

Public Document Pack



To: Vacant, Convener; Vacant, Vice Convener; and Dave Bliss, Craig Cole, Ken Eddie, Ed Fitzgibbon, Sandy Kelman, Diane Sande, Linda Smith, Emily Queen and David Wright.

Town House,
ABERDEEN, 04 December, 2013

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 4 - Town House on **WEDNESDAY, 11 DECEMBER 2013 at 2.00 pm.**

JANE MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

GENERAL BUSINESS

1. Appointment of Convener and Vice Convener
2. Minutes of Meetings of 11 September and 5 November (Pages 1 - 14)
3. Matters Arising
4. Membership Updates
 - 4.1 Vacancy - Scottish Fire and Rescue Service

Following the resignation of Garry Burnett as the representative of Scottish Fire and Rescue, the Forum is asked to confirm whether it wishes another representative to of SFRS to join the Forum.
 - 4.2 Representative of Licensed Trade - For discussion
 - 4.3 Youth Representative

Struan King of Aberdeen City Youth Council has indicated that the Youth Council would wish to send a representative to sit on the Forum. The Forum is asked whether it wishes to confirm this appointment, thus resolving the decision taken on 19 June to have a youth member from either the Youth Council or a city university. There has been no response from the former RGU representative.

5. Statement of Licensing Policy - Decision of Licensing Board
Further information to be provided at the meeting –
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=151&MId=3244&Ver=4>
6. Spikes in Trends with Alcohol - Police Scotland
7. Submission to Licensing Board on Review Hearings - Police Scotland
8. Training Programme in 2014 - Discussion
9. Chief Constable's Report to Aberdeen City Licensing Board for the Period 1 April 2012 to 31 March 2013 - for discussion (Pages 15 - 26)
10. Progress Statement

INTELLIGENCE (TO INFORM THE WORKING GROUP OF THE LICENSING FORUM)

LICENSING OBJECTIVE 1: PREVENTING CRIME AND DISORDER

- 11.1 Update from Police Scotland

LICENSING OBJECTIVE 2: SECURING PUBLIC HEALTH

- 11.2 Update from Licensing Standards Officer

LICENSING OBJECTIVE 3: PREVENTING PUBLIC NUISANCE

- 11.3 Update from Unight Representative (if possible)

LICENSING OBJECTIVE 4: PREVENTING AND IMPROVING PUBLIC HEALTH

- 11.4 Update from NHS Grampian and Alcohol and Drugs Partnership

LICENSING OBJECTIVE 5: PROTECTING CHILDREN FROM HARM

- 11.5 Update from Children's Services Representative

MATTERS ARISING

12. Any Other Competent Business

13. Dates for 2014

The Forum is asked to approve the following schedule of meetings for 2014 –

Wednesday 12th February at 2.00pm

Wednesday 23rd April at 2.00pm

Wednesday 18th June at 2.00pm

Wednesday 17th September at 2.00pm

Wednesday 19th November at 2.00pm

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Dmitry Gavin on 01224 52123 or email dgavin@aberdeencity.gov.uk

Substantive Members (voting)

Holders of premises licences and personal licences
<i>Vacant</i>
Chief Constable for the police area in which the Forum's area is situated
Inspector Ed Fitzgibbon
Persons having functions relating to health, education or social work
<i>Vacancy - Scottish Fire and Rescue Service</i>
Sandy Kelman, Aberdeen Alcohol and Drugs Partnership
Linda Smith, NHS Grampian
Craig Cole, Aberdeen Samaritans
Emily Queen, Community Safety Partnership
David Wright, Education Services Manager, Aberdeen City Council
Dave Bliss, Practice Improvement Officer, Children's Services, Aberdeen City Council
Young People
Struan King (Youth Council) <i>tbc</i>
Persons resident within the Forum's area
Ken Eddie, Aberdeen Civic Forum
Licensing Standards Officer
Diane Sande (or Tara-Erin Gilchrist)

Co-optees (non-voting)

Holders of premises licences and personal licences
George Wyatt
Craig Adams
William Christie
Persons having functions relating to health, education or social work
Street Pastors Representative – <i>to be confirmed</i>
Persons resident within the Forum's area
Allan McIntosh, Aberdeen Civic Forum
Other
Bob Westland, Door Security

**Aberdeen Local Licensing Forum
11 September 2013**

Members Present: Shelly Nicols, Vice Convener; and Dave Bliss, Ken Eddie, Craig Cole, Sandy Kelman, Linda Smith, Diane Sande and Emily Queen.

