

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING FORUM held in the Council Chamber, Council Headquarters, Newtown St Boswells on 26 November 2013 at 4.30 p.m.

Present: M. Ballantyne (Convener) S. Bell, N. Gillies, M. Hay, G Todd, Chief Inspector K. Simpson, I. Tunnah, S. Walker.
Apologies: A. Craig, A. Isles.
In Attendance: Democratic Services Officers (J. Turnbull).

ORDER OF BUSINESS

1. As there was a time constraint the Convener suggested that Item No. 8 – ‘Chief Constable’s Report to the Scottish Borders Licensing Board’ be deferred until the next meeting.

DECISION:

Noted.

LOCAL LICENSING CONFERENCE

2. Members discussed the evaluation sheets and agreed to add the definition for scores 1 to 5 (1 being “Not very useful” and 5 being “Very useful”). The evaluation feedback had been positive and delegates had felt that they were being listened to. The post-it-notes that were collected at the conference contained a number of statements but will be treated as advisory; those that contained questions would be answered and published on SBC’s website. The feedback from the conference would be useful to determine the Forum’s focus in the future. Delegates who had given their email address would be kept informed of the Forum’s meetings and receive copies of the Agendas and Minutes of meetings. Community Councils would also be informed of future meetings. It was agreed that if a further conference was to be held, that an alternative location should be considered.
3. The questions that had been received from delegates attending the conference were allocated as follows:-
 - Police, underage drinking and education – Chief Inspector Simpson.
 - Licensing – Ian Tunnah.
 - Rates – Mark Dickson.
 - Licensing Board – Anne Isles.
 - Off sales v. on sales – Forum members.
 - Health – Susan Walker.
 - Future outcomes – Councillor Ballantyne.
 - Minimum pricing – answered at conference.

DECISION

To request that all replies to delegates’ questions should be returned to the Clerk by Friday, 6 December 2013.

MINUTE

4. A note of the Meeting of 11 June 2013 had been circulated.

DECISION NOTED.

MATTERS ARISING

5. The Legal and Licensing Services Manager would be reminded that training disks were required for the two new members - Mr Gillies and Mr Hay.
6. The Convener would liaise with Mrs S Walker and respond to Mr Gillies' concerns re the Alcohol data profile.
7. It was noted that a joint meeting of the Licensing Board and Licensing Forum was scheduled to take place on 11 December 2013. The Licensing Board prepared the Agenda for this meeting.
8. The Forum agreed that equality and diversity training would be useful for members, and it was agreed to ask if the Equality and Diversity Officer would attend the next meeting to give a brief presentation at the next meeting. The presentation should be approximately 20 minute duration, followed by a 40 minute question and answer session.

DECISION

AGREED to request that:-

- (a) **The Convener remind the Legal and Licensing Services Manager that two training disks from Alcohol Focus were required for the two new members of the Forum; and**
- (b) **The Equality and Diversity Officer give a presentation at the next meeting of the Forum.**

MEMBERS

9. Inspector Simpson and Mrs S Walker left the Meeting during consideration of the following item.

LICENSING BAORD POLICY

10. The joint ADP and ADTAC (Safer Communities Subgroup) response to the Licensing Board Policy consultation had been circulated with the Agenda. The policy has 17 different sections however ADP and ADTAC had only commented on the areas most pertinent. The Forum discussed the Policy and agreed that the accessibility and use of language had improved. They also commented favourably on the simpler layout and cross referencing.
11. Section 4 on overprovision was discussed and the Forum noted the Board's acknowledgement of the Forum's assistance in drawing up the Overprovision Policy. However, inclusion of the Forum's evidence in the Policy would have been useful to set the context. A cross reference to the Alcohol data profile would also have been informative. In Appendix 3 to the Policy, the Forum felt that paragraph 7 contradicted paragraph 8 and that paragraph 7 should be deleted and replaced by paragraph 8. Chief Inspector Simpson added that comparison with intermediate geography would give a more consistent approach and would avoid disparities.
12. Changing the licensing hours was discussed. It was agreed that there would have to be a 100% sign up to the change by licencees. However, if 90% and above agreed this would give the Forum leverage to influence change. There was a discussion as to what the core hours for public houses and clubs should be, but no consensus was reached.

13. The section on Occasional Licences was discussed, it was felt that often occasional licences were issued to venues which were not fit for purpose and that the venue would not have been granted a premises licence. The Board should consider accepting that the same criteria should be used for granting Occasional Licences in terms of the venue's suitability.

DECISION

AGREED:

- (a) To consider change of licensing hours as the Forum's next campaign; and
- (b) To respond to the Licensing Board Policy consultation.

FUTURE MEETINGS

14. The next meeting of the Forum was scheduled for Tuesday, 21 January 2014.

The meeting concluded at 6.45 p.m..



