

Public Document Pack



To: Inspector Kenneth McGeough, Convener; and Peter Benton, Barbu Dragosflorin, Ken Eddie, Tara-Erin Gilchrist, Laura MacDonald, Shamini Omnes, Emily Queen, Diane Sande and Miriam Smith.

Town House,
ABERDEEN, 16 May 2017

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **WEDNESDAY, 24 MAY 2017 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Minute of Meeting of 5 April 2017 (Pages 5 - 14)
- 2 Matters Arising
- 3 Membership Updates

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

- 4 Future Approach of Local Licensing Forum
- 5 Preparation for Joint Meeting with Licensing Board
- 6 Health Impact Assessment

LICENSING OBJECTIVE 1 : PREVENTING CRIME AND DISORDER

7.1 Update from Police Scotland

LICENSING OBJECTIVE 2 : SECURING PUBLIC SAFETY

7.2 Update from Licensing Standards Officer

LICENSING OBJECTIVE 3 : PREVENTING PUBLIC NUISANCE

7.3 Update from Unight Representative

LICENSING OBJECTIVE 4 : PROTECTING AND IMPROVING PUBLIC HEALTH

7.4 Update from NHS Grampian and Alcohol and Drugs Partnership

LICENSING OBJECTIVE 5 : PROTECTING CHILDREN FROM HARM

7.5 Update from Children's Services Representative

8 Progress Statement (Pages 15 - 18)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Iain Robertson, tel. 01224 522869 or email iairobertson@aberdeencity.gov.uk

Substantive Members (voting)

Holders of premises licences and personal licences
Vacant
Chief Constable for the police area in which the Forum's area is situated
Insp Kenneth McGeough, Police Scotland, <u>Convener</u>
Persons having functions relating to health, education or social work
Shamini Omnes, NHS Grampian
Peter Benton, Aberdeen Samaritans
Emily Queen, Community Safety Partnership
Miriam Smith, Education and Children's Services, Aberdeen City Council
Young People
Barbu Dragosflorin, Aberdeen City Youth Council
Persons resident within the Forum's area
Ken Eddie, Aberdeen Civic Forum
Licensing Standards Officer
Diane Sande (or Tara-Erin Gilchrist)
Community Councils
Laura MacDonald

Co-optees (non-voting)

Holders of premises licences and personal licences
William Christie
Adrian Gomes
Persons having functions relating to health, education or social work
Heather Wilson, NHS Grampian

This page is intentionally left blank

LOCAL LICENSING FORUM

2pm, Wednesday 5 April 2017

Town House, Aberdeen

Members present: Sandy Kelman (Alcohol and Drugs Partnership) Convener; and Peter Benton (Aberdeen Samaritans), Ken Eddie (Civic Forum), Tara-Erin Gilchrist (Licensing Standards Officer), Insp Kenneth McGeough (Police Scotland), Shamini Omnes (Aberdeen City Health and Social Care Partnership) and Miriam Smith (Education and Children's Services, Aberdeen City Council (ACC)).

Also present: Peter Lees (Community Safety Partnership), Sandy Munro (Legal Licensing Team, ACC), Iain Robertson (Clerk, ACC) and Heather Wilson (Public Health).

	Item	Discussion	Action / Decisions	To be actioned by
1	<u>Minute of Meeting of 25 January 2017</u>	Shamini Omnes (Aberdeen City Health and Social Care Partnership) requested a revision be made to item 5 (Health Impact Assessments).	To revise item 5 (Health Impact Assessments) to read ' <i>to request that Dr Shivaji present draft terms of reference on the Health Impact Assessments to the Forum's next meeting on 5 April 2017</i> '; and Otherwise approve the minute as a correct record.	I Robertson I Robertson
2	<u>Matters Arising</u>	With reference to item 2 (Minute of Previous Meeting), the Clerk advised that Stuart McPhee and Leanne McGowan had written to him to resign as members of the Forum; With reference to item 6 (Refresh of Scottish Government's Alcohol Strategy), to note that ADP submitted their consultation response to the Scottish Government on the refresh of the National Alcohol Strategy, and to highlight that Aberdeen Youth Council contributed to this response;	To note that Stuart McPhee and Leanne McGowan had resigned as members of the Forum; To request an update on the next scheduled licensing training event for community councils; and Otherwise note the information provided.	I Robertson T.E Gilchrist/D Sande