Co-optees Present: William Christie, Allan McIntosh and George Wyatt.

Also present: Vikki Cuthbert, Dmitry Gavin, Tara-Erin Gilchrist and Heather Wilson.

Apologies: Garry Burnett, David Wright and Sergeant Ed Fitzgibbon.

Item	Discussion	Action/Decisions	To be actioned by
1.1	Minutes of Previous Meetings of 19 June and 23 August, 2013	<p>The Forum discussed the minute of 23 August, particularly the submission to the Licensing Board on the Statement of Licensing Policy.</p>	<p>(1) Minutes approved as accurate</p> <p>(2) Noted following changes to membership</p> <ul style="list-style-type: none"> • Dave Bliss is now a permanent replacement for Kay Dunn. • Tara-Erin Gilchrist had been appointed as an additional Licensing Standards Officer (LSO) and would be in attendance at some future meetings, with Diane Sande as the substantive LSO member. • Gerrard Rattray had intimated his resignation as a co-optee. <p>(3) Further changes to the submission to the Board agreed as follows:-</p> <ul style="list-style-type: none"> • Add in references to Single Outcome Agreement, Adult Support and Protection Act and local authorities' power to promote wellbeing. • Additional changes proposed by Linda Smith.

Item	Discussion	Action/Decisions	To be actioned by
1.2	Minute Meeting with Licensing Board of 27 June, 2013	<ul style="list-style-type: none"> • Where the primary operation of a premises license is entertainment, that the main focus of advertising should not be alcohol sales. <p>(4) Agreed that future minutes would be action based with less narrative.</p>	
1.3	<p>None.</p> <p>Heather Wilson provided information on (1) the Alcohol and Parenting Don't Mix campaign; (2) the Is It Worth It? DVD which had been reissued to schools and community learning teams; and (3) work undertaken with colleges and universities to promote safer drinking.</p> <p>The Forum also discussed (1) the role of the Civic Forum in providing community intelligence relating to alcohol in the community; and (2) next steps to be taken in convening the Door Supervisors Working Group, which was to be convened after the summer recess, including whether Bob Westland could be a member of that group without being on the Forum.</p>	<p>Minute approved.</p> <p>(1) Agreed to adjust the format of the workplan to track decisions whilst linking them to the five licensing objectives.</p> <p>(2) Sandy Kelman and Linda Smith to provide feedback to Community Planning Aberdeen on the work being done by partners (NHS Grampian, Police Scotland, Scottish Fire and Rescue Service) in association with colleges and universities to promote safe drinking for the city's student population.</p> <p>(3) Discussion on the spikes in trends with alcohol to be deferred to the next meeting so as to ensure that Police Scotland can contribute.</p>	<p>Vikki Cuthbert</p> <p>Sandy Kelman and Linda Smith</p> <p>Vikki Cuthbert</p>

Item	Discussion	Action/Decisions	To be actioned by
		<p>(4) Ken Eddie to ask the Civic Forum to discuss ways in which it can offer intelligence to the Local Licensing Forum on alcohol in the community, with the assistance of a summary document from the Public Health Coordinator, to be supplied by Linda Smith.</p> <p>(5) Community Council Liaison Officer to be asked if community councils can be asked to add to agendas as a standing item – Alcohol in the Community.</p> <p>(6) Noted that Bob Westland could be a co-optee on the Door Supervisors Working Group, but would firstly need to be co-opted onto the Forum, and that it would not be appropriate to give him voting powers on that group unless he had the same on the Forum; and agreed to seek an update from Eric Anderson on the next meeting of the Working Group.</p> <p>(7) Agreed to delete the outstanding items under item (4) as these had been actioned.</p> <p>(8) Noted that the Children and Young Person's Referral Audit was nearing completion and likely to be published in December.</p>	<p>Ken Eddie</p> <p>Vikki Cuthbert/Karen Riddoch (CCLO)</p> <p>Vikki Cuthbert</p> <p>Vikki Cuthbert</p>

