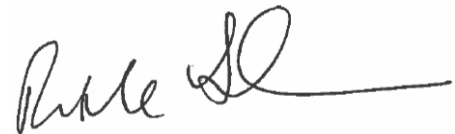




NORTH ABERDEENSHIRE LICENSING FORUM

WEDNESDAY, 15 MARCH, 2017, AT 2:00 P.M.

Your attendance is requested at a meeting of the **LICENSING FORUM** for **NORTH ABERDEENSHIRE** to be held in the **COUNCIL CHAMBER, BUCHAN HOUSE**, in **PETERHEAD** on **WEDNESDAY, 15 MARCH, 2017, at 2:00 P.M.**



Director of Business Services

8th March, 2017

To: Mrs Norma Thomson (Convener) (Resident in the Forum Area);
Mr Shahid Ali (Holder of a Premises Licence – Off Sales);
Mr John Clark (Holder of a Premises Licence);
Miss Alannah Comerford (Young Person);
Mr Douglas Driver (Personal Licence Holder);
Ms Lauren Eastwood (Licensing Standards Officer);
Mr David Fusco (Holder of a Premises Licence);
Mr Wayne Gault (Aberdeenshire Alcohol & Drug Partnership);
Mr Kenneth McGeough (Police Scotland);
Mr Calvin Little (Public Health Co-ordinator);
Mrs Lesley Muir (Education);
Mr Stuart Pratt (Convener of Aberdeenshire Licensing Board North Division);
Mr Brian Topping (Resident in the Forum Area); and
Ms Sarah Ward (Licensing Standards Officer).

Contact Person:-

Anna Ziarkowska

Tel: 01224 664935

e-mail: anna.ziarkowska@aberdeenshire.gov.uk

B U S I N E S S

1. Apologies for Absence

2. Minute of Meeting of 2 November, 2016

Minute attached

3. Matters Arising

Action sheet attached

4. Annual General Meeting Business:

- Appointment of Convener
- Arrangements for Forum Administration
- Appointment of Members

Report attached

5. Items for Consideration at the Joint Meeting of all three Forums and the Joint Meeting with the Board

Discussion item

6. Licensing Board Update

Oral update from Stuart Pratt

7. Licensing Standards Officer Update

Oral update from Lauren Eastwood/Sarah Ward

8. Police Update

Oral update from Kenneth McGeough

9. Any Other Business

10. Date of next meeting:

Wednesday, 21st June, 2017 at 2.00pm

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision.

However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals.

How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Committee/Full Council decisions?

Members are directed to the section in reports headed ‘Equalities, Staffing and Financial Implications’. This will indicate whether or not an Equality Impact Assessment (EIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is.

An EIA will be appended to a report where it is likely that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an EIA is required. If one is not required, the report author will explain why that is.

Where an EIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-
http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_scotland.doc

ABERDEENSHIRE COUNCIL

NORTH ABERDEENSHIRE LICENSING FORUM

COUNTY HALL, BANFF, 2 NOVEMBER, 2016

Present: Ms Norma Thomson, Mr John Clark, Mr David Fusco, Mr Kenneth McGeough, Mrs Lesley Muir, Ms Sarah Ward, Mr Brian Topping, Ms Carol Muir, Mr Stuart Pratt.

Officer: Anna Ziarkowska (Paralegal), Aberdeenshire Council

1. APOLOGIES FOR ABSENCE

Apologies had been received from Mr Wayne Gault, Mr Calvin Little, Mr Shahid Ali, Ms Lauren Eastwood and Mr Douglas Driver.

2. MINUTE OF MEETING OF 23rd MARCH, 2016

The Minute of the Meeting of 23rd March, 2016 had been circulated and **approved**.

3. MATTERS ARISING

(1) Carol Muir advised members about the Viewpoint Citizen Survey. After consideration, the Forum **agreed** that each member would submit the proposition of questions for the Viewpoint Citizen Survey to Wayne Gault.

(2) Lesley Muir informed members that Forum should search for options to attract young people and seek their input and involvement in the Forum works.

It was **agreed** that Forum representative would come along to the next meeting of the Youth Group/Education Forum in Woodhill House, Aberdeen and give a brief presentation on the operation of the Forum with a view to encourage greater participation among young individuals.

It was also **agreed** that Committee Officer would provide Lesley Muir with materials promoting Forum.

