotional work including the Discussion Board on the Council website. Joint working between Licensing Boards and Licensing Forums on overprovision statements and the research underpinning them were significant achievements and provided a valuable learning experience for future joint working. Effective working relationships had been developed between Boards and Forums. Conveners and Licensing Standards Officers have played significant roles in that respect. Aberdeen City Forum was in a position to make helpful comments to the Licensing Board on its curfew experiment. Members of the Forum are involved in a working group involving other agencies and transport providers in trying to improve Late Night Bus Services. The members of the Forum have equipped themselves with valuable background information having examined Policy Statements from a number of Licensing Boards in Scotland and a presentation on Street Pastors. A few members intend to go on patrol with Grampian Police in the city centre at the weekends to see the issues the police deal with at first hand. An issue for both Aberdeenshire and City Forum members was access to robust data on a regular basis. While acknowledging that there may be data sharing protocol issues to agree, it was recognised that there was information which was publicly available which would assist in identifying problems and in developing a better understanding of the volume of work undertaken by Licensing Boards. Police representatives who attended the meeting confirmed that Grampian Police were happy to provide statistical information which is crime related and explained that general and community intelligence was being recorded on a more regular basis. In consultation with Forums an appropriate format could be agreed for the submission of statistics, etc. to assist the work of Forums. Alcohol and Drugs Partnership representatives try to attend meetings of all the Forums given their other workload commitments. Health, Efficiency, Access and Treatment (HEAT) targets and information systems to report on them are currently being developed and therefore hopefully statistical information will be made available to Forums later this year.

A current issue of concern in Aberdeenshire relates to the impact on communities and licensed premises of “booze cruises” where buses are hired to tour licensed premises with the participants becoming more under the influence of alcohol as the tour continues. One option might be to suggest a meeting between Grampian Police, Licensing Standards Officers, Pub Watch Members and Forums to discuss the problem with trade representatives. This is an area in which it was not clear that the Licensing Board can intervene.

In the city the problem of large crowds in the city centre at the weekends was well documented and was the subject of a meeting in November, 2009 with a wide range of organisations in attendance to try to devise actions including improving transport, looking at the opening hours of catering establishments, the impact of the curfew and the efforts being made by licence holders to maintain order by having well trained staff, employ door stewards, etc. An issue recently noted by a member of the Forum patrolling with Grampian Police in the city centre at the weekend was the friction caused in queues to enter clubs prior to the curfew where they perceive queue jumping as happening when in fact smokers have been coming in and out of the premises. A current issue is the review by the Licensing Board of the curfew at the expiry of the six month trial period.

The meeting shared the issues that can arise from the practicalities of having a limited number of meetings per year when reported concerns could be resolved by agencies such as the Police before they can be discussed at Forum meetings. Therefore Forums may find themselves considering out of date information. However on a positive note, the fact that problems have been resolved informally is encouraging in relation to achieving licensing objectives. For example the Licensing Board for the North of Aberdeenshire has noted that the licensed trade has become more proactive in discharging their responsibilities to the community to address problems and share information with Pub Watch members. An issue which has come to the attention of the Licensing Board (North) relates to the reluctance by some Personal Licence Holders to hand over training records for employees who were leaving or to hand over Personal Licences in the same circumstances. Some employers do not appear to realise that they have no right to retain these documents and due to the recent introduction of the Licensing legislation the documents are not yet referred to in standard contracts of employment.

In relation to training of staff working in licensed premises it was explained that when employees move on their new employer would probably wish to retrain them because of uncertainty about the quality of the previous training they undertook. For example there are only two accredited courses and one online course which leaves the majority of employees having been trained by Personal Licence Holders themselves and perhaps only receiving the minimum of two hours training. Unless the new employer was familiar with the quality of training offered by the former employer it is understandable they would consider it prudent to undertake refresher training.

## **FUTURE JOINT MEETINGS**

It was agreed it would be worthwhile for representatives of the City Forum and Aberdeenshire Forums to meet again to explore common issues.

## **CONCLUSION**

In conclusion Allan McIntosh thanked everyone for attending and for their interesting contributions to today's discussion.

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## LATE OPENING CONDITIONS

- (1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 01:00 (on any day when the premises are open at that time) until whichever is the earlier of
  - (a) the time at which the premises next close; and
  - (b) 05:00.
- (2) A designated person who is the holder of a personal licence must be present on the premises from 01:00 (on any day when the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 05:00 or such other time as the Licensing Board may specify.
- (3) There must be written policies in existence concerning-
  - (a) the evacuation of the premises; and
  - (b) the prevention of the misuse of drugs on the premises.
- (4) A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
- (5) There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
- (6) A person who holds a licence granted under section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 01:00 (on any day when the premises are open at that time) until whichever is the earlier of –
  - (a) the time at which the premises next close; and
  - (b) 05:00 or such other time as the Licensing Board may specify.



## **LOCAL CONDITIONS**

### CCTV

1. The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current requirements of Grampian Police as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. The system must function correctly during all the hours when the premises are open for the sale and supply of alcohol. Faults will be recorded immediately they are detected and rectified as soon as practically possible. Checks on the operation of the system must be made on a daily basis.



## **LOCAL CONDITIONS**

### Door Supervisors

It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

### Curfew

No customers (with the exception of those who have left the premises for the sole reason of complying with the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 may be admitted to the premises after 02:00.

### Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth, nationality and a current passport sized photography (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by Grampian Police and/or the Licensing Standards Officers.

### Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Grampian Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

### Radio Link

It is a condition that the licence holder is a member of the local Radiolink Scheme.

## **DRUGS POLICY FOR LICENSED PREMISES WITHIN ABERDEEN CITY**

Everyone in every community has a part to play in tackling drug misuse. It is important to tackle the 'drug problem' and to ensure that licensed premises within Aberdeen remain 'drug free'. Illegal substance must not be allowed to be supplied or consumed within licensed premises.

The contents of this Drug Policy should allow all staff employed in licensed premises to have a better understanding of the law in relation to drugs and drug related incidents. It will provide systems and procedures to ensure that all drugs related incidents are dealt with consistently and safely.

We will work towards achieving this through:

- communication with our customers;
- providing our employees with guidance, information, training and procedures to assist them in identifying drugs, the effects of taking them and appropriate action;
- complying with our legal responsibilities;
- working closely with local authorities and Grampian Police.

### **Classes of Drugs**

The Misuse of Drugs Act 1971, classifies drugs as follows:

#### Class 'A'

Includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD.