Item	Discussion	Action/Decisions	To be actioned by
1.4 Forum Constitution	The clerk outlined revisions being proposed to the Forum Constitution in light of the changes to membership agreed at the meeting on 13 June.	Agreed to accept the proposed revisions to the Forum Constitution.	Vikki Cuthbert
1.5 Request to add Bob Westland	The Forum was asked Vice-Convenor to agree to Bob Westland becoming a co-optee.	Agreed to add Bob Westland as a co-optee.	Vikki Cuthbert
1.6 Submission to the Licensing Board Review Hearings	The Forum noted that this had been raised at the recent joint meeting with the Board and that it had been agreed to refer it to this meeting to establish if the information provided had been sufficient, or whether an additional letter should be written to Eric Anderson.	Agreed to defer in the absence of a representative of Police Scotland.	Vikki Cuthbert
1.7 Licensing (Scotland) Act 2007 – Implementation of the Act by the Board		Item withdrawn by Vice-Convenor.	
1.8 Information from other Licensing Forums (LLFs)	The Forum had before it (1) a promotion leaflet produced by Aberdeenshire LLF; (2) a report produced by Dundee Alcohol and Drugs Partnership; and (3) a news article from Dundee's local Courier newspaper advertising for Forum members. This led to discussion on ways in which the Forum could better promote itself, not necessarily to attract new members but to help it to meet its	Agreed that the Vice-Convenor would write to the relevant department within Aberdeen City Council to ask if additional resource could be made available to assist the Forum in raising awareness, promoting and working towards its goals and developing a web resource (interactive if possible); and that if additional finance were needed to enable this that Community Planning Aberdeen be invited to gather partner contributions.	Vice-Convenor with the assistance of Vikki Cuthbert

Item	Discussion	Action/Decisions	To be actioned by
1.9	<p>obligations under the 2005 Act. Meetings of the Forum were open to the public, but not generally attended in this way, and awareness of the Forum and its role were felt to be relatively unknown. An interactive web resource could assist with this, although it was noted that additional work of this nature may not be possible within the existing resource allocated by Aberdeen City Council.</p> <p>The clerk explained that training of Forum members had been mentioned in the questionnaire returns earlier in the year, and asked if there was support for a programme of training.</p>	<p>(1) Agreed to the production of a training programme for Forum members (and co-optees), and that this include in the first instance information sessions on (1) the relevant legislation; (2) personal licences; (3) the Alcohol and Drugs Partnership; and (4) admissions to Accident and Emergency.</p> <p>(2) Agreed that, as there was no training budget, the programme would rely on members and co-optees themselves to provide and source the relevant training; and that former member Gerrard Rattray be asked to provide some training on personal licences in the first instance.</p>	George Wyatt to discuss with Gerrard Rattray
1.10	<p>The Vice-Convenor explained that responses to the current Scottish Government Consultation on the Regulation of Sexual Entertainment Venues were due by 25 September, and</p>	<p>Agreed that Forum members should consider submitting individual responses, rather than submitting a response on behalf of the Forum, but that anyone doing so should identify themselves as a member of</p>	All members

Item	Discussion	Action/Decisions	To be actioned by
2.1	Preventing Crime and Disorder	encouraged all those present to submit a response.	the Forum in their submission.
2.2	Securing Public Safety - Update from Licensing Standards Officer	<p>Diane Sande advised that since the last meeting three complaints' notices had been issued, two for on-sales venues and one for off-sales. Thirty-five visits had been undertaken to both on and off-sales premises, both routine and unannounced, and one venue had been closed temporarily. Advice had been provided to venues on a regular basis, mediation meetings were still taking place, and monthly meetings between the LSOs, Police Scotland and the Noise Pollution Team had recommenced. The LSOs had attended the Licensing Conference earlier this week, and the next Licensing Board meeting would take place on 8 October.</p> <p>Diane introduced Tara-Erin Gilchrist, the new Licensing Standards Officer, who spoke about her background in the warden service prior to being appointed as a LSO.</p>	<p>No updates.</p> <p>Update noted.</p>
2.3	Preventing Public Nuisance		No updates.

Item	Discussion	Action/Decisions	To be actioned by
2.4	Protecting and Improving Public Health	It was noted that the update had been provided under item 1.3 above.	
2.5	Protecting Children from Harm	It was noted that the update had been provided under item 1.3 above.	
3.1	Any Competent Business Other		
3.2	Date of Next Meeting	The Forum (1) received an update on the National Licensing Conference held earlier in the week, attended by Diane Sandy and Tara-Erin Gilchrist; and (2) was advised by George Wyatt that there had been coverage of the Forum's submission to Licensing Board on the Statement of Licensing Policy, in the recent edition of Scottish Licenced Trade News.	
	Wednesday 20 November at 2.00pm. (later changed to 5 November at 2.00pm)		

This page is intentionally left blank

LOCAL LICENSING FORUM

Tuesday 5 November 2013

Members Present: Linda Smith, Acting Convener; and Dave Bliss, Ken Eddie, Tara-Erin Gilchrist, Emily Queen, Heather Wilson (as substitute for Sandy Kelman) and Bill Christie (as substitute for Shelly Nicols, representing the licensed trade).

