

MINUTE of the MEETING of the ORKNEY LOCAL LICENSING FORUM held in COUNCIL OFFICES, KIRKWALL on 23 NOVEMBER 2016 at 11am

- Present:**
- Representatives of holders of premises licences and personal licences**
Jean Tulloch, Angela Crawford and Kelly McGuigan
 - Representatives of persons having functions relating to health, education or social work**
Sue Baird, Simon Gordon and Louise Wilson
 - Representative of persons resident within the Forum's area**
Barry Cockerham, Andy McGinn and Bob Mackenzie
 - Representative of the Chief Constable of Police Scotland**
Inspector Alicen Winston
 - Licensing Standards Officer**
David Brown (Acting)
- Clerk to the Forum:** Hazel Flett, Senior Committees Officer
- In Attendance:** Elaine Sinclair, Legal Clerk
- Apologies:**
- Representatives of persons having functions relating to health, education or social work**
Katie Spence
 - Representative from Scottish Fire and Rescue Service**
Paul Edwards
- Not Present:**
- Representatives of holders of premises licences and personal licences**
Brian Flett and Malcolm Stout
- Observing:**
- Orkney Islands Area Licensing Board**
John T Richards, Gwenda M Shearer, Graham L Sinclair, Owen Tierney and David R Tullock
 - Andy McGinn, Convener, in the Chair

1 MINUTE OF MEETING HELD ON 24 AUGUST 2016

After consideration of the Minute of the Meeting of the Orkney Local Licensing Forum held on 24 August 2016, copies of which had been circulated, the Forum:-

RESOLVED, on the motion of Angela Crawford, seconded by Simon Gordon, to approve the Minute of the Meeting of the Orkney Local Licensing Forum held on 24 August 2016, as a true record.

2 MATTERS ARISING

2.1 Licensing Standards Officer - Update

Andy McGinn advised that the written report on the work undertaken by the Licensing Standards Officer would be submitted to the Licensing Forum on an annual basis, although a verbal update would continue at each meeting.

3 LICENSING STANDARDS OFFICER – UPDATE

David Brown reported that, as agreed at the previous meeting, invitations to become members of the Licensing Forum had been sent to the Street Pastors and Bob Mackenzie, both of whom were present. A letter had also been sent to all community councils seeking community members.

As a result of the staff reorganisation and duties of the Licensing Standards Officer being shared across several members of staff, the ongoing inspection programme was progressing, with the backlog almost cleared. There were 19 outstanding visits, mainly on the outer isles, and these would be programmed to coincide with other visits, to maximise staff time.

Within the general resource, another officer would commence in post early in January 2017, thereafter undergoing Licensing Standards Officer training, following which the team would be at full strength.

4 ALCOHOL AND DRUGS PARTNERSHIP – UPDATE

Sue Baird advised that, belatedly, the Scottish Government had announcing funding levels for Alcohol and Drugs Partnerships. Orkney's allocation was significantly reduced and activity was ongoing to see what priorities could be progressed against the budgetary constraints.

5 PUBWATCH

Angela Crawford advised that Orkney Pubwatch had not been successful at the national award ceremony, but was in the top three. She queried if a date had been set for the national Pubwatch representative coming to Orkney.

Bob Mackenzie advised that the representative had a wider remit than just Pubwatch and, if he could be provided with suitable dates, he would liaise and agree a date. Andy McGinn advised that all licencees, as well as Licensing Board and Forum members, should be invited, therefore a substantial venue would be required.

6 CHIEF CONSTABLE'S REPORT TO ORKNEY LICENSING BOARD

There had been previously circulated the Chief Constable's Report to the Orkney Licensing Board for the period 1 April 2015 to 31 March 2016.

Inspector Winston advised that the report was reflective and things had moved on.

In response to a query from Andy McGinn regarding school visits, Inspector Winston confirmed that there was a planned programme, including Drinkwise information when the Driving Ambition programme was delivered in schools.

With regard to Pubwatch, Inspector Winston advised that, although there were members from Kirkwall, Stromness and the West Mainland, the East Mainland did not have any members and perhaps this could be highlighted in the publicity when the national representative was in Orkney. There was good collaboration with local licencees, who tended to deal with situations before they escalated to a stage where the Police required to be called.

In response to a query from Simon Gordon regarding attendance at domestic disputes and whether alcohol was a contributing factor, Inspector Winston advised there was currently no reporting of this, although it was something that could be looked at in the future.

7 OVERPROVISION

Andy McGinn referred to the report and statistics regarding alcohol related admissions to hospital which was discussed in private at the previous meeting and advised that the statistics may not be accurate as it had since come to light that the figures for one year related to one person, thereby appearing to skew the situation, and that Orkney may not be worst place for alcohol related admissions to hospital. Also, despite several requests, the hospital admission form had not been produced.