#### Class 'B'

Includes Cannabis, Cannabis resin and Amphetamine.

#### Class 'C'

Generally tend to be prescribed drugs which are abused, the most popular include Temazepam, Diazepam and Steroids.

### **The Law**

The Misuse of Drugs Act 1971 creates a number of offences to control the misuse of illegal drugs.

## Common Offences

### Possession

It is an offence for a person to have a controlled drug in his/her possession.

### Possession with Intent to Supply

It is an offence for a person to have a controlled drug in his/her possession whether lawfully or not with intent to supply it to another.

### Supply

It is an offence for a person to supply or offer to supply a controlled drug to another person.

### Concerned in the Supply

It is an offence for a person to be concerned in the supply of a controlled drug to another person.

## **Section 8 of the Misuse of Drugs Act 1971**

It is the responsibility of the licensee and staff of licensed premises to prevent drug dealing and the abuse of controlled drugs within licensed premises.

To knowingly permit or suffer any drug related activity on the premises is an offence.

In addition to the Misuse of Drugs Act 1971, the Licensing (Scotland) Act 1976 also creates an offence in relation to drug abuse, namely it is an offence for any person who occupies or keeps any premises in respect of which a licence is held and who; knowingly suffers thieves or reputed thieves or prostitutes or reputed prostitutes or persons convicted of an offence under Section 4 or 5(3), Misuse of Drugs Act 1971, to remain in those premises or knowingly permits thieves or reputed thieves or prostitutes or reputed prostitutes or persons convicted of an offence under Section 4 or 5(3), Misuse of drugs Act 1971 to meet or assemble in the premises.

## **Searching**

All licensees should introduce the use of searches as a condition of entry to their premises.

Signs required to be clearly displayed regarding this and a 'Zero Tolerance' Policy in relation to drugs within licensed premises.

## **Power of Search**

**Only the Police have power to search people without their consent.**

**Can a customer wishing to enter the premises be searched?**

Yes, if it is clearly advertised as a condition of entry that customers are required to allow a search of their person.

Searches can only take place with the permission of the person concerned. A witness should always be present during any search to provide corroboration and prevent any allegations. If they decline to be searched, entry can be refused.

Always remember your rights to refuse entry or to ask someone to leave your licensed premises. If an individual refuses, the Police should be contacted for assistance.

**What can be searched?**

The search should be restricted to outer clothing or pockets and should include bags etc. Great care must be taken whenever you are searching a person in relation to drugs. Never put your hand straight into someone's pocket without first asking the person if they have any sharp objects and patting the outside of the pocket. It may be preferable to ask the person to empty their own pockets and show you the contents. You should then ask if the pocket is empty and pat it from the outside. This may be sufficient to establish if there is anything in the pocket. Great care must be taken so that an exposed needle for example, does not cause injury. You should also ask the individual to empty any bags and watch carefully whilst this is done. Again this may be sufficient to establish whether any drugs are present. Obviously if the premises in which you are, are particularly busy, you do not want to take too long to carry out your search. Thoroughness should not however be sacrificed for speed. You should attempt to put your customer at ease and make them as comfortable as possible in these circumstances.

**Can a customer within the premises be searched?**

Yes, however, it is not recommended. If a customer is searched prior to entry, there should be no need to do a further search. However, if it is still felt necessary to carry out a further search once on your premises, a sign should be clearly displayed setting out the Search Policy. It is of vital importance that licensees and staff are aware of the limitations on their power of search. Searches can only take place with the permission of the person concerned to be searched. The search should not take place in a public area of the premises. Again, corroboration during searches is essential.

If the individual does not agree to a search, you have no legal powers to do it. If a subject withdraws consent during a search, you have no legal powers to continue, you must stop immediately and consider contacting the Police. Again you also have the right to ask someone to leave your licensed premises.



### **Can a male search a female?**

No. A male should only search a male and a female should only search a female to prevent allegations of indecency/sexual assault. A witness should always be present to provide corroboration and help to prevent any allegations. The witness can be either male or female. If possible, carry out the search within the range of CCTV cameras if you have them.

### **What to do if drugs are found whilst searching a customer?**

The person who has agreed to being searched and who has agreed to remain with you must be handed over to the Police as soon as possible. However, you have no power to force them to remain with you. If you find something which you think is a controlled substance, you should keep this safe and contact the Police immediately.

### **Can force be used to search a customer?**

No. The customer must always grant permission to be searched. There are no circumstances in which force may be used to carry out the search.

### **Power of Detention**

You have no power to detain a person for offences under the Misuse of Drugs Act 1971. The person(s) must agree to remain with you and must be handed over to the Police as soon as possible. If a person commits a Common Law offence such as an assault on a customer or member of staff, or is committing a Breach of the Peace on the premises, then he/she can be detained but only for the Common Law offence. Again the Police should be notified as soon as possible.

### **Drugs Seized or Found on the Premises**

If you find anything that appears to be an illegal drug, put it in a plastic bag or envelope and seal it: This must be signed by the finder and witnessed by another member of staff; Enter the details of the drugs found in the appropriate drugs register; If any member of staff or management finds drugs on the premises, they must immediately inform the most Senior Manager on duty.

### **Drugs Information**

Do not automatically think that because you know, the Police will know too. The Police can only act if they have information/intelligence to act upon. YOUR information may be the key to success. If you have any information about drug activities you should notify the Police immediately.



## LICENCE CONDITIONS

### MANDATORY CONDITIONS

1. In this schedule, “the premises” means, in relation to any premises licence, the premises specified in the licence.

#### Compliance with the Operating Plan

2. (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.  
  
(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
3. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

#### The Premises Manager

4. (1) Alcohol is not to be sold on the premises at any time when—
  - (a) there is no premises manager in respect of the premises,
  - (b) the premises manager does not hold a personal licence,
  - (c) the personal licence held by the premises manager is suspended, or
  - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.  
(2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).  
  
(3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

#### Authorisation of Sales of alcohol

5. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
  - (a) the premises manager, or
  - (b) another person who holds a personal licence.