4. ALCOHOL LICENSING DATA – INN KEEPER SOFTWARE SYSTEM

There had been circulated some information from Alcohol Focus Scotland on the national consultation as to the Inn Keeper Software System. Carol Muir advised that Alcohol Focus Scotland is seeking proposals of how to further expand the operability of the system.

After consideration, the Forum **agreed** to note the information provided.

Kenneth McGeough informed members that on 23rd November there will be an event organised by Police to demonstrate the operation of the Inn Keeper System.

It was **agreed** that Kenneth McGeough will confirm the date of the workshop and forward invitation to the Forum members.

5. ALCOHOL RELATED DEATHS

There had been circulated some information which provided headline figures on alcohol-related deaths. Members discussed statistics on alcohol-related deaths and potentials

reasons for the increased alcohol consumption in Scotland and Aberdeenshire. Carol Muir indicated that research on this matter is still ongoing and would continue to explore this further.

After consideration, the Forum **agreed** to note the information provided.

6. MEASURABLE EFFECTS OF LOCAL ALCOHOL LICENSING POLICIES ON POPULATION HEALTH IN ENGLAND

There had been circulated some research paper which provided academic consideration on measurable effects of local alcohol licensing policies on the population health in England. Carol Muir advised that the article does demonstrate the strong relationship between the density of alcohol premises and alcohol consumption and indicates that restriction on availability of alcohol can significantly reduce the purchase rates without interfering with a price.

After consideration, the Forum **agreed** to note the information provided.

7. END-OF-AISLE DISPLAYS ENCOURAGE CONSUMPTION OF ALCOHOL AND FIZZY DRINKS

There had been circulated some research paper on how the product placement in shops does influence the purchase decisions and encourage consumption of alcohol drinks. Following on from discussion, members considered how they could be more influential in terms of proposing changes to the current licensing policy.

It was **agreed** that Wayne Gault would draft letter to the Scottish Government with a request for a capacity of off sales premises data and circulate that among members of the each Forum for consultation in order to ensure collective approach being taken.

8. ALCOHOL FOCUS SCOTLAND WORKSHOP

There had been circulated some information in respect of the Aberdeen Regional Licensing Event 2016. Carol Muir provided members with an oral update in this respect. The overall report from the event summarising main points and findings would be published by Alcohol Focus Scotland in December, 2016.

After consideration, the Forum **agreed** to note the information provided.

9. LICENSING BOARD UPDATE

Stuart Pratt advised members that responses to the consultation paper on Occasional License that has been circulated among Forum need to be submitted by 11th November, 2016.

Mr Pratt updated the Forum on recent work undertaken by the North Aberdeenshire Licensing Board. He stated that although it was busy period lately things had been running smoothly and that the Board received regular updates on the number of licences being processed by officers.

10. LICENSING STANDARDS OFFICER UPDATE

Sarah Ward advised that Licensing Standards Officers were continuing to carry out their routine programme of inspections in a cooperation with Police Officers. Ms Ward ensured that licensing applications are progressed smoothly and all fees have been now paid. She informed that further update in respect of the fee review would be provided after the meeting of the Board in December.

After consideration, the Forum **agreed** to note the information provided in the update

11. POLICE UPDATE

Kenneth McGeough advised members that Inspector Milne has now retired and he took over her responsibilities as a Licensing Inspector. He ensured that his team would be open to public for input and employ more operational approach in daily work. The Forum were made aware that Police appreciate the cooperation with Licensing Standards Officers in respect of data sharing and undertaking preventive actions. Kenneth McGeough also informed members that the licensing team would start visiting and inspecting the licenced premises with a view to identify and deal with any issues arising.

After consideration, the Forum **agreed** to note the information provided in the update.

12. ANY OTHER BUSINESS

(1) Brian Topping raised a query as to the main purpose of the Forum and available tools for achieving its aim. Members discussed the functions of the Forum and options for being more influential/effective.

It was **agreed** that Committee Officer would circulate a copy of the Forum remit and Licensing Policy statement to members via email.

(2) Members considered to what extent the occasional licenses contribute to local alcohol consumption and how this does impact on the community as a whole. The Forum were made aware that there is an ongoing issue with the 'bring you own alcohol' type of event where Licensing Standards Officers do not have authority to step in. Following on from discussion, it was **agreed** that further research in this area is required to address the issue properly.

13. DATE OF NEXT MEETING

The Forum **agreed** the schedule of the meetings for 2017.