Also present: Grace Ball, NHS Grampian; and Vikki Cuthbert.

Apologies: Shelly Nicols, David Wright and Sandy Kelman.

APPOINTMENT OF CONVENER

1. In the absence of a Convener or Vice Convener, the Forum appointed Linda Smith as Acting Convener.

DEFERRAL OF BUSINESS

2. In light of the small number of members in attendance and the pressing issue of responding to the Licensing Board on its further consultation on the Statement of Licensing Policy (SLP), the Forum agreed to defer all items of business except for the SLP consultation response, and to convene a further meeting in early December to allow the other items of business to be dealt with.

LICENSING BOARD DRAFT STATEMENT OF LICENSING POLICY – CONSULTATION RESPONSE

3. With reference to its meetings of 23 August and 11 September, 2013, the Forum had before it the Licensing Board's draft Statement of Licensing Policy for the purposes of agreeing a response to the further consultation. The Board had agreed at its meeting on 8 October, 2013 to hold a further short period of consultation, closing on 12 November, and had accordingly issued a copy of the draft review of the SLP. The Forum had been included in this circulation and had this before it for consideration.

The Acting Convener explained that the purpose of the meeting today was to agree a response from the Forum as part of this extended consultation, focusing particularly on the comments and queries raised by the Board when it had considered the Forum's first submission, agreed on 23 August and amended on 11 September. The Forum should therefore focus on these queries and comments and agree whether it wished to respond to them and if yes, how it wished to

respond. Whilst the Forum did have access to the submissions made by other bodies and organisations, it should restrict itself to the Forum submission alone. Following the meeting, the response would be sent round the members present here today to ratify the exact wording to be used.

The Forum resolved:-

to approve a response to the extended consultation, as outlined in the appendix to this minute.

- **LINDA SMITH, Acting Convener.**

Issue	Query/comment from Licensing Board	Response from Forum
Overprovision	None directly to the Forum.	Reiterate original submission from the Forum in relation to overprovision, with no further evidence to be added to the statistics provided by the Forum on proximity to premises; and ask that the Board undertake consultation with communities over the next 12 month period to establish what provision those communities think is required in terms of both on and off-sales.
Licensed Hours	Explanation required to justify recommendation that opening hours should be amended (opening time to be amended from 10am to 11am).	Noted the insertion of the word “maximum”. Retain submission that opening time be amended to 11am and explain that it was intended that this revision address the issue of overall provision and availability, and the resultant impact from a ‘harm’ perspective, however to acknowledge that provision is made within the policy for a 14 hour maximum, and to emphasise that the Forum would not wish the terminal hour to be extended as a result of a later opening time.
CCTV	The Forum had asked that the Board look at whether CCTV radio link should be introduced for all premises as good practice and is unclear why outside seating areas are excluded from CCTV and asks the Board to review its position in this area, however, the Board states that the policy already recommends CCTV or membership of Radiolink to be introduced as control measures where appropriate. Moreover, these measures may not necessarily be appropriate for all licensed premises.	The Forum takes the view that it is best practice to recommend use of CCTV in all premises (on and off sales) as it relates to all the licensing objectives, but particularly Preventing Crime and Disorder, Securing Public Health and Protecting Children from Harm. It also affects Public Health and Public Nuisance, albeit to a lesser degree. This view also supports the comments made by the Forum in its first submission to the Board about making alcohol less visible to children/public at front of premise. The Forum has also identified concerns about increased theft especially with smaller premises; the concern is that some measures for