### Training of staff

6. (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
- (2) That is a capacity (whether paid or unpaid) which involves the person—
- (a) making sales of alcohol, or
  - (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub-paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.
- (2B) A record kept on the premises under sub-paragraph (2A) must be produced to a Licensing Standards Officer on request.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—
- (a) provide for the accreditation by the Scottish Ministers of—
    - (i) courses of training, and
    - (ii) persons providing such courses,for the purposes of the regulations,
  - (b) prescribe different training requirements in relation to different descriptions of persons,
  - (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
  - (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

### Pricing of Alcohol

7. Where the price at which any alcohol sold on the premises is varied—
- (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
  - (b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

### Irresponsible Drinks Promotions

8. (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
- (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—
  - (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
  - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
  - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
  - (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - (f) is based on the strength of any alcohol,
  - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (b) to (d) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—
  - (a) add further descriptions of drinks promotions,
  - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
  - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

### Provision of Non-Alcoholic Drinks

9. (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.

- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

#### Payment of Annual or Recurring Fees

- 10. (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
  - (2) The fee must be paid as required by the regulations.
- 11. (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.
  - (2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which—
    - (a) states that persons under the age of 18 are not permitted on the premises; or
    - (b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

#### Baby Changing Facilities

- 12. (1) The condition specified in this paragraph applies only in the case of premises—
  - (a) which are not—
    - (i) a vehicle;
    - (ii) a vessel;
    - (iii) a moveable structure; or
    - (iv) used wholly or mainly for the purposes referred to in section 125(1);
  - (b) on which alcohol is sold for consumption on the premises; and
  - (c) to which children under the age of 5 are to be admitted.
- (2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

#### Display of Alcohol for Consumption off the Premises

- 13. (1) Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—
  - (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
  - (b) a single area of the premises which is inaccessible to the public.

- (2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is–
  - (a) a non-alcoholic drink; or
  - (b) packaged with, and may be purchased only along with, alcohol.







**ABERDEEN CITY LICENSING BOARD**

**LICENSING (SCOTLAND) ACT 2005**

**SUPPLEMENTARY STATEMENT OF LICENSING  
POLICY**

**December 2009**

**PREAMBLE**

1. Section 6 of the Licensing (Scotland) Act 2005 (the Act) requires all Licensing Boards (the Board) to publish every three years a statement of licensing policy (the policy).
2. During the three year period, a Licensing Board may publish a supplementary statement of their policy. This statement is published as a supplement to the Statement of Licensing Policy November 2007 – November 2010.
3. In accordance with the requirements of section 6 of the Act, and prior to the publication of this supplementary policy, the Board has consulted with and taken cognisance of the views of:
  - the local licensing forum for the Board area
  - the Chief Constable of Grampian Police
4. This supplementary policy will be in force from 15 December 2009. It will be applied during the three year period to November 2010.

Convener.....

Clerk .....

1. At its meeting of 15 December 2009, Aberdeen City Licensing Board resolved to delegate powers to the Board's signing rota to determine applications for Extended Hours and Occasional licences where there is an objection and/or an adverse report; and to amend its Statement of Licensing Policy at appendix 2 as set out below.

## APPENDIX 2

### DELEGATION OF LICENSING FUNCTIONS

In terms of Schedule 1 paragraph 10 of the Act, the Board may arrange for the discharge of some of its functions by any Member of the Board, a Committee of the Board, or the Clerk to the Board or any person appointed to assist the Clerk.

The Board cannot delegate certain of its functions.

It is the Board's intention to delegate its powers where it considers appropriate as set out below.

The Board reserves the right, to consider and determine all applications and relevant matters under the Act.

#### Scheme of Delegation

	<b>Matters to be dealt with</b>	<b>Licensing Board</b>	<b>Sub Cttee LB</b>	<b>Officers</b>
1	Licensing Policy Statement or Supplementary Policy Statement	✓		
2	Over Provision Assessment	✓		
3	Premises and temporary premises applications	✓		
4	Variation of a premises licence	✓		
5	Minor variation of premises licence	✓	✓	✓
6	Transfer of premises licence where there are no objections/representations	✓	✓	✓
7	Transfer of premises licence there are objections/representations	✓		
8	Occasional licences where there are no objections/representations	✓	✓	✓
9	Occasional licences where with objections/representations	✓	✓	
10	Extended hours applications where there are no objections/representations	✓	✓	✓
11	Extended hours applications with objections/representations	✓	✓	
12	Personal licence application for grant or renewal where there are no objections/representations	✓	✓	✓

	<b>Matters to be dealt with</b>	<b>Licensing Board</b>	<b>Sub Cttee LB</b>	<b>Officers</b>
13	Personal licence for grant or renewal where there are objections/representations	✓		
14	Determination in terms of s 67 - General extensions of licensed hours	✓		

## ABERDEEN CITY LICENSING BOARD

### CITY CENTRE ALCOHOL ISSUES MEETING

Meeting held Monday, 16<sup>th</sup> November, 2009

Present: Councillor Muriel Jaffrey, Convener of Aberdeen City Licensing Board (Chair); Councillors Boulton, Clark, Cormie, Donnelly, Hunter, Penny, Robertson and Young (Aberdeen City Licensing Board); Councillors Corall, Kiddie, Leslie and John West; Nigel Don, MSP; Adrian Watson, John Souter, Ian MacLelland and Rebecca Ball, Grampian Police; Dr. Lesley Wilkie and Alexander Kelman, NHS Grampian; Fred McBride, Neil Carnegie, Brenda Flaherty and Eric Anderson, Aberdeen City Council; Edwin Grieve, John Irvine, Willie Jaffrey and Dennis Will (Community Council representatives), George Wyatt, Scottish Licensed Trade Association; Kenny Taylor and Graham Watson, Aberdeen Excise Licence Holders Association; Allan Rizio, Scottish Ambulance Service; Mike Hastie, Justice of the Peace; Russell McLeod, Aberdeen Taxi Group; Peter Medley, Aberdeen City and Shire Hotels Association; Peter Ewen; Mary Ellmers, Alcohol Focus Scotland; Bryony Chamberlain, Stagecoach; Stephen McGowan, Procurator Fiscal; Ken Eddie, Aberdeen Local Licensing Forum; Mark Donlevy, Arthur Musterd and Bob Westland, Unight; Jill Sandilands, Belhaven; Danny McKee, Tesco Stores Limited; Sally Hind, Evening Express; George Bell, Victim Support; Andy Willox, Federation of Small Businesses.

Apologies: Jennie Biggs, Aberdeen Local Licensing Forum; Richard Carey, NHS Grampian; Ross Grant, Civic Forum; and Senga MacDonald, Drugs Action.

