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Date: 6 December 2016

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TO: Members of the East Renfrewshire Licensing Forum.

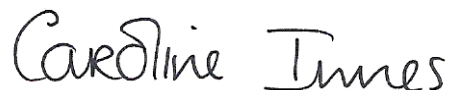
Dear Forum Member

**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 13 December 2016 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 September 2016 (copy attached, pages 3-6).**
3. **Matters Arising.**
4. **Membership review – paper to follow.**
5. **Alcohol Focus Event: Edinburgh 27 September – Update by Licensing Standards Officer (paper attached, pages 7-12).**

6. **West of Scotland Licensing Forum Event - Update by Licensing Standards Officer.**
7. **Minimum Pricing – Update by Licensing Standards Officer.**
8. **Internet Sales Issues - Update by Licensing Standards Officer.**
9. **Complaints – Report by Licensing Standards Officer (copy attached, pages 13-14).**
10. **Calendar of Meetings 2017 – Report by Clerk (copy attached, pages 15-16).**
11. **Date of Next meeting – Tuesday 14 March, 7.00 pm, Council Chamber.**

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## MINUTE

of

EAST RENFREWSHIRE LOCAL LICENSING FORUM AND  
EAST RENFREWSHIRE LICENSING BOARD

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

**Present:**Local Residents

Caroline Church  
Ken Hunter  
Frank McGee  
Helena Shanks

Health/Social Work

Janice Thomson

LicenseesLicensing Standards Officer

Dominic McMahon

Strathclyde Police

Sergeant Edward McLemon

Licensing Board

Councillors Charlie Gilbert, Stewart Miller and Tommy Reilly.

Dominic McMahon presided

**Attending:**

Eamonn Daly, Clerk to the Forum; Jacqui McCusker, Senior Solicitor.

**Apologies:**

Chief Inspector Angela Carty, Bruce Tulloch, Fiona Macdonald and Councillor Kenny Hay.

**ACTION BY****1. MINUTE OF PREVIOUS MEETING**

The meeting considered and approved the Minute of the previous joint meeting held on 15 September 2015.

## 2. MATTERS ARISING

It was noted that there were no matters arising from the Minute.

## 3. POLICE SCOTLAND ANNUAL REPORT

Mr McMahon invited Sergeant McLemon to present the police annual report for the period 1 April 2015 to 31 March 2016, prepared in accordance with Section 12A of the Licensing (Scotland) Act 2005.

Sergeant McLemon was heard further on the report in the course of which he referred to the National Liquor and Civic Licensing Policy Unit. This was a specialist department which, working with divisional licensing teams, shaped policy and strategy concerning the police licensing function in conjunction with providing practical and tactical advice to police licensing practitioners operational officers supervisors and policing commanders.

Thereafter Sergeant McLemon provided some information in relation to the operational arrangements in the East Renfrewshire area, explaining that the licensing board area was policed by Greater Glasgow Division, with support in respect of licensing matters provided by the divisional licensing department based at Glasgow Road.

Details of the number of licence applications submitted in 2014/15 having been provided, the report provided further information regarding the work carried out by the police in relation to the prevention of the sale or supply of alcohol to children or young persons, it being explained that this was more in relation to agent sales rather than direct sales to young people.

Reference was also made to some of the work being carried out in relation to serious and organised crime where licensed premises were often used as a "front" for illegal activities. In conclusion Sergeant McLemon was then heard on some of the proposed police activity for the coming year.

Thereafter full discussion took place.

In response to a question from Mr McGee on the important role played by campus cops and whether or not current numbers would be retained, Sergeant McLemon explained that numbers were being reduced from 5 to 3. However a business case for the reduction had been made and he was confident that the current levels of service could be maintained.

Sergeant McLemon also provided details of the new the "Innkeeper" IT licensing solution that had been implemented since last referred to. The system had significantly improved front line services as it allowed officer to access information at unsocial hours.