		<p>CCTV are expensive and potentially become a disincentive to use, thus premises holders may revert back to measures that impact on other licensing objectives, especially Protecting Children from Harm. The Forum therefore wishes to know how the Board would intend to ensure this circular is effectively resolved in conjunction with police and/or LLF to ensure decisions can be balanced across the relevant licensing objectives.</p>
<p>Protecting Children from Harm</p>	<p>(a) The Forum asked that the title of paragraph 28 be amended to include “Vulnerable Groups” – rejected by the Board as the licensing objective is statutorily based and cannot be changed.</p> <p>(b) The Forum asked for further amendments in relation to the Adult Support and Protection (Scotland) Act 2007 – Board response that this cannot be included in this paragraph and asks why this should be included in the policy and in relation to which licensing objective.</p>	<p>(a) Noted.</p> <p>(b) Reference is made in the policy to the Human Rights and Equalities etc Acts and it is requested that reference also be made within the same section of the policy to the UN Convention on the Rights of the Child. Although there is a conflict between the wording of the 2005 Act which defines a child as someone under 16 and the UNCRC which asserts that a child is someone up to 18, the Forum would encourage the Board as an administrative authority to comply with the UNCRC and to recognise the best interests of young people aged 16 and 17 alongside other children in its decision making. The Forum would also encourage the Board to recognise that the implementation of the Adult Support and Protection (Scotland) Act 2007, subsequent to the 2005 Act has extended the same level of protection and consideration for children’s needs to other vulnerable groups. Whilst they are not explicitly covered by the Licensing</p>

	<p>(c) The Forum asked that paragraph 28.1 include reference to “children <i>and families</i>” – accepted by the Board.</p> <p>(d) The Forum asked that paragraph 28.1 include reference to “adult entertainment <i>or gambling</i>” – accepted by the Board.</p> <p>(e) The Forum asked for a new paragraph on protecting children and vulnerable adults in regard to off-sales – the Board states that no justification has been given and that the reference to vulnerable adults cannot fall under the Protecting Children from Harm objective.</p>	<p>Objectives, the Forum believes that the interests of these groups should be recognised within the Licensing Policy.</p> <p>(c) Noted.</p> <p>(d) Noted.</p> <p>(e) The justification offered is that promoted visibility of licensed products in the off-sales environment increases the chance of these goods being seen as a convenient grocery item, which in turn increases consumption, contrary to health recommendations for sensible drinking within nationally recognised limits.</p>
Single Outcome Agreement (SOA)	The Board has added in reference to the SOA as requested.	The Forum asks that the reference in paragraph 1.2 of the policy as redrafted refer to the 10 year vision of the SOA, and that the reference at paragraph 2.8 be inserted instead between paragraphs 2.7 and 2.8.
Protecting and Improving Public Health	<p>(a) The Board states that the line “The Board wishes to see premises thriving in the city” can be removed if necessary.</p> <p>(b) The Board has agreed to add that it supports the Health and Wellbeing outcome in the 2013 SOA.</p> <p>(c) The Board does not need to change “Public Health and Wellbeing” to “Protecting and</p>	<p>(a) Reinforce that this is necessary.</p> <p>(b) Noted.</p> <p>(c) Noted.</p>

	Improving the Public's Health" as the first line in this paragraph has been removed.	
Provision of Hard Copies	The Board states that it will be expensive exercise to provide hard copies to all licence holders.	The Forum asks that email is used wherever possible for on and off-sales premises, to ensure that all of them receive a copy of the policy.
Reference to Objectives	The Forum wishes stronger reference to the purpose of the five licensing objectives within the policy. The Board wishes to know how this could be achieved.	The Forum asks that reference is made in the preamble to the document and that this explain that the licensing objectives providing a framework for the Board's decisions.
Adult Support and Protection (Scotland) Act 2007 and UN Convention on the Rights of the Child	The Forum wishes reference to be made to the Adult Support and Protection (Scotland) Act 2007 and also quotes from the UN Convention on the Rights of the Child. The Board wishes further explanation of why these references should be made.	The Forum believes that as an administrative authority the Board has a duty to comply with the UNCRC and reference to the Convention should therefore be included in the Policy. See above re 2007 Act.
The Forum <u>recommends</u> that reference to 'young people' alongside 'children' is essential in order for the Board, as an administrative authority, to comply with its duty under the UNCRC to act in the best interests of all children aged up to 18.		
Subject to the above responses and modifications, the Forum <u>reaffirms</u> its earlier response to the consultation. Any lack of reference in the above responses to a comment or query from the Licensing Board should be taken as acceptance by the Forum of the changes made or the explanation provided by the Board in its further consultation.		

