

**Department of Corporate and Community Services  
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Date: 5 December 2017

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TO: Members of the East Renfrewshire Licensing Forum.

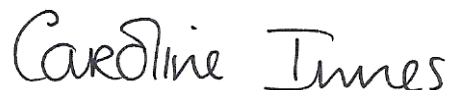
Dear Forum Member

**EAST RENFREWSHIRE LICENSING FORUM**

A meeting of the East Renfrewshire Licensing Forum will be held within the Council Chamber, East Renfrewshire Council Headquarters, Eastwood Park, Giffnock, on **Tuesday 12 December 2017 at 7.00 pm.**

The agenda of business is as shown below.

Yours faithfully



C INNES  
DEPUTY CHIEF EXECUTIVE

**AGENDA**

1. **Report apologies for absence.**
2. **Minute of meeting of 13 December 2016 (copy attached, pages 3 - 8).**
3. **Matters Arising.**
4. **Police Scotland Annual Licensing Report 1 April 2016 to 31 March 2017 (copy attached, pages 9 - 16).**

5. **Complaints – Report by Licensing Standards Officer (copy attached, pages 17 - 18).**
6. **Alcohol related Harm in East Renfrewshire – Presentation by Janice Thomson, ADP Co-ordinator**
7. **Licensing Policy Statements**
  - (i) **Best Practice – Presentation by Sean McCollum, Policy and Development Officer, Alcohol Focus Scotland.**
  - (ii) **The Forum's Role – Presentation by Dominic McMahon, Licensing Standards Officer.**
8. **Calendar of Meetings 2018 – Report by Clerk (copy attached, pages 19 - 20).**
9. **Date of Next Meeting - Tuesday 13 March 2018, 7.00 pm, Council Chamber.**

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**MINUTE**

**of**

**EAST RENFREWSHIRE LOCAL LICENSING FORUM**

**Minute of meeting held at 7.00pm in the Council Chamber, Council Headquarters, Giffnock, on 13 December 2016.**

**Present:**

Local Residents

Caroline Church  
Frank McGee  
Helena Shanks  
Bruce Tulloch

Health/Social Work

Janice Thomson

Licensees

Licensing Standards Officer

Dominic McMahon

Strathclyde Police

Sergeant Jim Boyle

Dominic McMahon presided

**Attending:**

Councillor Tommy Reilly, Chair East Renfrewshire Licensing Board; Eamonn Daly, Clerk to the Forum; and Jacqui McCusker, Senior Solicitor.

**Apologies:**

Chief Inspector Angela Carty.

ACTION BY

**1. MINUTE OF PREVIOUS MEETING**

The meeting considered and approved the Minute of the joint meeting held on 13 September 2016.

## **2. MATTERS ARISING**

Referring to the Police Scotland Annual Report and to the reduction in the number of campus cops, Sergeant Boyle indicated that it was his understanding that the number was being reduced to 4 from 5 and not 3 as previously reported.

The forum noted the information.

## **3. MEMBERSHIP REVIEW**

The forum considered a paper by the Clerk regarding the current membership and the steps that had been taken and were proposed to try and increase membership numbers.

Following discussion the forum noted the report.

## **4. ALCOHOL FOCUS EVENT – EDINBURGH, 27 SEPTEMBER 2016**

The forum considered a paper providing a summary of the Alcohol Focus Regional Licensing Event that had taken place in Edinburgh on 27 September 2016.

The event had been attended by Mr McMahon who provided further details of the day's events and the discussions that had taken place.

In particular he referred to the difficulties being experienced in some areas to recruit people to serve on their local forum and explained that different recruitment strategies had been discussed.

He highlighted that a key issue was that the national guidance issued to licensing boards was well out of date, and that Alcohol Focus Scotland were writing to the Scottish Government highlighting the need for the guidance to be updated as well as the need for consolidated legislation.

He highlighted the attendance at the event of representatives from some Alcohol and drugs Partnerships (ADPs) and to issues around access to and use of data provided by the ADPs. In this regard Ms Thomson referred to local collaborative working between the ADP and the Licensing Board during the production of the local overprovision statement.

Some of the successful initiatives carried out by licensing forums were highlighted reference being made to the community alcohol partnership established in Edinburgh and to the steps being taken in some areas to improve engagement between the licensing board and the licensing forum. In this regard discussion took place about ways in which to inform the forum about matters being considered by the Licensing Board and it was suggested that the e-mail addresses of forum members could be provided to licensing board staff who could in turn notify forum members when board meetings were taking place. This was agreed.