Sue Baird advised that, subsequent to production of the earlier report, she was aware of a national organisation providing similar data. Information Services Division (ISD) Scotland, a division of National Services Scotland, part of NHS Scotland, had asked for further data, namely the number of patients, not the number of stays, and, in Orkney's case, there were significantly more stays than patients.

Louise Wilson further clarified that, although national figures in relation to hospital admissions appeared to peak in 2009/10, this had since declined, as was the case locally. It was important to focus on the data for the last two years, the latest of which was published in October. However, the significant issue was that there was a high admission rate within Scotland, and work should be done to reduce this.

It was agreed that the ADP should contact other ADPs, including Borders, who had significantly lower alcohol related admissions to see whether or not lessons could be learned or initiative put in place to assist in reducing local levels.

Sue Baird confirmed that the report she had produced was not in relation to overprovision, but to drill down the figures associated with hospital admissions and to address any peaks.

8 ANY OTHER COMPETENT BUSINESS

8.1 Taxi Rank on Pierfront

Angela Crawford advised that patrons had raised the operation of the taxi rank at the pierfront, particularly during the busy festive period, when folk often had a long wait for a taxi to return, resulting in frustration when a taxi did arrive, particularly when not pre-booked. She suggested an alternative location be found, for a short period at that time of year, which could perhaps also be policed, a role which the Street Pastors might be able to fulfil.

Elaine Sinclair confirmed that the matter had been raised previously, and that a procedure required to be followed in order to establish a taxi rank, which could not be completed for the upcoming festive season.

John Richards joined the meeting at this point.

As this matter was outwith the remit of the Licensing Forum, it was suggested that Pubwatch should submit a request to Legal Services, Orkney Islands Council.

Barry Cockerham advised that, from the Street Pastors' experience, patrons moved on relatively quietly and orderly following pub closing times, and Fusion closing, with an "official" taxi rank to the rear of Fusion collecting passengers, following pre-booking. Generally, patrons dispersed quite quickly, either on foot, picked up by friends or by pre-booked taxi.

8.2 Distribution Centres for Internet Alcohol Sales

David Brown referred to an email received on 21 November 2016 from the Convener of Fife Licensing Forum and Alcohol Focus Scotland, which stated:-

"At the time the Licensing (Scotland) Act 2005 was drafted and passed into law internet sales were a niche operation and were in their infancy. Consequently very little provision was made in the Act dealing with this market and subsequent legislation has not improved the situation. Since then internet sales have grown exponentially and are set to do so for the foreseeable future, with the large supermarket chains adopting the model and practices employed by the market leader.

Two Provisional Premises Licence applications are due to be heard by the Inverclyde Licensing Board (on 1st December) and the Fife Licensing Board (on 12th December) for two distribution centres belonging to the internet sales market leader - without mentioning any names.

If approved these two applications will have widespread implications for every other Licensing Board in Scotland but which will leave each of those Licensing Boards with very little scope to monitor and regulate such alcohol sales within their areas. Assessing over-provision has the potential of becoming an academic exercise which obviously is particularly relevant to the responsibilities of local Licensing Forums.

Alcohol Focus Scotland have written to the Conveners of every Scottish Licensing Board, apprising them of these developments. Approaches have been made to the Scottish Government with a view to having this issue addressed at a national level, as that is the most appropriate course of action, but these approaches so far have been met with a reluctance to get involved.

The purpose of this email is to bring you up to speed with what is happening. Objections and representations have been lodged with both Boards. Unfortunately, because these applications came in under the radar very little time was left in which to act and the deadline for representations/objections for the Inverclyde Board was Monday 14th November. The deadline for Fife representations is later this week. Both Boards have been asked to defer the applications to allow for a measured and appropriate response to be finalised. It is not yet clear whether these requests will be granted. Indeed if the Inverclyde Board decide to grant their application a dangerous precedent will have been set.

If you need further information on what is happening and what action is being taken please contact me as below, or Alison Douglas or Aidan Collins, both at Alcohol Focus Scotland.”

David Brown advised that, although internet sales of alcohol were already happening, including locally, this was believed to be the first dedicated distribution centre in Scotland and he wished to make the Forum aware of the situation.

9 DATE OF NEXT MEETING

It was agreed that the Forum should meet on four occasions during 2017, as well as the joint meeting with the Orkney Islands Area Licensing Board, on a similar timescale to 2016, on dates to be advised.

10 CONCLUSION OF MEETING

There being no further business, the Convener declared the meeting concluded at 11:55.

Signed: A McGinn