## INTRODUCTION

Councillor Muriel Jaffrey, Convener of the Aberdeen City Licensing Board welcomed everyone to the meeting, reminded them of the terms of the Motion adopted by Aberdeen City Licensing Board as put forward by Councillor Comrie and invited Councillor Comrie to address the meeting.

Councillor Comrie stated that the level of interest in attending today's meeting was an illustration of a recognition of the scale of the problem and the need to work together to find a solution. There is widespread acceptance that problems created by the night time economy in the City Centre means it has become to some extent a no go area at the weekends. The negative perception of Aberdeen's City Centre is damaging the City's reputation as a safe destination for visitors, tourists and residents. A safe, welcoming and vibrant city centre is an essential component of a successful local economy. It is acknowledged that many worthwhile initiatives and measures are in place and planned to tackle the problem of excess alcohol consumption in the city centre at the weekends but more needs to be done to prevent further damage to the city's reputation.

Councillor Comrie reminded the meeting of the significant public sector costs incurred in clean up operations in the city centre. The City Council incurs annual expenditure of

approximately £600,000 on environmental clean up operations and NHS Grampian and Grampian Police incur additional costs.

Councillor Jaffrey thanked Councillor Comrie for his contribution and invited views from those in attendance on potential solutions. Constructive ideas would be welcomed and everyone was asked to co-operate in avoiding trying to allocate blame.

## **DISCUSSION**

The contributions from participants at the meeting have been divided into two broad categories relating to Elements of the Problem and Potential Solutions.

### **ELEMENTS OF THE PROBLEM**

There was broad agreement on the various elements of the problem of excessive consumption of alcohol in the city centre particularly at the weekends. Statistical information was provided by Grampian Police and Councillor Kiddie in his capacity as Convener of the City Council's Social Care and Wellbeing Committee and as one of the City Council's representatives on the Aberdeen Alcohol and Drugs Partnership (ADP).

During the period 1<sup>st</sup> August, 2009 to 31<sup>st</sup> October, 2009 57% of all persons accused of involvement in serious assault, petty assault, breach of the peace, disorder and vandalism were drunk or had been drinking at the time of the offences. In relation to specific offences such as being drunk and incapable, refusing to quit licensed premises when drunk and attempting to enter licensed premises when drunk, there were a total of 168 offences in the period compared to the same period in 2008 when there were 103 offences. This is partly accounted for by a Grampian Police initiative to bring charges under licensing legislation rather than under common law for example Breach of the Peace.

A serving Aberdeen Justice of the Peace indicated that between 30% and 35% of the cases dealt with were drink related.

Recent media publicity has indicated that in Scotland 75% of sales of alcohol are via large retailers and they are not subject to the same licensing regime. For example in relation to not serving alcohol to customers who are already intoxicated. As they are driven by commercial considerations there are examples of a lack of thought of social implications of marketing decisions. For example the collapse of an off licence chain recently has resulted in a well publicised campaign to heavily discount stocks in order to wind up the business.

While there is widespread support for the Scottish Government's intentions to introduce a minimum price per unit of alcohol there has also been lobbying against the proposal. Large retailers have the resources to challenge Licensing Board decisions across Scotland and it is anticipated they may try to challenge implementation of any policy to enforce a minimum price per unit of alcohol.

The publication by the Scottish Government of the Alcohol Bill is awaited therefore existing powers require to be used by Licensing Boards and the Police. It is understood

the Scottish Government has obtained legal advice that it is competent to introduce a minimum price per unit of alcohol and that the EU has in principle accepted the right of the Scottish Government to introduce such a measure. Legislation is also awaited on the introduction of a social responsibility fee which may be one source for funding initiatives to deal with the health and social consequences of excessive consumption of alcohol. The existing powers of Licensing Boards do not extend to levying such a charge and given the downturn in the economy the pressures on local businesses would make it unlikely that a voluntary levy would be welcomed. Such an approach would also require detailed consideration of criteria for implementation and consensus on what would be an equitable solution.

One element of the problem is the cultural acceptability of public displays of drunkenness. Compared to previous generations there is greater accessibility of alcohol and discounts and promotions have encouraged increased consumption of alcohol per head. There is increased evidence of binge drinking. The ambulance service has recorded an increase in the number of patients where excessive alcohol consumption has contributed to their need for medical assistance. People are often unaware of how vulnerable they are in a public place if they have been drinking to excess. Statistics show that liver damage and other conditions exacerbated by excessive alcohol consumption are affecting more people and at a younger age. Pressure on limited health service resources such as ambulances and accident and emergency services, support the need for a Designated Place and/or first aid facilities near the town centre.

Residents are becoming aware of overstretched resources in the police and medical services when there are slower response times to requests for assistance. At the weekend emergency response staff are almost fully engaged in dealing with drink related incidents in the city centre.

Residential areas are subjected to increases in vandalism and risks of personal injury as patrons of licensed premises disperse from the city centre.

Although nationally the police are examining ways to reduce the time police officers are off the streets completing paperwork at present there can be too few police officers on the streets. It can take up to one and a half hours to process someone who has been arrested. It has been suggested that some residents do not report damage to their property and vandalism as they have no confidence that the perpetrators will be identified. This is one aspect of the element of the problem of perception versus reality. While it is accepted that perceptions can do more damage to the reputation of the city than reality, police representatives are of a view that Aberdeen is a safe city in comparison to other Scottish cities. The majority of licence holders act responsibly and the majority of people who consume alcohol do so in a responsible manner. Most licensees recognise that their livelihoods would be in jeopardy if they failed to comply with conditions of their licences and many licensed premises in the City in fact close before 1.00 am.

It is considered that "pre loading" is an element of the problem. Young people in particular are accessing alcohol either at home or from off licences and coming to the City Centre already intoxicated. There is some evidence that they often do not attempt to enter licensed premises but hang about the streets creating an intimidating atmosphere.

It was suggested that elements of the problem relate to the increase in approval of applications for extension of hours and overprovision. It is acknowledged that the new

Act will take time to bed in and the impact of the curfew and the forthcoming policy statement on overprovision are not yet known.

Lack of transport and differing opinions about the impact of having late night catering establishments open after licensed clubs close are elements of the problem. Opinions also differ on the benefits and disbenefits of staggered closing times. Taxi drivers, bus drivers and emergency services workers are all subjected to abuse from intoxicated persons. Vandalism to buses can mean that they are not available for use the next day. Currently the late night bus services run at a loss. However there is a view that the services are poorly publicised and there are no incentives. For example purchase of return tickets in licensed premises, displays of timetables, etc.