One of the other issues raised was in respect of the need for training and support for licensing forum members. It was suggested that this should be developed by Alcohol Focus Scotland and this was a matter that was to be investigated further.

The forum noted the report.

## **5. WEST OF SCOTLAND LICENSING FORUM EVENT**

Mr McMahon provided a report on the West of Scotland Licensing Forum event which he and Ms Church had attended.

He reported that Peter Reid from the Scottish Government Licensing Team had attended the event and had delivered a presentation on staged implementation of the provisions of the Air Weapons and Licensing Act.

It was explained that the next commencement order would take effect from March 2017 and would see the need for licensing boards to produce income and expenditure reports which would in turn be used by the Scottish government in the context of a possible review of licensing fees.

A further commencement order to take effect some time in 2018 would see the need for licensing boards to produce an annual report. The Scottish Government was working on a template in this regard.

The neighbour notification process was also being reviewed as was the cost of an occasional licence (£10). This had been discussed locally by the forum where it was recognised that the cost of a licence did not proportionately reflect the cost of processing the application.

It was also reported that the Chair of the Easy Ayrshire licensing forum had petitioned for the establishment of a national licensing forum but the Scottish Government had no such plans. In this regard Ms Church suggested that whilst there was some merit in regional groupings due to the common issues that existed at a local or regional level, a similar argument could not be made for a national body.

The forum noted the report.

## **6. MINIMUM PRICING**

Mr McMahon provided the forum with an update in relation to the Scottish Government's plans to introduce minimum pricing.

He explained that a further legal challenge to the government's plans had been lodged by the Scotch Whisky Association and that the matter would now be considered by the UK Supreme Court. The Scottish Government had requested that the appeal be fast tracked as it was in the public interest to do so.

The information was noted.

## 7. INTERNET SALES ISSUES

Mr McMahon reported that a an e-mail had been received from the Chair of the Inverclyde Licensing Forum alerting forums across the country that Amazon was submitting provisional premises licence applications for its distribution centres in Inverclyde and Fife.

He explained that the application for Fife had been approved by the local licensing board.

Discussion took place on the implications of such a licence on local overprovision statements and on the practice of internet selling generally it being noted that individuals were not permitted to sell alcohol on websites without holding an appropriate personal/premises licence.

Discussion also took place on the issue of internet selling of alcohol to under 18s it being explained by Mr McMahon that any local licensees involved in internet selling of alcohol were knowledgeable on the age verification procedures associated with Challenge 25.

The forum noted the report.

## 8. COMPLAINTS

The forum considered a report by the Licensing Standards Officer providing general information in relation to the number and types of complaint received over the period June to December 2016.

It was noted that a total number of 40 complaints had been received, the greatest number being in respect of occasional licences where 21 complaints had been received, and 11 formal advice notes issued.

Commenting on the report, Mr McMahon highlighted the increase in the number of occasional licence applications, explained that a lot more proactive work had been taking place, and in response to suggestions agreed to produce a year on year comparison of complaints numbers.

In response to questions regarding the advice notes that had been issued and the action to be taken in the event there was non-compliance with the advice note, Mr McMahon explained that the matter would be brought to the attention of the licensing board the issues addressed in the advice note. He explained that in his view the need for the advice notes to be issued had arisen out of the inexperience of the people applying for a licence holders and their unfamiliarity with the licence requirements. He also confirmed in response to questions that there was no information on the board section of the Council's website in relation to the submission of occasional licence applications.

The forum noted the report.

**9. CALENDAR OF MEETINGS**

The forum considered a report by the Clerk on proposed meeting dates for 2017.

**9. DATE OF NEXT MEETING**

It was noted that the next joint meeting would be held on Tuesday 12 September 2017 at 7pm in the Council Chamber.

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**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
EAST RENFREWSHIRE LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2016 to 31<sup>ST</sup> MARCH 2017

## FOREWORD

It gives me great pleasure to provide my second annual licensing report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

This report outlines what activity has been undertaken over the last twelve months for East Renfrewshire which provides me with the opportunity to outline how our services will be delivered over the coming year.

Police Scotland continues to face an increasing range of demands against the backdrop of a challenging financial environment, however we will continue to work in partnership at local and national level to ensure that our communities are safe. I cannot understate the importance of empowering our people to work with others, to innovate and solve problems.