Date: 01.10.2013
Our Ref: K603/CC

The Chair of the Licensing Forum

Liquor & Civic Licensing Policy Unit
Licensing & Violence Reduction Division
173 Pitt Street
Glasgow
G2 4JS

Tel: +44 (0)141 532 5865
E-mail: LiquorCivicLicensingPolicyUnit@scotland.pnn.police.uk

Dear Sir or Madam,


**LICENSING (SCOTLAND) ACT 2005, SECTION 12A:
CHIEF CONSTABLES' REPORT TO THE LICENSING BOARD & FORUM**

I refer to the above legislation, which provides that the Chief Constable should provide a report to the Licensing Board and Forum at the end of the financial year that sets out the following information;

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

I am pleased to enclose the Chief Constable's report for the year April 2012 to March 2013 for the information of the Board. I would be happy to arrange for an officer to attend a meeting of the Licensing Forum to discuss the report should this be required.

Yours faithfully



John Thomson
Chief Superintendent
Licensing & Violence Reduction Division

This page is intentionally left blank



**POLICE
SCOTLAND**
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO
ABERDEEN CITY LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31ST March 2013**

Foreword

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

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

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

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

Steve House
Chief Constable

ABERDEEN CITY LICENSING BOARD AREA

Police Service of Scotland Priorities

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

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

Aberdeen City Division Policing Priorities

Following our public consultation process, the policing priorities for Aberdeen City Division, as set out in our Local Policing Plan are as follows;

- Reduce Acquisitive Crime
- Tackle Antisocial Behaviour
- National Security
- Protecting People
- Safer Roads
- Tackle Serious and Organised Crime
- Reduce Violent Crime

Senior Officers

The senior officers who hold responsibility for licensing within the Aberdeen City Division area are as follows;

Chief Superintendent Watson
Superintendent Milton
Chief Inspector MacKay
Inspector Fitzgibbon
Sergeant Skinner

Divisional Commander
Superintendent
Chief Inspector - Partnerships
Inspector - Divisional Co-ordination Unit
Divisional Co-ordination Unit (Licensing)

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

Introduction

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

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

Consultation and Review processes

Breakdowns of licensing applications, interventions and review applications received by Aberdeen City Division are contained within Appendix A of this report.

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

The Intervention process

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

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

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

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

NOT PROTECTIVELY MARKED

The Licensing Department within Aberdeen City Division devote considerable time to making enquiries into applications under the 2005 Act and act with all diligence to mitigate risks surrounding the threat of criminal activity from organised crime groups.

The Licensing Department will continue to foster positive working relationships with premises licence holders and their employees, regularly attending meetings with

- Aberdeen Licensing Forum
- Aberdeen City Council Licensing Standards Officers
- Unight Aberdeen
- Aberdeen Weekend Partnership and associated sub committees
- The Purple Flag Working Group
- Door Stewards' Working Group

Within the reporting period there has been a marked reduction in recorded incidents taking place within licensed premises as can be seen in the table below:

	2010	2011	2012	2013 to date
Incidents in Licensed Premises	2304	2160	1556	557
Police Visits to Licensed Premises	2235	2053	2196	1268

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

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

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

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

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

NOT PROTECTIVELY MARKED

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue.

Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

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

Introduction

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

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

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

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

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

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

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

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

NOT PROTECTIVELY MARKED

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

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

NOT PROTECTIVELY MARKED

Appendix A

Aberdeen City Division
Summary of Policing in connection with the operation of the
Licensing (Scotland) Act 2005

Applications for a Premises Licence Review		Total
Premises Licences (Sec 36)	On sale	7
	Off sale	0
Personal Licences (Sec 84A)	On sale	0
	Off sale	0

Interventions		Total
Premises Interventions	On sale	9
	Off sale	0
No. of interventions which led to a review application		7
No. of interventions where no further action was required		2

Test Purchasing Operations		Total
Number of Test Purchases conducted		0
Number of first failures		0
Number of second failures		0
Number of Premises Licence Review applications based on Test Purchase failure		0
Number of Personal Licence Review applications based on Test Purchase failure		0

Number of offences reported to COPFS		Total
Section 63 (allowing consumption outwith permitted hours)		1
Section 102 (sale of alcohol to a child)		4
Section 105 (sale on behalf of a child)		5
Section 111 (drunk persons within licensed premises)		55
Section 114 (DPM, staff not to be drunk)		3
Section 115 (1) (Drunk person on premises engaging in disorderly conduct)		143
Section 115 (2) (Responsible person allowing drunkenness or disorderly conduct)		7
Section 116 (Refusal to leave licensed premises)		177

This page is intentionally left blank