Commenting further on the position in respect of East Renfrewshire, Sergeant McLemon reported that there were no problematic premises in the area. Referring to test purchasing, he explained that any operations

were intelligence led, and outlined the process to be conducted as part of a test purchasing exercise including retesting in the event of failure.

In response to comments from Mr Hunter of the use of a provisional driving licence as an acceptable form of identification/proof of age, Mr McMahon explained that the legislation was prescriptive in respect of the types of identification that were acceptable.

Sergeant McLemon was also heard further on the national priorities, explaining that these had been the same for some time now and were identified following the annual police consultation exercise.

In the course of further discussion on the Innkeeper system, Sergeant McLemon explained that front line officers did not have direct access to the system, but that information was available through the control room which did have 24 hour access.

On behalf of the meeting, Mr McMahon thanked Sergeant McLemon for the presentation.

#### **4. ALCOHOL AND DRUGS PARTNERSHIP ANNUAL REPORT 2014/15**

The forum took up consideration of the feedback response from the Scottish Government to the ADP 3 year delivery plan for 2015-18, with particular reference to 2014/15 annual report submitted to the Scottish government by the ADP.

The Scottish Government feedback indicated significant progress in ADP planning compared to previous plans. With regard to annual reports, progress and improvements had been seen across a number of areas.

Janice Thomson, ADP Coordinator made a comprehensive presentation to the forum on the feedback that had been received. She highlighted that East Renfrewshire had been held up as an exemplar in a number of areas, it being noted that the East Renfrewshire plan more than fully met Scottish Government expectations, and the Scottish Government had requested permission to share the East Renfrewshire plan with other organisations.

Commenting on matters of particular interest to the forum, Ms Thomson referred to the commendation of the ADP for its work over the year and for the continued cooperation with partners including the licensing forum.

She further reported that the 2015/16 annual report had just been submitted to the Scottish Government and would be considered by the ADP at its next meeting.

The report and feedback was noted.

**5. LICENSING UPDATE 2016**

The meeting took up consideration of a presentation from the Licensing Standards Officer providing an update on licensing matters for the preceding year.

He referred to ongoing matters in relation to overprovision statements and in particular to recent legal challenges to the statement approved by Dundee City Licensing Board. This had implications for overprovision statements of all licensing boards.

He reported that legislation to remove the 5 year ban on personal licence holders who had not undergone refresher training had now been made.

Reference was also made to the current requirements for licensing boards to review their policy statements. He explained that new legislation had been introduced linking policy statements to local government elections. Consequently new licensing boards established after the local elections in May 2017 would have 18 months to prepare their new policy statements.

A number of other matters were also highlighted including the reintroduction of the “fit and proper person” test, the requirements for licensing boards to produce an annual report on the exercise of their functions, including financial information and the automatic grant of licences if not dealt with within a prescribed time period.

Mr McMahon also reported on the launch by AFS of their toolkit which had been circulated to a number of community councils.

The presentation was noted.

**6. ANY OTHER BUSINESS**

Mr McMahon reported that a seminar was being held on 28 September and he would report back to the next meeting of the forum.

**7. 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.



## Edinburgh Regional Licensing Event 2016

### Event Summary

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On 27<sup>th</sup> September, in Edinburgh, Alcohol Focus Scotland (AFS) hosted a seminar on the alcohol licensing system in Scotland. This was the fourth of four regional events taking place across the country throughout the month. As we look ahead to newly constituted licensing boards with a fresh round of Statements of Licensing Policy in 2017/18, attendees were invited to explore their experiences and learning gained in licensing over the past four years, and to identify any areas of ongoing challenge.

The views and ideas captured during the day, as well as from the other regional events, will be used to create a report with recommendations for the future. This document provides an interim summary of the Edinburgh event.