Over the last year we have seen success in our preventative problem solving approach, with officers and staff resolving issues proportionately and at the earliest opportunity. This has been possible due to the active partnerships which exist across the licensing sector, which have led to an increase in positive outcomes.

In the year ahead our approach will continue to be based on prevention and collaboration to ensure the most efficient and effective service delivery. I will encourage officers and staff to utilise the range of options available to ensure improved licensing standards, reduced violence and to positively influence behaviour and cultural attitudes across Scotland.

Finally, I would like to take this opportunity to record my thanks to all who work towards the shared aim of effective licensing regulation and I am sure that with the continued hard work and dedication of all staff, Police Scotland will continue to deliver a service that our communities can be proud of.

Mr Philip Gormley QPM

Chief Constable

Police Service of Scotland

## **Police Scotland Licensing Overview**

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, Glasgow.

The NLPU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

Each 13 Local Policing divisions, have a licensing team wholly committed to the day to day management of licensing administration complying with statutory requirements as well as addressing any issues that may arise within licensed premises within their local area.

Police Scotland Licensing is supported and governed by a National IT solution known as ‘Innkeeper’.

## **LICENSING BOARD AREA**

The Licensing Board area is policed by Greater Glasgow Division.

Chief Superintendent Brian McNulty is the Local Police Commander who has the responsibility for all day-to-day policing functions.

The senior officers who hold responsibility for licensing with Greater Glasgow Division are as follows;

Superintendent Alan Murray	Partnerships
Chief Inspector Simon Jeacocke	Partnerships

### Licensing Department;

Inspector Susan Gillon	Licensing Inspector
Sergeant Marie Stewart	Licensing Sergeant
Sergeant Scott Brown	Licensing Sergeant

Staff attached to the Greater Glasgow Licensing Department have recently undertaken, and passed their Personal Licence course, which will further enhance their expertise and knowledge with regards to liquor licensing.

## **Local Policing Priorities**

Following our public consultation process, the policing priorities for Greater Glasgow Division, which encompasses East Renfrewshire Council, as set out in our Local Policing Plan are as follows;

- Tackling Violence, Disorder and Antisocial behaviour
- Protecting People
- Increasing Public Confidence and Local Engagement
- Tackling Serious Crime and Responding to National Events

## **Board Area**

East Renfrewshire Council Licensing Board regulate premises that sell alcohol, there are over 200 licensed premises that operate within this area.

There are in excess of 92,000 residents living within the East Renfrewshire Council area.

This area is home to both urban and rural residents, from Giffnock and Newton Mearns to Eaglesham and Uplawmoor.

## **OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**

Greater Glasgow Divisional Licensing Department is based at London Road Police Office. It is headed by Inspector Susan Gillon, supported by two Sergeants, six Constables and eleven members of police staff.

The Licensing Team work closely with Licensing Standards Officers (LSO's) from the Licensing Board area. There are frequent joint visits and inspections of licensed premises within the Board areas. Following any incidents connected to licensed premises, LSO's regularly attend meetings between Police Scotland and license holders, ensuring a collaborative approach to minimise the risk of future incidents.

Greater Glasgow Licensing Department operate in conjunction with several other internal departments and external agencies, to work alongside license premises to minimise the risk of incidents occurring. When incidents do occur, Greater Glasgow Licensing use a pragmatic approach, working with all partners and premises to prevent any reoccurrence, taking a three step approach to incidents where there are identified areas for improvement by premises.

For minor incidents, police and license holders will meet and an "interaction" will take place. Interactions are undertaken where it is found that minor aspects of how an incident has been dealt with by staff could be improved and do not involve any breach of the licensing conditions. An interaction is documented on the premises file, which is stored on our Innkeeper system, and no further action is required.

For more serious incidents, or where there have been a number of interactions carried out with no improvement in the premises operation, an "intervention" will take

place between police and license holders and any other interested partner agency. These are for more serious incidents, when the incident should have been dealt with better by staff, or prevented by improved training of staff, or premises policies. An intervention is a formal document, recommending that premises management will put various measures in place to minimise the risk of a similar incident happening again. The document is agreed then signed by all parties involved and is stored on our Innkeeper system.

Where all other steps have been taken, and are unsuccessful, or when an incident occurs that is so serious, the Licensing Department can and will request a review of a premises and / or personal license by the licensing board. Due to the current developed practices, and the enhanced working relationship with the trade the number of submitted reviews of licenses is very low.