	Item	Discussion	Action / Decisions	To be actioned by
		<p>With reference to item 7 (Community Council Training), the Convener confirmed that he had written to the Convener of the Licensing Board on the development of an Overprovision Policy and noted that Sandy Munro (Legal Licensing Team, ACC) was present at today's meeting to provide an update; and</p> <p>With reference to item 10 (Update from UNIGHT), the Clerk advised that he had liaised with Stuart McPhee to provide UNIGHT members with information on the Forum's purpose, remit and objectives. Emily Queen (Community Safety Partnership) informed the Forum that the UNIGHT Board would meet on 6 April 2017 and Forum representation would be discussed.</p>		
3	<u>Licensing Board Response to Licensing Forum Recommendations</u>	<p>Sandy Munro (Depute Clerk to the Aberdeen City Licensing Board) advised that the Legal Licensing team was preparing to review the Statement of Licensing Policy (SLP) and they had welcomed the Forum's feedback. He noted that nothing would be off the table and the Forum's views would be taken into consideration during development of the SLP. Thereafter Mr Munro provided a response to each of the Forum's recommendations as outlined in correspondence dated 13 January 2016:-</p> <p>With regards to the Aspirational Statement, the Convener advised that the Board's first draft was not particularly aspirational and asked if this would be reviewed. Mr Munro suggested that this would be looked at with the aim of aligning the statement and the SLP more closely to the five licensing objectives;</p>	<p>To note the information provided;</p> <p>To request an update on the implementation of an interim Overprovision Policy and the development of a new SLP at the Forum's meeting on 6 September 2017; and</p> <p>To thank Mr Munro for his correspondence and participation at today's meeting.</p>	

	Item	Discussion	Action / Decisions	To be actioned by
		<p>With regards to the Policy Statement/Language, Mr Munro confirmed that the use of plain English would be favoured wherever possible but there may be occasions where the use of statutory language may be unavoidable;</p> <p>With regards to the website, Mr Munro explained that the Legal Licensing team would have an input on the overhaul of its City Council webpage, but noted that they would not have administrative control as this resided with colleagues in IT and Transformation. Heather Wilson (Public Health) suggested that the Licensing Team consider a test of change initiative whereby service users could examine the accessibility of the website;</p> <p>With regards to Baseline Setting, Mr Munro advised that the Board would have to prepare an annual performance report as per S9A of the Licensing (Scotland) Act 2005 and highlighted the development of a performance management framework would be dependent on the formatting of the SLP and guidance received from the Scottish Government. Forum members noted that it would be important to develop indicators that were relevant and measurable; and allowed performance to be compared on a year to year basis and with other Licensing Boards. Mr Munro informed the Forum that direct comparisons with other Boards would be methodologically challenging due to the different policies adopted throughout Scotland and noted that at present the Legal Licensing team did not have a dedicated performance analyst within their team to quality check, monitor and analyse data on an ongoing basis.</p>		

	Item	Discussion	Action / Decisions	To be actioned by
		<p>With regards to Board Decisions, the Convener spoke of his perception that issues raised at Board meetings were not always reflected in the conditions of the license and he pointed to applicants volunteering to abide by certain conditions or restrictions during presentations to the Board which were subsequently not included within the Board's decision. Mr Munro advised that as part of the SLP refresh they would be reviewing decision making procedures to increase the clarity of the process. He added that all licenses had to meet mandatory conditions and some had to meet additional local conditions which were at the discretion of the Board to include within the conditions of a license;</p> <p>With regards to Distance Between Premises/Shelf Space, Mr Munro explained that there may not be sufficient time to integrate these conditions into the interim Overprovision Policy but advised that they would be considered during the review of the next SLP; and</p> <p>With regards to Surveys, Mr Munro confirmed that community councils were statutory consultees for all new licenses and variations to existing licenses. He advised that the weight placed on an applicant's survey of community support would be for each Board member to determine but emphasised compliance with the SLP was mandatory.</p>		
4	<u>Community Safety Partnership Licensing Performance</u>	Peter Lees (Community Safety Partnership) provided an overview of year on year performance in Torry with regards to Anti-Social Behaviour Offences; Anti-Social	<p>To note the report;</p> <p>To request performance information on the</p>	P Lees/E Queen

	Item	Discussion	Action / Decisions	To be actioned by
	<u>Report</u>	<p>Behaviour Sobriety; Common Assault; Common Assault Sobriety; and Serious Assault.</p> <p>With regards to Anti-Social Behaviour Offences, 127 incidents had been recorded in the year to date in comparison to 151 at the same stage last year, and against a three year average of 149 incidents;</p> <p>With regards to Anti-Social Behaviour Sobriety, offenders were at their most sober in 2016-17 with 46.6% assessed as not being under the influence of any substance and there has been steady improvement in this indicator since 2013-14;</p> <p>With regards to Common Assault, the number of incidents had fallen by 13% in comparison to the same period in the previous year;</p> <p>With regards to Common Assault Sobriety, the level of drunkenness continued to fall in line with trend. In 2014-15 sobriety was recorded during 59% of incidents in comparison to 75% in 2016-17, although Mr Lees highlighted that a low response rate in 2014-15 may have impacted on the representatives of the data; and</p> <p>With regards to Serious Assault, 5 assaults had been recorded during 2016-17 in comparison to 11 assaults the previous year.</p> <p>Thereafter there was discussion on the link between the number of licensed premises operating in Torry and the proportion of alcohol related incidents. Mr Lees and Ms Queen advised that a clear link would be difficult to determine and highlighted a number</p>	<p>breakdown of victims and perpetrators of alcohol related incidents in Torry in the past five years by age; and</p> <p>To thank Mr Lees and the Community Safety Partnership for their intelligence led work.</p>	