Key documents relating to the day include:

- [The programme for the day, workbook and links to AFS resources](#)
- [Monitoring and Evaluating Scotland's Alcohol Strategy, Third Annual Report, December 2013](#)
- [Implementation of the Licensing \(Scotland\) Act 2005: A document review of developments since 2012](#)

### Attendance

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41 people registered for the event with 42 attending on the day. A broad range of perspectives and sectors were represented, including: licensing boards; local authority lawyers; local licensing forums; Police; alcohol and drug partnerships; public health; and health improvement.

### Event content

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The event consisted of a variety of presentations, two group discussions and an individual exercise. There were frequent opportunities for comments, questions and discussion. Delegates were also asked to record their thoughts and comments in a workbook during the day. The workbooks were collected back and will be used to help inform the final report with recommendations.

**Alison Douglas**, Chief Executive, Alcohol Focus Scotland, chaired the event. She welcomed participants and introduced the content and format of the day. Alison highlighted some of the themes to emerge from the regional events held so far, including the need for updated national guidance, and the importance of effective local licensing forums. She explained that the Edinburgh event was an opportunity for people to reflect on what was working well locally, share good practice, and identify improvements for the future.

**Laura Mahon**, AFS Programme Lead, began the day by setting the context and providing reflections on the past five years. Laura explained that, in 2011, AFS brought together experts in public health and in licensing to consider whether licensing provisions could be used effectively to tackle alcohol related harm. The answer was yes, but that the potential of using licensing to regulate alcohol availability was yet to be realised. This led AFS to hold a series of regional events in 2012, to identify what actions might help. Laura highlighted successes since that time, such as the increased engagement of public health in the licensing system and improved use of evidence in statements of licensing policy. However, Laura explained, many of the challenges identified in 2011 are all still present (e.g. reduced budgets, legal challenges, and new legislation) but there has been enough change to provide hope of continued improvement. Laura concluded that now was a good time to reflect, review and look forward.

Alison Douglas then invited a number of representatives with first-hand experience of licensing to give a **view from the ground**, by speaking about their experiences, highlights, challenges, gaps and any hopes for the future.

**Susan Walker**, Senior Development Officer, Scottish Borders Alcohol and Drug Partnership, was the first to share her experiences. She explained that her role is to ensure that public health is represented in licensing. For Susan, this had sometimes been a lonely position, with her feeling like she was the only person trying to promote health messages. One of her early challenges was getting to grips with the complex legal aspects of licensing. Susan highlighted that many licensing stakeholders, such as those on licensing forums, do not receive any training to support them in their roles. This was something she had sought to address by undertaking research to identify learning needs and developing a training programme for forum members. While progress had been made, Susan explained there remained a need for regional level Continuing Professional Development events. Susan then went on to talk about her experience of presenting evidence to boards and making representations. She had found that the support of partner agencies had been invaluable in assisting her to gather and present health related data. However, this remained a challenging task, and one of Susan's hopes for the future was the improved availability of data nationally, to help better inform licensing decisions.

**Alan Murray**, Convener, West Lothian Local Licensing Forum, was the next to speak. He explained that he joined the Forum after working as a community nurse within an alcohol related service. At first, he was bewildered by discussions at the Forum and felt that the focus in licensing was disproportionately on young people. Poor attendance was also a



particular challenge for the Forum, with it being difficult to attract new and retain existing members. However, Alan explained, there had been some progress in recent years. The Forum was now more focused and had a better understanding of its role and remit. It had received invaluable support from council and ADP staff. In addition, the current licensing board had an improved understanding of the licensing objectives. Alan also explained that, despite this progress, a number of challenges remained. This included the absence of an overprovision policy for West Lothian and a lack of meetings between the Forum and the Board. It was progress in these areas that formed the basis of Alan's hopes for the future.

**Morag Leck**, Principal Solicitor and Depute Clerk, City of Edinburgh Council, then gave an insight into her role and experiences in licensing. She explained that the role of the Clerk was act as a bridge between the licensing board, applicants and other licensing stakeholders, as well as providing legal advice and guidance. She reflected on the complex legal environment and the implications that this had for those working within the licensing system. In particular, Morag described the raft of legislative measures which had been implemented at different times in recent years, and the impact that this continual change had on the daily work of the Board. In addition, evolving case law brought further uncertainties and considerations. Morag explained that such legal changes would continue into the future, and that this underlined the need for updated statutory guidance and consolidated legislation. She also highlighted the need for improved community consultation and engagement, identifying that this remained an area of concern but that there may be opportunities to better involve people in the future.