## **BOARD DECISIONS**

### **Section 1 – Unlicensed sale or supply of alcohol**

There have been no reported incidents in the East Renfrewshire Board area during the period of unlicensed sale or supply of alcohol.

### **Section 20 – Application for a new premises licence**

All applications for licenses received are scrutinised by police licensing administrators in consultation with the local area commanders for the area the premises wish to operate in. Any police representation or objection to applications are made with reference to the five licensing objectives.

There have been 9 applications for new premises licenses during the relevant period, with none being refused.

### **Section 36 – Application for Review of Licence**

Within this reporting period there have only been 2 interventions undertaken, with no premise reviews being submitted to the Licensing Board.

In April 2016 there was an incident at a premise where a male was heavily under the influence of alcohol and was shouting sectarian abuse. When challenged about his conduct this male assaulted a patron. Staff at the premise were aware of the incident but chose not to contact the police. Through an intervention management were reminded with regards to their responsibilities under the licencing objectives to ensure that all incidents are subsequently reported.

In May 2016 there was an incident in a premise which resulted in disorder. This followed on from an 18<sup>th</sup> birthday party. Due to the nature of the incident the premise operating plan was checked where it was found that it was not allowed to hold such a function. Management attended at London Road Police Office, and an intervention took place highlighting this aspect of the operating plan. The management appeared to be unaware that they could not host 18<sup>th</sup> birthday celebrations and agreed to cancel three that had already been booked.

## **Section 63 – Sale or Supply out with licensed hours**

There have been no reports of sale or supply of alcohol out with licensed hours.

## **Section 72 - Personal License applications**

Over the reporting period there have been 75 applications for personal licenses to East Renfrewshire Licensing Board. None of these applications have been refused.

## **Section 84 – Personal License reviews**

There have been no personal license reviews submitted to East Renfrewshire board over the reporting period.

## **Section 94 – Exclusion Orders**

When an individual is convicted with a violent offence on a licensed premise, an exclusion order can be sought. This prohibits the person from entering a specific license premise, which is named on the order. This can last between 3 and 24 months. There has been no exclusion orders granted during the relevant period for the East Renfrewshire area.

## **Section 97 – Closure Orders**

There has been no closure orders requested or granted.

## **Sections 111 – 116 – Drunkenness / Disorder Offences**

Over the reporting period there have been no reported offences where the case would have been submitted to the Procurator Fiscal in the East Renfrewshire board area.

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

To support the licensing objective of protecting children from harm, numerous multi agency approaches are used to educate both young persons and license holders. When information is received by Police Scotland regarding premises potentially supplying alcohol to children or young people, Greater Glasgow Licensing department conduct inspections at the premises, reminding owners of their responsibilities.

Additionally this will also be tasked to local officers, who have the opportunity to arrange test purchase operations. These operations utilise 16-17yr olds, who, in a controlled environment, attempt to purchase alcohol from these licensed premises. If asked their age, the purchasers must state they are underage. If a premises fails a test purchase operation then it they are charged and informed of their failings, and the licensing department will work with the premises to raise their standards and comply with legislation. The premises will be retested within 14 days, a second fail of a test purchase operation will result in a request for the premises license to be reviewed by the Licensing Board.

These test purchase operations are intelligence led.

**Section 102** – There have been no persons reported.

**Section 103** – There have been no persons reported.

**Section 105** – There have been no persons reported.

## **TACKLING SERIOUS AND ORGANISED CRIME**

As many licensed activities are predominantly cash businesses, these naturally attract persons involved in serious and organised crime. The processes and procedures used by Greater Glasgow Licensing seek to minimise the possibility of organised crime groups infiltrating licensed activities. Stringent financial checks are completed on all applications, preventing these groups utilising licensed premises as a veneer for other criminal activity, such as money laundering and tax evasion.

Divisional Licensing staff work closely with the Police Interventions department, who monitor all known organised crime groups within Scotland, to prevent them gathering a foothold within the board area. There are in excess of 40 Serious and Organised Crime Groups in the Greater Glasgow area, several of which are located within the East Renfrewshire area.

With the introduction of the Innkeeper system, information on all persons and partnerships, who apply for, or hold licenses in all board areas can now easily be shared throughout Scotland.