It was **agreed** that the next meeting of the Forum would take place on Wednesday, 1st February, 2017 at 2.00 p.m. at County Hall, Banff.

ACTION SHEET

NORTH ABERDEENSHIRE LICENSING FORUM – 2nd NOVEMBER, 2016

No.	ACTION	ACTION OWNER	UPDATE
1.	To prepare draft letter to the Scottish Government with a request for a capacity of off sales premises data and circulate that among members of the each Forum for consultation in order to ensure collective approach being taken.	Wayne Gault	Document attached under item 3b.
2.	To discuss with Police colleagues options for demonstration of Inn Keeper Software System to Forum members.	Kenny McGeough	
3.	To send materials promoting the Forum to Lesley Muir via email.	Anna Ziarkowska	Email sent to Lesley Muir on 4 th November, 2016
4.	To circulate a copy of the Forum remit and the Licensing Policy statement to all members via email.	Anna Ziarkowska	This information has been circulated among members via email on 28.11.2016.
5.	To put forward proposition of questions for the Viewpoint Citizen Survey to Wayne Gault.	All	
6.	To put forward response to consultation paper on Occasional Licences by 11 th November, 2016 to Stuart Pratt.	All	

Archived: 23 January 2017 10:51:20

Importance: Low

Attachments: [image003.jpg](#); [image004.jpg](#);

Many thanks Alan.

Regards,

Wayne

01224 558511

Web: www.aberdeenshireadp.org.uk

Text: Send 'follow @abdnshireadp' to 86444

From: Alan.Fleming@scotland.gsi.gov.uk [<mailto:Alan.Fleming@scotland.gsi.gov.uk>]

Sent: Friday, October 07, 2016 9:35 AM

To: Gault Wayne (NHS GRAMPIAN)

Subject: RE: Alcohol Licensing Statistics

Wayne

As you may be aware, the liquor licensing statistics for 2015-16 were published at 09:30 this morning.

Although this was not included in the publication, I have attached for you figures for the number of premises licences per 10,000 population in each local authority area for both 2014-15 and 2015-16. I hope you find this useful.

I raised with my policy colleagues your suggestion about shelf space but it was decided not to include this in the statistical return since this is not something councils could easily extract from their IT systems.

Regards.

Alan

Alan Fleming

Senior Assistant Statistician - Criminal Justice Social Work Statistics

Justice Analytical Services (JAS)

Floor 1-F (South)

Victoria Quay

0131 244 7768 (Monday to Thursday) 0782 501 1477 (Friday)

Useful web link:

Latest publications:

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Publications>

JAS Twitter page:

<https://twitter.com/SGJusticeAnalys>

From: Fleming A (Alan)
Sent: 15 September 2016 08:52
To: Fleming A (Alan)
Subject: RE: Alcohol Licensing Statistics

From: Gault Wayne (NHS GRAMPIAN) [<mailto:wayne.gault@nhs.net>]
Sent: 08 February 2016 10:06
To: Fleming A (Alan)

Subject: RE: Alcohol Licensing Statistics

Many thanks Alan. This is much appreciated.

Could you keep me updated on internal discussions about the shelf space question?
Many thanks.

Regards,

Wayne

01224 558511

Web: www.aberdeenshireadp.org.uk

Text: Send 'follow @abdnshireadp' to 86444

From: Alan.Fleming@scotland.gsi.gov.uk [<mailto:Alan.Fleming@scotland.gsi.gov.uk>]

Sent: Monday, February 08, 2016 10:02 AM

To: Gault Wayne (NHS GRAMPIAN)

Subject: RE: Alcohol Licensing Statistics

Wayne

My apologies for the delay in getting back to you. I attach the figures for number of premises licences per 10,000 population as requested. I've sorted the data by population rate although you can change this if you wish. I've also produced a chart for you which I hope you will find useful.

Regards.

Alan

Alan Fleming

Project Manager – Review of Criminal Justice Social Work Statistics

Justice Analytical Services (JAS)

Floor 1-F (South)

Victoria Quay

0131 244 7768 (Monday to Thursday) 0782 501 1477 (Friday)

Useful web link:

Latest publications:

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Publications>

JAS Twitter page:

<https://twitter.com/SGJusticeAnalys>

From: Gault Wayne (NHS GRAMPIAN) [<mailto:wayne.gault@nhs.net>]

Sent: 25 January 2016 16:42

To: Fleming A (Alan)

Cc: Littlejohn Chris (NHS GRAMPIAN)

Subject: RE: Alcohol Licensing Statistics

Thanks alan. Can you send me a copy of your unpublished rate data? Also, is there any prospect that the shelf space item could be revisited? This is in the context of the new legislation relating to LB annual reports and the necessity to consider this issue as far as over provision is concerned.