Although there is some support for the moving of the taxi rank to Union Street at the weekends it does have the effect of concentrating a large crowd in one area and may contribute to tensions and violent incidents. Taxi Marshals, Street Pastors and the police cannot cope effectively for long periods of time with large crowds of frustrated and/or intoxicated would be travellers.

Better and more regular liaison between Grampian Police and licensees is perhaps prevented by anxieties about the standards to which licensees should conform and the consequences for licensees of revealing problems or identifying members of the trade they believe are not abiding by the conditions of their licences.

## **POTENTIAL SOLUTIONS**

Solutions to the problem of excessive consumption of alcohol in the City Centre particularly at the weekends need to get the balance right in terms of pricing and access and enforcement activity. The city's aspirations include securing community safety without jeopardising income and employment particularly where there is an element of dependence on visitors and the conference/business trade in general.

Some elements of solutions are already in place or at an advanced stage of planning. For example improved lighting and CCTV provision, the Union Street taxi rank, Taxi Marshals, Street Pastors and the use of a Designated Place for those the police might otherwise take into custody following alcohol related incidents. The launch of the Aberdeen City Alcohol Strategy on 14<sup>th</sup> December, 2009 which contains detailed actions and clearly assigned responsibilities for delivery of those actions, is a significant milestone. The themes within the strategy offer a framework for planning and assessing the feasibility of potential solutions. The themes are (1) Reducing Consumption, (2) Supporting Families and Communities, (3) Developing Positive Attitudes, Positive Choices, and (4) Improving Support and Treatment.

Lessons can be learned from elsewhere to gain from experience of cities who appear to have successfully achieved the correct balance. Sources of information are plentiful including Alcohol Focus Scotland and the National Licensing Standards Officer. Within the community planning partnership for Aberdeen, partner organisations are contributing to solutions and are willing to continue to do so. For example the Aberdeen City Alliance at its meeting on 25<sup>th</sup> November, 2009 will receive a report and proposed actions to address some of the issues in the city centre profile document which was considered by the Licensing Board and the Licensing Forum in 2008. The Community Safety Partnership is reviewing its priorities for action for the coming years. It is understood



lessons can be learned from Glasgow in relation to a number of initiatives to tackle vandalism. They have effectively used a Taxi Marshal Scheme and have street workers and Licensing Standards Officers assisting with enforcement of the Licensing (Scotland) Act 2005. A number of solutions are within the control of the City Council and its partners and/or the Licensing Board. Others will require changes in legislation or clarification via court action of the extent of powers. If the future funding of the Designated Place is in doubt then representations could be made in support of its contribution to addressing the problems in the City Centre. NHS Grampian and Grampian Police have both funded the Designated Place and have evidence of its effectiveness. It is understood the commissioning process which will decide the long term future of the Designated Place is almost concluded. Other cities in Scotland employ more than one Licensing Standards Officer. If considered appropriate, representations could be made to the service which employs the Licensing Standards Officer in Aberdeen to examine opportunities to redeploy existing resources to enhance the service as it is understood part of the time of an Environmental Health Officer should be set aside for work in connection with the Licensing (Scotland) Act 2005.

The training requirements of the new Act are already having a positive impact on practices within licensed premises. A number of participants in the meeting from the licensed trade attested to the fact that their staff were being more proactive in refusing to serve customers who were already intoxicated. The Unight Scheme has had some early success in circulating information on undesirable patrons and bans are in force for a number of customers across the 18 venues participating in the scheme at present. Electronic messages via the Unight Scheme and Safer Aberdeen are reaching a vast number of customers and potential customers. The message is getting across about responsible drinking and the consequences of non-compliance with the law, for example, the impact on family and friends of fraudulent use of passports for identification purposes.

The Licensing Board was assured of the support of the Scottish and Aberdeen Licensed Trade Associations in dealing with irresponsible licensees.

Aberdeen has a strong and effective Local Licensing Forum. It is understood that elsewhere in Scotland Forums are not always fully operational. The Forum could be asked to assist the Licensing Board by undertaking research and it has contributed observations on Licensing Board proposals in relation to the curfew, overprovision and door supervisors. Elected Members have a role in implementing solutions to the problem by making representations on behalf of residents and investigating complaints and in assisting services such as the Education Service to undertake work under the theme of Developing Positive Attitudes, Positive Choices. Surveys have shown that nationally most young people by the age of 15 have drunk alcohol and a minority of 13 year olds have admitted to consuming excessive amounts of alcohol. Parents and grandparents have a role to play in helping young people develop responsible attitudes to alcohol by setting good examples. Teenagers are taking part in initiatives to think of alternative programmes of activities they would enjoy which would not involve exposure to alcohol. For example discussions are at an early stage with Aberdeen Performing Arts to put on an entertainment show which would be of interest to the 14+ age group at the Lemon Tree. This would provide an option other than licensed premises/clubs for young people. In relation to Child Protection, Grampian Police liaise with the City Council's Social Work Service in relation to underage drinking and arrange for letters to be sent to the homes of parents/guardians of young people found to be under the influence of alcohol.

An Action Plan is being drawn up as a result of a meeting in October with representatives from bus companies to address the cost and other implications of running late night bus services. For example research is being undertaken to assess likely demand.

Potential solutions considered included greater scrutiny of applications for extension of hours, more restricted hours of opening for off-sales, public houses and clubs, and encouraging more participation in the Best Bar None Scheme. One option would be to make this Scheme compulsory as it represents best practice in relation to policies, training, etc. Lessons can be learned from other countries including Norway which operates a system of very restricted access to alcohol and alcohol attracts relatively high prices. There could be more opportunities for informal communication between the licensed trade and Grampian Police. Constructive feedback would be welcomed and lessons learned from each other for example through the Pubwatch Scheme. More national and local guidance would be of assistance to reduce uncertainty. One option would be for the Scottish Government to impose a standard licensing policy on particular issues to eliminate local discretion and the potential for some legal challenges.

Licensees could be subject to a points system on a similar basis to car licence endorsements. This would encourage licensees to address elements of mismanagement and avoid loss of their licences by being aware of the consequences of the point system and the totting up procedure.

## **NEXT STEPS**

Councillor Jaffrey, Chair, thanked everyone for attending and for their useful contributions to the meeting. She advised that the Licensing Board would have an opportunity to consider the outcomes of today's meeting and indicated that it was likely that a further meeting with stakeholders to take some initiatives forward will be arranged in the Spring of 2010.