**Group discussion 1: Successes & Challenges.** Delegates were then asked to reflect on their own involvement in local licensing over the past 5 years, and split into groups to discuss the question:

- What have been your key successes and challenges?

A number of successes were highlighted with many people commenting on better application of licensing policy in some areas, particularly increased and improved use of overprovision policies in recent decisions by licensing boards. Other comments referred to positive partnership working and collaboration between licensing and other stakeholders, with Licensing Standards Officers being identified as working well with licensing boards. Some comments related to improved communication, particularly updated processes of publicising licensing board papers in advance of meetings which enabled community members to engage more effectively.

*“Extensive engagement with partner agencies/LLF/solicitors in discussion/awareness on role and responsibilities of board and input from them to inform.”*

However a number of challenges were also identified. Many comments related to the national guidance for licensing boards being out of date and the implications this had for licensing board members' understanding of their responsibilities. The use of data, its availability and accessibility as well as its relevance was a key theme emerging from the comments on challenges. A number of comments also highlighted the difficulties created by

the rapidly changing legislative environment and the need to keep up-to-date. This tended to be linked to calls for improved and updated national guidance and direction from the Scottish Government.

*“Out of date data and lack of local context.”*

*“Refusal of supermarket chains to provide stats on alcohol sales, volumes, types, analysis by time, place, volume etc. all of which would enable improvements in both national and local policy.”*

*“Ever changing legislation and delay in implementing/phased in stages.”*

**Garth Reid**, Public Health Advisor, NHS Health Scotland, then outlined some of the findings and **learning from MESAS** (Monitoring and Evaluating Scotland’s Alcohol Strategy). As part of the Scottish Government’s overall alcohol strategy evaluation, the Licensing (Scotland) 2005 Act was evaluated in 2013. The evaluation identified areas that were working well (e.g. introduction of LSOs) and areas needing more development (e.g. public involvement). Following this, a document review of developments since 2012 was undertaken, with the results being published in March 2016. The review identified that there remains a lack of compliance with particular provisions in the Act, namely those aimed at generating accountability and transparency in the licensing system. In addition, it highlighted that support is still required for different licensing stakeholders (licensing, health and community actors and forums) to fully take forward the public health provisions in the Act.

**Group discussion 2: Points of view:** Delegates were then asked to share their own thoughts about the findings from MESAS, and the implementation of the Licensing (Scotland) 2005 Act. They were invited to move around the room and provide comment on various issues identified by MESAS as requiring attention, choosing from:

- Insufficient licensing data
- Public health provisions: Still “bedding in”
- Forum: limited role - the public health provisions
- Public involvement: limited involvement - and scrutiny - from the public
- Emerging issues: high profile challenges (supermarkets) affect willingness to use discretionary powers?

The discussions were varied and wide ranging, and related to the broad range of stakeholders involved in licensing. A strong theme which emerged throughout discussions was the need for stronger leadership and guidance from the Scottish Government to address uncertainties and inconsistencies. Other cross-cutting themes included: the need for support for communities and the general public to be more informed about licensing; concern about the lack of support and resources for Local Licensing Forums to deliver their role effectively; the need for greater transparency and accountability from licensing boards; and the importance of the statement of licensing policy in supporting board decisions.

*“AFS should provide more opportunities for Local Licensing Forums to network with one another.”*

A number of recommendations for action were suggested including: a call for Scottish Government to consolidate the legislation and urgently update the guidance for licensing boards; Licensing Standards Officers to prioritise engagement with community groups on licensing; Local Licensing Forums to receive licensing training similar to training provided to licensing boards and for both to be required to undertake ongoing continuous professional development; alcohol sales data to be made available by alcohol retailers; and broadening the evidence presented to boards to include information from alcohol treatment services and health promotion.