Many thanks.

Regards,

Wayne

Wayne Gault
Aberdeenshire ADP

From: Alan.Fleming@scotland.gsi.gov.uk
Sent: 25 January 2016 15:57
To: [Gault Wayne \(NHS GRAMPIAN\)](#)
Cc: Holly.Gilfether@scotland.gsi.gov.uk; Elizabeth.Fraser@scotland.gsi.gov.uk
Subject: RE: Alcohol Licensing Statistics

Wayne

First of all, sincere apologies for not getting back to you earlier - I was actually not in the office from 30 November to 28 December inclusive.

Thanks for your suggestion over “per 10,000 population rates”. This is something which we have done in previous years for information but have never actually published. For the 2014-15 data, this showed that the highest rates were in the rural areas Argyll & Bute, Shetland, Highland and Orkney and the lowest in the East Dunbartonshire and East Renfrewshire areas.

Due largely to resource constraints, the liquor licensing return we have asked councils to complete since the Licensing (Scotland) Act 2005 came fully into force in 2009 is only designed to collect a small amount of information on personal and premises licences. While we have added some extra details to the return over the last few years, there are some pieces of information (and shelf space would likely be an example of this) which, while they should be recorded by local authorities, are unlikely to be recorded on IT systems in such a way as to be easily extractable for a statistical return.

I hope nevertheless that this is helpful to you (and again apologies for not replying sooner).

Regards.

Alan

Alan Fleming

Project Manager – Review of Criminal Justice Social Work Statistics

Justice Analytical Services (JAS)

Floor 1-F (South)

Victoria Quay

0131 244 7768 (Monday to Thursday) 0782 501 1477 (Friday)

Useful web link:

Latest publications:

<http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Publications>

JAS Twitter page:

<https://twitter.com/SGJusticeAnalys>

From: Fraser E (Elizabeth)(Prison Statistics)

Sent: 15 January 2016 14:06

To: 'wayne.gault@nhs.net'

Cc: Fleming A (Alan); Gilfether H (Holly)

Subject: RE: Alcohol Licensing Statistics

Dear Wayne,

I do apologise for the delay in replying to your email. To be honest, I thought we had already responded but I may have got that one wrong. Alan Fleming is responsible for the liquor licensing statistics but he is on leave today. I will catch up with him about this on Monday and get back to you.

Regards,

Elizabeth Fraser

Scottish Government Justice Analytical Services
Justice Analytical Unit
1F South, Victoria Quay
Edinburgh
EH6 6QQ

☎ 0131 244 5908

E-mail: elizabeth.fraser@gov.scot

From: Gilfether H (Holly)
Sent: 15 January 2016 12:22
To: Fleming A (Alan); Fraser E (Elizabeth)(Prison Statistics)
Subject: FW: Alcohol Licensing Statistics

Hi - could someone get back to Wayne on this please?

Thanks, Holly

From: Gault Wayne (NHS GRAMPIAN) [<mailto:wayne.gault@nhs.net>]
Sent: 15 January 2016 12:18
To: holly.gilfether@scot.gov.uk
Subject: Alcohol Licensing Statistics

Dear Holly,

Just a courtesy email to see if you received the email below.

I'd be grateful if you could acknowledge receipt.

Many thanks.

Wayne

From: Gault Wayne (NHS GRAMPIAN) [<mailto:wayne.gault@nhs.net>]
Sent: 30 November 2015 11:11
To: holly.gilfether@scot.gov.uk
Cc: Gemma Crompton <Gemma.Crompton@alcohol-focus-scotland.org.uk>
Subject: Alcohol Licensing Statistics

Dear Holly,

I'd be grateful if this request could be passed to the appropriate analysts please.

Thanks for these statistics. May I make a couple of suggestions to help make this data more meaningful for local areas?

1. Please add a population denominator to provide the data as rates per 10,000 population
2. As far as off-sales are concerned, please collate the surface area of shelf space as an indicator of capacity and for on-sales, the maximum clientele permitted at one

time. These are statutory details contained within the operating plan of each license.
This will provide a better indicator of change in sales capacity.