	Item	Discussion	Action / Decisions	To be actioned by
		of factors which had contributed towards the improvement in performance including initiatives at community and city level involving organisations such as the Torry Alcohol Action Group and Safer Aberdeen.		
5	<u>Institute of Alcohol Studies Report</u>	The Convener explained that the report had concluded that less spend on alcohol would not harm the overall economy when the benefits of tax and employment in the licensed sector were weighed against the cost of alcohol abuse to the NHS and other public services. The Forum reiterated the report's message that business cases should not be taken into account during consideration of licenses at Board meetings.	To note the report.	
6	<u>Alcohol Focus Scotland Report: Promoting Good Health From Childhood</u>	<p>The Convener advised that the report focussed on the marketing of alcohol to young people and concluded that there was evidence to suggest that advertisers had targeted messages for younger audiences through social media. Thereafter the Forum discussed the report and members noted that most of the report's recommendations had been addressed to government and it was felt that some recommendations may also be directed to other partners with an interest in licensing and public welfare.</p> <p>The Forum acknowledged that there were multiple factors which contributed to young people abusing alcohol and so multiple ways to tackle the issue had to be adopted. These would include the involvement of families, schools and communities; as well as bespoke one on one interventions.</p>	To note the report.	
7	<u>Implementing a</u>	The Convener highlighted the report's	To note the report.	

	Item	Discussion	Action / Decisions	To be actioned by
	<u>Public Health Objective for Alcohol Licensing in Scotland</u>	conclusions that economic development, and prior values and beliefs were still significant factors for Licensing Board members when making decisions on licensing applications and noted that it would take time for Public Health to become established as a routine consideration at Board meetings.		
8	<u>Update from Police Scotland: Licensing Objective 1: Preventing Crime and Disorder</u>	<p>Insp McGeough advised that the Police's Licensing team had continued its operational approach to licensing and worked closely with colleagues in the Community Policing Team. He informed the Forum that they had agreed a date with Aberdeen City Council to meet the new Licensing Board members after the Council elections in May to brief them on the Police's perspective and approach to licensing matters; and what input they could expect from Police Scotland at Board meetings.</p> <p>Insp McGeough provided further updates on Alcohol Brief Interventions; the links between shop lifting and public order, and noted that this was a greater issue in the Central Belt than in Aberdeen City; and the correlation between alcohol consumption and domestic abuse.</p>	To note the update.	
9	<u>Update from Licensing Standards Officer: Objective 2: Securing Public Safety</u>	Tara-Erin Gilchrist explained that LSOs continued to work well with its partners and had held meetings with the Council's Legal Licensing team to discuss a refresh of their Service Level Agreements. Ms Gilchrist also noted that the LSO Annual Report was in development but presentation to the Forum would be dependent on the Licensing Board's schedule.	<p>To request an update on the development of the LSO Annual Report; and</p> <p>Otherwise note the update.</p>	T.E Gilchrist/D Sande

	Item	Discussion	Action / Decisions	To be actioned by
10	<u>Update from Unight Representative: Licensing Objective 3: Preventing Public Nuisance</u>	Emily Queen advised that UNIGHT were due to hold their Annual General Meeting on 25 April 2017 in which appointments to outside bodies such as the Forum would be discussed.	To encourage UNIGHT to nominate a colleague for membership of the Forum; and Otherwise note the update.	E Queen
11	<u>Update from NHS Grampian and Alcohol and Drugs Partnership: Licensing Objective 4: Protecting and Improving Public Health</u>	Shamini Omnes explained that a draft terms of reference for Health Impact Assessments had been produced to inform the Licensing Board's development of its new Statement of Licensing Policy, and she suggested that the Forum be used a steering group to advise on the refinement of the terms of reference. She explained that NHS Grampian had allocated resource to support this workstream and Forum members would only be required to provide feedback and make recommendations for improvement to the support officer who would then action these suggestions.	To request that the draft Health Impact Assessment terms of reference be circulated to Forum members to enable them to contribute to its development; and Otherwise note the update.	S Omnes/I Robertson
12	<u>Update from Children's Services Representative: Licensing Objective 5: Protecting Children from Harm</u>	No update.		
13	<u>Progress Statement</u>		To note the Progress Statement.	