## ABERDEEN LOCAL LICENSING FORUM

25 February 2010

### Alcohol Etc. (Scotland) Bill

The Health Committee of the Scottish Parliament will be considering the feedback received from a wide range of organisations and individuals now the deadline of 20<sup>th</sup> January, 2010 for comments on the Alcohol Etc. (Scotland) Bill is passed.

The main provisions of the Bill are:-

- (1) to introduce a minimum price of alcohol and a minimum price of packages containing more than one alcoholic product;
- (2) to extend to off-sales premises the restrictions on the supply of alcoholic drinks free of charge or at a reduced price and the restriction on certain irresponsible drinks promotions;
- (3) to introduce an age verification policy to be applicable in respect of premises, offsales and occasional licences. This would be a policy to ensure steps are taken to establish the age of a person attempting to buy alcohol if it appears to the person selling the alcohol that the customer may be less than 21 years of age or such older age as may be specified in the policy;
- (4) to impose a new duty on Licensing Boards to assess the impact of off-sales to persons under the age of 21. Each Licensing Policy Statement must include a statement referred to as “detrimental impact statement” as to the extent to which the Board considers off-sales to persons under the age of 21 are having a detrimental impact in its area or a locality within its area. Detrimental impact means any adverse effect on one or more of the licensing objectives. In preparing or reviewing a detrimental impact statement, the Board must consult the Local Licensing Forum for the Board’s area and such other person as the Board thinks appropriate;
- (5) to enable Scottish Ministers by regulations to introduce a social responsibility levy. The Regulations would provide for exemptions from the charges, collection and enforcement arrangements, payments to be a condition of licences held by relevant Licence Holders which could include holders of occasional licences, street trader licences involving carrying out a food business, holders of Public Entertainment Licences and holders of Late Hours Catering Licences in addition to holders of Premises Licences. The Regulations could also make provision about the particular purposes to which income from charges may be applied.

Ken Eddie as a member of the Local Licensing Forum obtained the views of Lewis Macdonald, MSP, and Nicol Stephen, MSP on the proposal to introduce a minimum price for an unit of alcohol. Their views are summarised below.

Lewis Macdonald, MSP, advises that he shares concerns the scale of the problem of over-consumption of alcohol and believes enforcement of existing legislation is required in addition to radical new measures. He advises that the Shadow Health Secretary, Jackie Baillie, MSP, is setting up a commission led by Professor Sally Brown to consider a full range of measures to tackle alcohol abuse in Scotland including an examination of alternative pricing mechanisms. Lewis Macdonald, MSP, regrets that the debate so far has become polarised on the issue of minimum unit pricing even although there is no one measure that is a “silver bullet” in the fight against alcohol

abuse. He is of the view that although there is clear international evidence of a link between price, availability and consumption of alcohol, many health professionals acknowledge that those with severe alcohol dependency are likely to be least price sensitive. With statutory minimum pricing the money raised would go directly to the retailers and there is no opportunity to target the income at alcohol education or treatment or additional enforcement activity. He also points out that the Scottish Government's proposals only introduce an enabling power in relation to price and this would reduce parliamentary and EU scrutiny.

Nicol Stephen, MSP, replied setting out a statement of the position of the Liberal Democrats in the Scottish Parliament as put forward by Robert Brown, MSP, the Justice spokesman during a debate in the Scottish Parliament on 5<sup>th</sup> November, 2009. The Liberal Democrats support a ban on the sale of alcohol below the cost of duty plus VAT. They also support tackling irresponsible drinks promotions and a more rigorous enforcement of existing legislation with regard to irresponsible retailers, landlords and individuals who purchase alcohol for underage drinkers. They believe in the need to focus on education to warn people about the risks of alcohol abuse and welcome early intervention schemes to divert young people away from developing irresponsible attitudes to alcohol and developing bad alcohol consumption habits. Opening Council facilities in the evenings and supporting youth organisations would be practical measures to tackle the youth culture of drinking to excess. They support the Scottish Government's Youth Commission which was established to explore issues faced by young people in relation to the misuse of alcohol and they support a range of measures including brief interventions, arrest referral schemes and a zero tolerance approach to alcohol related violence and anti-social behaviour against public sector workers particularly emergency service workers. The Liberal Democrats also support improving access to specialist treatment services and calls for the Scottish Government to establish clearly if there is a legal basis for setting a minimum price of alcohol to avoid later lengthy and costly legal proceedings.

Attached to this note are the responses sent to the Scottish Parliament's Health Committee by NHS Grampian and the City Council on the proposals set out in the Alcohol Etc. (Scotland) Bill.

## CONCLUSION

The Local Licensing Forum is asked to note the current position regarding consideration of the Alcohol Etc. (Scotland) Bill and to note that further updates will be submitted.

Health and Sport Committee  
T3.60  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Date: 19 January 2010  
Enquiries to: Lesley Wilkie, Director of Public Health  
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Dear Sir or Madam

### **Call for written evidence on the Alcohol Etc. (Scotland) Bill**

Thank you for the opportunity to present my views on this Bill, which is of vital importance to public health in Scotland. Current consumption patterns of alcohol are significantly damaging the health of the Scottish population and pose a clear and significant threat to the future well-being of the nation, affecting disproportionately the younger and more deprived drinking populations. It is well established that alcohol can cause serious harm to health and well-being.<sup>1</sup> These harms are experienced at both individual and population levels. Health-related harms are manifest in the number of people attending their GPs, visiting Accident & Emergency Departments, and being admitted to hospital, due to alcohol-related conditions. The rise in alcohol-related deaths in Scotland in recent years has been dramatic, doubling in as little as ten years.<sup>2</sup> Scottish alcohol-related death rates are also now double those elsewhere in the UK.<sup>2</sup> Overall, alcohol-related consequences cost Scotland over £2.25 billion annually through costs to the NHS, social services, the criminal justice system and lost productivity.<sup>3</sup> An effective, evidence-based, Governmental response, analogous to the smoking ban, is justified.