Many thanks.

Regards,

Wayne

Wayne Gault

Lead Officer

Aberdeenshire Alcohol and Drugs Partnership

Summerfield House

Eday Road

Aberdeen

AB15 6RE

01224 558511

Find out more about us at:

Twitter: [@AbdnshireADP](https://twitter.com/AbdnshireADP)

Web: www.aberdeenshireadp.org.uk

NORTH ABERDEENSHIRE LICENSING FORUM – 15 MARCH, 2017

ANNUAL GENERAL MEETING BUSINESS (CONVENER'S ANNUAL REPORT, APPOINTMENT OF OFFICE BEARERS, APPOINTMENT OF MEMBERS)

1 Recommendations

1.1 The Forum is recommended:-

1.1.1 to note Convener's Report 2016/17

1.1.2 formally appoint a Convener for 2017/18;

1.1.2 to decide on the arrangements for continued administration support to the Forum in 2017/18; and

1.1.3 formally agree the appointment of members for 2017/18.

2 Background

2.1 The purpose of this report is to advise Members of the formal business which has to be transacted at the Annual General Meeting of the Forum.

2.2 Section 9 of the Licensing Forum's constitution specifies that the Annual General Meeting of the Forum shall take place in March each year.

2.3 The business of the Annual General Meeting shall include:

- 2.3.1 an annual report from the Convener,
- 2.3.2 an appointment of the office bearers, and
- 2.3.3 an appointment of members.

2.3.1 Convener's Report – The Convener, Norma Thomson will provide her annual report for 2016/17 at the meeting.

2.3.2 Appointment of Office Bearers – The office bearers are the Convener and a Secretary. At the first meeting of the Forum, Norma Thomson was appointed as Convener. It was agreed not to appoint a Secretary, but to use an administrator provided by Aberdeenshire Council. Administrative support is being provided by Aberdeenshire Council's Committee Services, by the Committee Officer. Members are requested to formally appoint a Convener for 2017/18 and to decide whether they wish to appoint a Secretary or continue with the current arrangements for administrative support.

2.3.3 Appointment of Members – Members are requested to formally agree the appointment of members for 2017/18. An information chart setting out the possible and actual number of attendances of Forum members is attached to this report (item 4b).

3 Scheme of Governance

- 3.1 The Group is able to consider this item in terms of its remit to advise the North Aberdeenshire Licensing Board on any matters of policy and other areas of concern in respect of the liquor licensing system, excepting individual licensing applications.

4 Equalities, Staffing and Financial Implications

- 4.1 An equality impact assessment is not required because this report does not have a differential impact on any protected characteristics.
- 4.2 There are no staffing implications and as yet, no financial implications.

Report prepared by Anna Ziarkowska, Assistant Committee Officer (Legal & Governance)
1st March, 2017

**NORTH ABERDEENSHIRE LICENSING FORUM -
ATTENDANCE FROM MARCH 2016 TO FEBRUARY 2017**

Name	Date of Joining Forum	Maximum Possible Attendances	Actual Attendances
Norma Thomson	17/08/07	33	30
John Clark	17/08/07	33	27
Alannah Comerford (y.p.)	02/07/14	5	2
Douglas Driver	17/08/07	33	24
David Fusco	17/10/07	31	23
Lesley Muir	20/01/10	22	14
Stuart Pratt	17/08/07	33	19
Community Safety	15/06/11	16	4
Brian Topping	07/11/12	11	7
LSO	18/06/08	29	25
Public Health	16/01/13	10	9
ADP	21/10/09	23	16
Grampian Police	17/10/07	32	25

Name	Meetings April, 2015 – January, 2016			
	March 2016	June 2016	Nov 2016	Feb 2017
Norma Thomson	v	Meeting cancelled	v	Meeting cancelled
Shahid Ali	v			
Alannah Comerford	x			
John Clark	v			
Douglas Driver	v			
David Fusco	x			
Lesley Muir (Education)	v			
Licensing Board Convener (Stuart Pratt)	v			
Brian Topping	x			
Public Health (Calvin Little)	v			
Sarah Ward (LSO)	x			
Lauren Eastwood (LSO)	v			
ADP (Wayne Gault)	x			
Carol Muir				
Grampian Police (Kenneth McGeough)	x			