POLICE
SCOTLAND
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
SCOTTISH BORDERS 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

SCOTTISH BORDERS 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

Scottish Borders Policing Priorities

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

- Protecting People
- Reduce violence, disorder and antisocial behaviour
- Tackling Substance Misuse
- Making our Roads Safer
- Tackling Serious Organised Crime

Senior Officers

The senior officers who hold responsibility for licensing within the Scottish Borders area are as follows;

Chief Superintendent J McDiarmid
Superintendent G Jones
Chief Inspector K Kerr
Chief Inspector A McGrath

Local Police Commander
Operations Superintendent
Local Area Commander
Divisional Coordination Unit

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 Scottish Borders Area Command 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:

Test Purchasing: This remains a priority for Police Scotland in protecting children from harm. Licensing Officers will continue to robustly enforce the legislation in respect of the sale of alcohol to children and young people. There have been seven Test Purchase Operations conducted in the Scottish Borders with three off sales premises failing out of a total of 65 premises that were tested.

Responsible Drinking Campaign: The Alcohol and Drug Tactical Group (ADTAC), which is a partnership group tackling alcohol and substance misuse issues in Scottish Borders, conducted a campaign during the rugby sevens and at border festivals promoting responsible drinking. In conjunction with Licensing Standards Officers, pre-event meetings were held with stakeholders involved in the organisation of these events. Consistent information was displayed across Scottish Borders in a bid to encourage sensible drinking and reduce the impact on services through alcohol misuse.

This partnership approach, working with event organisers, has proved successful and the campaign has continued into 2013-2014, with the focus being to improve standards in respect of the sale of alcohol during events.

Occasional Licenses: Occasional Licenses are used extensively in Scottish Borders by voluntary organisations for a variety of reasons including fund raising. These events often have children and young people in attendance. The Police and the ADTAC group have regularly raised concerns regarding such activities and worked closely with partners and organisations to amend licence conditions. Where it is considered necessary to protect children and young people from harm, Police Scotland will object to occasional licenses that do not meet this licensing objective.

Alcohol Data Profile: During 2012, partner agencies participated in a project to gather information to produce the Scottish Borders Alcohol Profile. This detailed the impact of alcohol consumption on antisocial behaviour incidents recorded by the Police, attendances at the Emergency Department of the Borders General Hospital and the overall availability of alcohol. The report was accepted by the Licensing Board and will be used to inform new licensing policy, to be published in November 2013.

Alcohol Byelaws: The Scottish Borders is the only local authority area in Scotland that does not have byelaws restricting the consumption of alcohol in public places. Scottish Borders Council recently agreed to carry out a public consultation in relation to the introduction of such byelaws. Police Scotland welcome this as it would provide an additional tool to local officers allowing them to intervene to prevent alcohol-fuelled incidents from taking place in our communities.

NOT PROTECTIVELY MARKED

Protecting Children From Harm: In June and July 2012, an increase in antisocial behaviour by young people under the influence of alcohol was noted in the Jedburgh and Kelso areas. This led to joint working with partner agencies to identify the underlying problems and provide a proportionate response. Police operations were carried out at off sale premises with one of these failing a test purchase. It became apparent that parents were buying alcohol for their children for weekend parties. In response to this a series of road shows were held at parent evenings to highlight the dangers of children and young people abusing alcohol. In addition, Licensing Officers visited off licence premises to highlight concerns regarding Agent Purchase.

Social Norms: A project was completed at Jedburgh Grammar School with all pupils (S1-S6) completing an alcohol survey. The aim of the project was to ascertain the amount of alcohol being consumed by young people, why they drink, what they are drinking and their perception of their peers drinking habits. Previous studies have been shown to challenge misconceptions concerning alcohol and young people. One of the key messages that the survey concluded was that only 8% believe their peers drink less than they themselves do, yet in reality 64% never drink or only drink on special occasions. This message was posted on the school information screens and in the newsletter, to dispel any misconceptions and reduce peer pressure to drink. Future work is planned to continue this survey with S1 pupils and promote the findings in a bid to reduce peer pressure to drink alcohol.

Looking ahead (2013-2014) - 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.

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.

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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.

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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	4
	Off sale	3
Personal Licences (Sec 84A)	On sale	4
	Off sale	2

Interventions		Total
Premises Interventions	On sale	33
	Off sale	5
No. of interventions which led to a review application		5
No. of interventions where no further action was required		33

Test Purchasing Operations		Total
Number of Test Purchases conducted		7
Number of first failures		3
Number of second failures		0
Number of Premises Licence Review applications based on Test Purchase failure		2
Number of Personal Licence Review applications based on Test Purchase failure		1

Number of offences reported to COPFS		Total
Section 1 (Unlicensed sale of alcohol)		4
Section 63 (allowing consumption outwith permitted hours)		6
Section 95 (Breach of exclusion order)		1
Section 102 (sale of alcohol to a child)		5
Section 105 (sale on behalf of a child)		1
Section 111 (Drunk persons within licensed premises)		0
Section 114 (DPM not to be drunk)		2
Section 116 (Refusal to leave licensed premises)		4

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