When appropriate and proportionate, Police Scotland will submit intelligence to the Licensing Board when commenting on applications. All intelligence submitted is vetted by the national Interventions department, ensuring it has been appropriately sanitised and would not compromise any ongoing police activity. This is used to support any comment, showing the lifestyle or associations of the applicant or connected persons.

## **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

Over the coming year Greater Glasgow Licensing Department will endeavour to continue to work in collaboration with Licensing Standards Officers, management of licensed premises and other partners to build on the existing strong relationships.

Through this partnership working we hope to contribute to keeping crime rate low, whilst keeping the people visiting and living in East Renfrewshire safe.

## **NATIONAL PERSPECTIVE**

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Police Plan that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues likely to impact on the safety of the public to inform our local and national Strategic Assessments that identify our priorities and provide a firm evidence base for local policing teams across Scotland to deliver operational plans to prevent crime and disorder and Keep People Safe.

### **Our National Priorities are:**

- **Violence Disorder and Anti-social Behaviour**
- **Serious Organised Crime**
- **Road Safety and Road Crime**
- **Protecting People at Risk of Harm**
- **Counter Terrorism**

The National Licensing Policy Unit (NLPU) is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work in conjunction with licensing colleagues, from local policing divisions. Together, they seek to ensure that legislation governing the sale and supply of alcohol and other civic licensed activity is applied and reported consistently across the country to licensing boards, in accordance with the Licensing Objectives.

During 2017/18, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners to introduce a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- The implementation and ongoing development of a National ICT Licensing System, known as "InnKeeper", to increase the efficiency and effectiveness of liquor and civic licensing administration and management.

The assistance obtained from the local authority to ensure that "Innkeeper" was implemented successfully during March 2016 is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the management of liquor and civic licensing records, documentation and information.



EAST RENFREWSHIRE LOCAL LICENSING FORUMJanuary 2017 to December 2017Complaint Report by Licensing Standards Officer**PURPOSE OF REPORT**

1. To provide general information to Forum Members of the number and types of complaints received over the period of January to December 2017.

**REPORT**

At previous meetings of the forum the members have requested information regarding complaints made to the LSO relating to the Licensing (Scotland) Act 2005. Whilst it is acknowledged that the forum may not focus on a singular complaint it was agreed that general information that show trends and types would be drafted.

It should be noted these figures were impacted by an 8 week absence period by the LSO.

The current position is as follows:

<u>Premises Type</u>	<u>Number Of Complaints</u>	<u>Nature of Complaints</u>	<u>Mediation Required</u>	<u>Compliance Note/Advice Note issued</u>
Public House	22	2 issues of premises management failures  10 Noise and dispersal issue  10 issues of Breach of Operating Plan	22 cases of mediation	2 Formal Advice Notes Issued  1 Police Intervention Order
Member Club	39	16 noise and dispersal issues  20 Operating Plan Breaches  3 Price Promotion Issues	39 cases of mediation.	4 Formal Advice Notes Issued

Hotel	3	1 Noise and dispersal issues 2 Breach of operating plan	3	0
Off Sale	27	12 Breaches of Operating Plan 9 Issue of noise and disorder 6 Price Promotion issues	27	1 Advice Note Issued
Food Based	20	9 Breaches of operating plan 4 Price Promotion issues 7 Noise and Disorder issues	20	6 Formal Advice Notes Issued
Occasional Licence	71	56 Potential breaches of the conditions of the occasional licence 15 Breaches of noise and dispersal issues	71	0

**RECOMMENDATION**

4. That the Forum notes the above.

Report author

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EAST RENFREWSHIRE LOCAL LICENSING FORUM12 December 2017Report by ClerkCALENDAR OF MEETINGS 2018**PURPOSE OF REPORT**

1. To provide details of proposed meeting dates for the Forum for the 2018.

**REPORT**

2. It is proposed that the 4 meetings a year arrangement be continued for 2018. In the event that for whatever reason it is considered necessary for an additional meeting to be arranged, this can be done.
4. The proposed meeting dates for the forum for the next 12 months are:-
  - Tuesday 13 March 2018 (The Convener will be elected at this meeting)
  - Tuesday 12 June 2018
  - Tuesday 11 September 2018 (Joint meeting with Licensing Board)
  - Tuesday 11 December 2018
5. Meetings will commence at 7pm and will take place in the Council Chamber, Council HQ, Eastwood Park, Giffnock.

**RECOMMENDATION**

6. That the proposed meeting arrangements be approved.

Report author

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