	Item	Discussion	Action / Decisions	To be actioned by
		<p>The Clerk referred to the Agenda Annex on today's agenda and asked if the Forum was content to nominate the members recorded therein for submission to the statutory Council meeting on 17 May 2017. All members were nominated, with the exception of Leanne McGowan who had recently resigned from the Forum; and Sandy Kelman who advised that he would also be stepping down from the Forum.</p> <p>Thereafter the Convener thanked Mr Kelman for his leadership of the Forum and for the knowledge and enthusiasm he brought to the role. On behalf of the Forum, the Convener wished Mr Kelman well for the future.</p>	<p>To nominate the following members for the consideration of Aberdeen City Council at its statutory meeting on 17 May 2017:-</p> <p>Peter Benton (Aberdeen Samaritans); Barbu Dragosflorin (Aberdeen Youth Council); Ken Eddie (Aberdeen Civic Forum); Tara-Erin Gilchrist/Diane Sande (Licensing Standards Officers, ACC); Laura MacDonald (Community Councils); Insp Kenneth McGeough (Police Scotland)</p> <p><u>Convener :</u> Shamini Omnes (Aberdeen City Health and Social Care Partnership); Emily Queen (Community Safety Partnership); and Miriam Smith (Education and Children's services, ACC); and</p> <p>To thank Sandy Kelman for his leadership of the Forum and to wish him well for the future.</p>	I Robertson
15	<u>Date of Next Meeting</u>	<p>24 May 2017. <u>ALEXANDER KELMAN, Convener</u></p>	To note the date.	

If you require any further information about this minute, please contact Iain Robertson, tel. 01224 522869 or email iairobertson@aberdeencity.gov.uk

ABERDEEN LOCAL LICENSING FORUM

PROGRESS STATEMENT – 24 May 2017

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.

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
Items relating to all Licensing Objectives					
1.		<u>Statistical Information</u> To receive reports from the Licensing Board containing relevant statistical information.	The Forum and Board will continue to liaise at joint meetings.	All	All objectives

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
2.	8 June 2016 (Joint Licensing Meeting)	<p><u>Statement of Licensing Policy Refresh</u></p> <p>The Forum discussed their initial consultation response with members of the Licensing Board ahead of the development of the refreshed Statement of Licensing Policy.</p>	The Joint Meeting considered a letter from the Convener of the Licensing Forum to the Convener of the Licensing Board dated 13 January 2016 which outlined the Forum's recommendations to the Licensing Board as per Section 10 of the Licensing (Scotland) Act (2005).	All	All objectives
3.	11 February 2015	<p><u>Alcohol and Young People</u></p> <p>The Forum considered whether attitudes towards alcohol have changed amongst younger people and the Convener requested a presentation for a future workshop on what young people think of alcohol and their experiences of its use and impact.</p>		Young Person's Representative to the Forum	All Objectives
4.	18 November 2015	<p><u>Youth Justice Monitoring</u></p> <p>The Forum requested that Sgt Flett provide an update on the monitoring arrangements and research conducted by the Youth Justice team on how young people accessed alcohol.</p>	<p>Sgt Flett provided an update on 12 January 2016 and advised that there was no clear mechanism in place to retrieve the requested data but discussions were ongoing between Police Scotland the Youth Justice Team on how to achieve greater alignment.</p> <p>On 8 November 2016, Miriam Smith advised the Forum that data could be made available through the Responsible Group which the</p>	Police Scotland representative to the Forum	Licensing Objective 1: Preventing Crime and Disorder; and Licensing Objective 5: Protecting Children from Harm

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
			Convener was a member of. This would ensure there was no duplication of information or resource.		
5.	13 September 2016	<p><u>LSO Annual report 2015-16</u></p> <p>The Forum requested that the LSO Annual Report 2015-16 be presented to the Forum with an indicative submission date of mid-2017.</p>		D Sande/T-E Gilchrist	All Objectives
6.	13 September 2016	<p><u>Convener's Letter to the Licensing Board</u></p> <p>The Forum instructed the Convener to correspond with the Convener of the Licensing Board to invite a Board representative to the Forum's next meeting to provide a progress update in relation to issues raised at the Joint Meeting.</p>	An update was provided by the Council's Legal Licensing team on 5 April 2017.	S Kelman	All Objectives
7.	13 September 2016	<p><u>Referral System in Torry</u></p> <p>The Forum requested an update on the development of a referral system for individuals who had been banned from licensed premises in the self-policing scheme in Torry due to issues related to alcohol abuse.</p>	An update was provided by the Community Safety Partnership on 5 April 2017.	P Lees	All Objectives