### **The advantages and disadvantages of establishing a minimum alcohol sales price based on a unit of alcohol**

There is a strong and robust evidence base that clearly demonstrates that increasing the price of alcohol decreases alcohol consumption and alcohol-related harms.<sup>4,5,6,7,8</sup> The economic modelling by the University of Sheffield's School of Health and Related Research (SchARR) is consistent with this large body of empirical evidence.<sup>9</sup> This shows an overall clear net reduction in alcohol consumption and alcohol-related harms as a result of minimum pricing, while also financially benefiting the alcohol industry. Young people and heavy drinkers are particularly likely to respond positively to an increased price of alcohol,<sup>1,4,6,7,9,9</sup> whereas currently responsible drinkers are not likely to be affected.

Advantageously, a unit-based minimum price would apply to all alcohol equally. As such, there is likely to be support from on-sales retailers as it contributes to a 'leveller playing field' with off-sales businesses. Additional income generated from increased pricing would not disadvantage businesses as it goes into their profit margin, rather than being a tax passed on to Government.<sup>8</sup>

Contrary to minimum pricing, variable taxation can produce unintended incentives to consume drinks containing higher levels of alcohol.<sup>5</sup> Tax increases can be offset by

retailers by cross-subsidising against the price of other products.<sup>4</sup> Where these other products are staples such as milk and bread, this can have an adverse effect, particularly on the disadvantaged. Minimum pricing per unit also prevents drinkers maintaining their alcohol consumption in the face of increasing prices by reducing the quality of product that they buy.

The main disadvantage facing Scotland might be an increased profitability of grey and black market sales,<sup>4</sup> with illicit importation of cheaper alcohol from elsewhere, although elsewhere in the world price rises have also been followed by increased consumption of contaminated illicit alcohol, and non-beverage alcohol by those with severe alcohol problems.<sup>5</sup> This issue would have to be monitored.

Minimum pricing would be a proportionate response to the clear and significant threat posed by alcohol to the country's current and future health and well-being. It would send the right public health message to the population and would be expected to reduce harms and save lives within the first year of implementation.<sup>9</sup> More substantive benefits to harmful drinkers likely to affect chronic health will derive in the longer term and these will include potential savings to healthcare, criminal justice, local authorities, police and prison service.

Scotland has a leadership opportunity once again, comparable to the public health policy of banning smoking in public places.

A minimum alcohol sales price based on a unit of alcohol is therefore strongly supported.

### **The level at which such a proposed minimum price should be set and the justification for that level**

The SchARR modelling appears to offer robust evidence on which to base Scottish pricing decisions.<sup>9</sup> All the minimum prices modelled appear to produce net benefits. It is notable that in the combined model (minimum price and total discount ban), the main effect below a minimum price of 40 pence is mainly due to a total discount ban. It is also notable that when minimum price is modelled alone, the overall net benefit at lower levels of minimum price may involve increased consumption and harmful consequences amongst some moderate and hazardous drinkers. Higher minimum prices both increase the overall benefit and avoid harmful consequences in any group.

The minimum price per unit of alcohol should therefore be set between at least 40 and 50 pence.

### **The rationale behind the use of minimum pricing as an effective tool to address all types of problem drinking**

Population level problems require a population approach, which can be counter-intuitive to those who argue for an approach that targets individuals at high-risk of alcohol-related consequences. Half of all alcohol is consumed by just 10% of drinkers.<sup>1</sup> The individuals within that 10% are certainly at high risk of experiencing alcohol-related harms. A targeted approach to reduce alcohol consumption would reduce their risk, but would not necessarily reduce the overall harm experienced in society. This is because alcohol-related disease occurs with consumption levels far below that of the heaviest 'problem' drinkers, since there is no such thing as 'risk-free' intoxication.<sup>10</sup> For example, a 'hazardous drinker' can be someone who drinks to intoxication once a week but otherwise remains within recommended daily maximum limits.<sup>11</sup> Compared to high-risk drinkers, an individual who only occasionally gets intoxicated has a lower individual probability of negative

consequences, but these consequences do nonetheless occur.

Essentially, a small risk across a big group of people gives rise to more events than a higher risk across a smaller group of people. This is illustrated by alcohol-related hospitalisations and deaths not being restricted to the highest consumers.<sup>12</sup> This also explains the results of the SchARR modelling, which shows reductions in alcohol-related hospital admissions for *moderate* (i.e. those drinking within the recommended maximum limits) as well as hazardous drinkers, alongside major reductions in admissions for harmful drinkers.<sup>9</sup>

In addition, minimum pricing would be consistent with culture change messages and there is evidence suggesting it gains some support from on-sales retailers by creating a more level 'playing field' in the commercial setting (particularly regarding product discounting).

Minimum pricing is particularly effective for young drinkers, hazardous drinkers, and harmful drinkers, but is also expected to deliver benefits for moderate drinkers.<sup>1,4,6,7,9,9</sup>

### **Possible alternatives to the introduction of a minimum alcohol sales price as an effective means of addressing the public health issues surrounding levels of alcohol consumption in Scotland**

The most effective alcohol interventions all involve restricting the availability of alcohol. Increasing the price of alcohol is the intervention with the strongest evidence base.<sup>4</sup> Interventions with similar strength of evidence, such as prohibition, state monopoly of supply, and minimum legal drinking ages, may not be as cross-culturally acceptable as pricing interventions.<sup>4</sup> Therefore, while minimum pricing should not be seen as the sole answer to Scotland's alcohol problem, all other interventions have less evidence to support them.

Alcohol's availability should continue to be restricted by age, by limiting opening hours, and by limiting the geographical density of alcohol outlets.<sup>4</sup> Other interventions, such as restricting the strength of alcohol commonly available while limiting the availability of stronger alcohol drinks to fewer outlets could also be considered.<sup>4</sup>

The use of educational interventions, whether in the classroom, or via warning labels on alcohol products, does not offer as effective an alternative as minimum pricing.<sup>1,4</sup>

### **The advantages and disadvantages of introducing a social responsibility levy on pubs and clubs in Scotland**

There is a lack of research evidence on the possible effectiveness of a social responsibility levy.

The need for research in this area is supported.

### **The justification for empowering licensing boards to raise the legal alcohol purchase age in their area to 21**

Hazardous and harmful drinking is especially prevalent among young people.<sup>13,14</sup> Young people appear at particular risk of certain types of alcohol-related harms, including violent crime and drink-driving.<sup>4</sup> Minimum legal purchase ages have a broad evidence base that supports them as effective in reducing hazardous drinking among younger people.<sup>4</sup> Interventions that reduce young people's drinking and associated harms should be

supported. However, requiring licensing boards to apply this locally could result in perceived unfairness between communities. What would be the response to young people purchasing alcohol in a neighbouring area where such purchases are legal, and then returning with that to their own area where it was not? The question of level playing fields between different commercial businesses would possibly lead to no movement on this at local level.