*Any idea of a timetable for updating this guidance @MathesonMichael ? Those working in alcohol licensing wd be v grateful! #licensing2016*

**Individual exercise: Looking forward:** For the final activity, delegates were asked:

- Thinking about the licensing system as a whole, what should we stop/keep/start doing?
- What advice would you give to people who were continuing or becoming involved in licensing in the coming 18 months?

Again, the responses were varied and wide ranging. Many highlighted the need for licensing boards to stop prioritising economic arguments over the licensing objectives. There was a call or licensing boards to reduce the number of occasional licences being issued and to think very carefully about the justification for particular events having alcohol licences. A number of people referred to the need to continue to ensure that licensing decisions are based on policy and evidence. Others called for new legislation to require off-licence holders to make sales data available to enhance licensing boards’ consideration of overprovision.

**Alison Douglas**, Chief Executive, Alcohol Focus Scotland, facilitated an open discussion to allow delegates to make any final points or ask questions. The main points of discussion included: the need to focus on licensing objectives, not economics; the need to increase public knowledge and make licensing more accessible for people; the need to improve the accountability of licensing boards, with a suggestion that they should be more closely tied to or embedded within community planning structures; and the need to improve access to data to inform licensing policy and practice – particularly sales data.

**Laura Mahon**, Programme Lead, Alcohol Focus Scotland, closed the day by summarising key themes emerging from the day's discussions and outlining next steps. In particular, Laura highlighted: the need for national guidance which had been expressed throughout the day; the desire for improved training and Continuing Professional Development opportunities for all licensing stakeholders; ensuring people can come together to share good practice; and better involving people and communities in the future.

## Evaluation

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**93%** indicated that they were able to contribute their views throughout the day.

**93%** indicated that, overall, attending the event was a good use of their time.

*"Has helped me think about how we plan for a new policy."*

*"Lots of useful info and points of view."*

*"Short sessions very good – kept intensity of discussion high."*

## Next steps

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AFS will review all of the information gathered at the regional events and use this to produce a full report with clear recommendations. This will be made available on our website ([www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk)) and distributed to all attendees who registered to attend the events. Presentations and summary reports from each event will also be uploaded to our website (with permission) once available. In addition, an online version of the workbook is available to complete online for anyone unable to attend the events in person: <https://www.surveymonkey.co.uk/r/NGGC5J6>. We would encourage you to share this link with interested colleagues.

EAST RENFREWSHIRE LOCAL LICENSING FORUM13 December 2016Complaint 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 June to December 2016.

**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.

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	4	3 breaches of operating plan  1 Noise and Disorder	4 cases of mediation	1 Compliance note and Police Intervention
Member Club	8	5 breaches of operating plan  3 Noise and disorder	8 cases of mediation	2 formal advice notes issued
Hotel	0	0	0	0
Off Sale	3	2 breaches of operating plan  1 issue of staff training	3 cases of mediation	1 formal advice note issued

Food Based	4	4 breaches of operating plan	4 cases of mediation	0
Occasional Licence	21	21 breaches of mandatory conditions of occasional licence	21 cases of mediation.	11 formal advice notes issued

**RECOMMENDATION**

- 4. That the Forum notes the above.

Report author

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EAST RENFREWSHIRE LOCAL LICENSING FORUM13 December 2016Report by ClerkCALENDAR OF MEETINGS 2017**PURPOSE OF REPORT**

1. To provide details of proposed meeting dates for the Forum for the 2017.

**REPORT**

2. It is proposed that the 4 meetings a year arrangement be continued for 2015. 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 14 March 2017 (The Convener will be elected at this meeting)
  - Tuesday 13 June 2017
  - Tuesday 12 September 2017 (Joint meeting with Licensing Board)
  - Tuesday 12 December 2017
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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