In the absence of a national raising of the legal alcohol purchase age to 21, minimum pricing should be seen as the most effective evidence-based intervention shown to reduce young peoples' alcohol consumption and associated harmful consequences.<sup>1,7</sup>

### **The role of promotional offers and promotional material in encouraging people to purchase more alcohol than they intended**

Promotional offers are used by retailers to reduce the price of alcohol, and therefore increase demand. Banning off-sales price promotions appears effective at reducing alcohol consumption, and produces additional such reductions when used in conjunction with minimum pricing above 40 pence per unit.<sup>9</sup> Alcohol advertising and promotion encourages pro-drinking attitudes, and recruits young people in particular as new drinkers.<sup>1,4</sup> The more advertising and promotion young people see the more they drink in the future.<sup>4</sup>

The advertising and promotion of alcoholic products should be curtailed.

Thank you again for the opportunity to bring my views to the attention of the Committee.

Yours sincerely



**Dr Lesley Wilkie**  
Director of Public Health

<sup>1</sup> World Health Organization (2007) *WHO Expert Committee on Problems Related to Alcohol Consumption: Second Report* WHO: Geneva [http://www.who.int/substance\\_abuse/expert\\_committee\\_alcohol\\_trs944.pdf](http://www.who.int/substance_abuse/expert_committee_alcohol_trs944.pdf)

<sup>2</sup> Breakwell, C. et al (2007) Trends and geographical variations in alcohol-related deaths in the United Kingdom, 1991–2004 *Health Statistics Quarterly* 33: 6-24. [http://www.statistics.gov.uk/downloads/theme\\_health/hsg33web.pdf](http://www.statistics.gov.uk/downloads/theme_health/hsg33web.pdf)

<sup>3</sup> Scottish Government (2008) *Costs of Alcohol Use and Misuse in Scotland*. <http://www.scotland.gov.uk/Resource/Doc/222103/0059736.pdf>

<sup>4</sup> Babor, T. et al (2003) *alcohol: no ordinary commodity* Oxford University Press: Oxford

<sup>5</sup> Stockwell, T., Leng, J. & Sturge, J. (2006) Alcohol Pricing and Public Health in Canada: Issues and Opportunities *Centre for Addictions Research of BC* <http://carbc.ca/portals/0/resources/AlcPricingFeb06.pdf>

<sup>6</sup> Wagenaar, A.C. et al (2009) Effects of beverage alcohol price and tax levels on drinking: a meta-analysis of 1003 estimates from 112 studies *Addiction* 104: 179-190

<sup>7</sup> Ludbrook, A. (2004) *Effective And Cost-Effective Measures To Reduce Alcohol Misuse In Scotland: An Update To The Literature Review* Health Economics Research Unit, University of Aberdeen <http://www.scotland.gov.uk/Resource/Doc/35596/0012571.pdf>

<sup>8</sup> Ludbrook, A. (2008) *Minimum Pricing of Alcohol – An Economic Perspective*. Health Economics Research Unit, University of Aberdeen. <http://www.work-interactive-test.co.uk/UserFiles/File/Minimum%20Pricing%20of%20Alcohol%20-%20An%20Economic%20Perspective.doc>

<sup>9</sup> SchHARR (2009) *Model-Based Appraisal Of Alcohol Minimum Pricing And Off-Licensed Trade Discount Bans In Scotland* University of Sheffield <http://www.scotland.gov.uk/Resource/Doc/285795/0087053.pdf>

<sup>10</sup> Stockwell, T. (1996) Unraveling the preventive paradox for acute alcohol problems *Drug & Alcohol Review* 15: 7-15

<sup>11</sup> Babor T et al (2001) *The Alcohol Use Disorders Identification Test, Guidelines for Use in Primary Care*. WHO [http://whqlibdoc.who.int/hq/2001/WHO\\_MSD\\_MSB\\_01.6a.pdf](http://whqlibdoc.who.int/hq/2001/WHO_MSD_MSB_01.6a.pdf)

<sup>12</sup> Poikolainen, K. et al (2007) Alcohol and the preventive paradox: serious harms and drinking patterns *Addiction* 102: 571–578

<sup>13</sup> Scottish Health Survey (2008)

<http://www.scotland.gov.uk/Publications/2009/09/28102003/33>

<sup>14</sup> Singleton et al (2001) *Psychiatric morbidity among adults living in private households, 2000* TSO: London



## ABERDEEN LOCAL LICENSING FORUM

25 February 2010

### Grampian Police Visit

A number of members of the Forum expressed an interest in going out with Grampian Police patrols at the weekend to see for themselves the issues Police have to deal with as a result of excessive consumption of alcohol by some patrons of licensed establishments. Ken Eddie took part in a visit at the end of November, 2009 and he has submitted his comments for the information of the Forum. He spent five hours with the police from 10.00pm on a Saturday night until 3.00am learning about the command structure within Lodge Walk. Procedures were explained including fingerprinting and if required drug related procedures. Ken attended the Shift Change meeting where the latest information and worksheets were discussed. A visit to the Call Centre was undertaken where calls are prioritised. An interview with the officer in command of the deployment of resources was arranged and he explained the problems which can arise if all 80 police cells in the city are full and this then involves transporting people to Bucksburn, Stonehaven, Inverurie or Ellon. This arrangement can be time consuming and leads to the further commitment of scarce staff resources.

Ken visited a club to see the approach to operating the premises and maintaining control, he walked Union Street with plain clothed police officers and spent time in the fast response van dealing with problems communicated to the van by telephone/radio contact from door stewards. He observed that the Street Marshalls at taxi ranks and bus stops were working well and generally customers from public houses had left the city centre before customers from clubs came out looking for transport.

The curfew has added to the police workload and impacted adversely on the police budget. The 2.00am door queues can become rowdy. Confusion can be caused by smokers using the same doorway as customers waiting to gain entry. It would help reduce tension if there was a method of communicating to people in the queue that a club is full to encourage them to try to move to another club.

The fact that catering premises are open until 4.00am creates further problems for the police and earlier closing would perhaps be of assistance. The efforts of Street Pastors, emergency services and environmental/street cleaning should not be overlooked. Street cleaning staff only have a limited time to clear litter and other debris in time to have the city centre looking reasonable for when the public start arriving for work and retail related activities the next day.

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