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## THE MORAY LICENSING BOARD

THURSDAY 11 JUNE 2015

**NOTICE IS HEREBY GIVEN** that the Meeting of **THE MORAY LICENSING BOARD** is to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 11 June 2015 at 10.00am.

Alasdair McEachan  
CLERK

4 June 2015

### **BUSINESS**

1. Prior Minutes
  - (i) Minutes of the Meeting held on 5 March 2015 (copy attached)
  - (ii) Minutes of the Special Meeting held on 14 April 2015 (copy attached)

### **The Licencing (Scotland) Act 2005**

2. Applications Section– Appendix 1
3. Chief Constable Report Under Section 12A – Report by the Clerk (copy attached)
4. Public Sector Equality Duties – Report by the Clerk (copy attached)

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|--------|-------------------|
| CLERK: | Alasdair McEachan |
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**THE MORAY LICENSING BOARD**

**SEDERUNT**

**COUNCILLOR J ALLAN**

**COUNCILLOR G COWIE**

**COUNCILLOR J DIVERS**

**COUNCILLOR M HOWE**

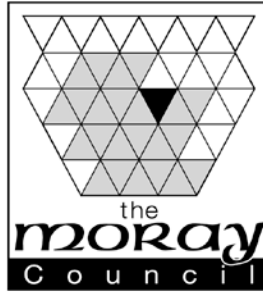
**COUNCILLOR M McCONACHIE**

**COUNCILLOR A MCLEAN**

**COUNCILLOR R H SHEPHERD**

**COUNCILLOR C TUKE**

CLERK TO THE BOARD: M A McEachan



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**REPORT TO: THE MORAY LICENSING BOARD 11 JUNE 2015**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – CHIEF CONSTABLE’S REPORT UNDER SECTION 12A**

**BY: CLERK TO THE BOARD**

**1. Reason for Report**

1.1 This report is to place before the Board a report from the Chief Constable, who has a responsibility to report certain matters to the Board on an annual basis.

**2. Recommendations**

**It is recommended that the Board:-**

**2.1 Note the contents of the report attached at Appendix 1.**

**2.2 Note that the Chief Constable’s representative has been invited to attend the meeting to answer any questions about the report.**

**3. Background**

3.1 The Chief Constable on 24 March 2015, submitted a report under section 12A of the Licensing (Scotland) Act 2005. This section provides that he should send a report to the Licensing Board at the end of each financial year that sets out the following information.

3.1.1 His views about matters relating to policing in the Licensing Board’s area during that year and the following year, in connection with the operation of the Licensing (Scotland) Act 2005; and

3.1.2 any steps taken during the year, or intended to be taken in the following year, to prevent the sale or supply of alcohol to children or young people in the Board’s area.

3.2 The Chief Constable’s report for 1 April 2013 to 31 March 2014 is attached at **Appendix I.**

#### 4. **SUMMARY OF IMPLICATIONS**

**(a) Moray 2023 A Plan for the Future/Service Plan**

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

**(b) Policy and Legal**

Matters raised in the Chief Constable's report may be relevant to Licensing Board policy.

**(c) Financial implications**

None.

**(d) Risk Implications**

None

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities**

None.

**(g) Consultations**

None.

#### 5. **Conclusion**

5.1 It is proposed that the Board note the report from the Chief Constable.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers:

Ref: SH



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
MORAY LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> April 2013 to 31<sup>ST</sup> March 2014

LVRD/ 8th Dec / v 1.4

**Foreword**

It gives me great pleasure to present my Annual Report for 2013/14, in accordance with section 12 A Licensing (Scotland) Act 2005.

Since April 2013 Police Scotland has faced and overcome many challenges set against a backdrop of competing demands, budget constraints and organisational change. However, throughout this period we have remained focussed on delivering a local service that addresses local issues and needs, balanced against national priorities.

To date our success speaks for itself with crimes of violence now at its lowest recorded level in 38 years, in addition to a reduction in disorder and antisocial related offences. This is welcome news and means that there are now fewer victims of crime living and working in Scotland. However, there is no room for complacency and what is evident is that the link between alcohol misuse with incidents of crime and offending; victimisation and health related harm continues to negatively impact on individuals, families and communities on a daily basis.

Police Scotland can, however, continue to make a difference and working collaboratively with the licensed trade, partners and local communities we will continue to strive towards improved standards and compliance across the licensed trade; address business practices that result in excess alcohol consumption and vulnerability; address the sale and supply of alcohol to children and young people and identify and tackle localities most affected by the misuse of alcohol and related incidents of crime and offending. In addition, Police Scotland will continue to support both our partners, in terms of health promotion and improvement, and legitimate local traders who make a positive contribution to local economies and communities.

Throughout 2013/14 Police Scotland has been working steadily towards harmonising our approach towards licensing, balanced against the need to deliver a local service that reflects and addresses local issues and concerns. Our focus has centred on enforcement activity, complemented and supplemented by a number of supportive prevention and interventions measures, designed to improve licensing standards, reduce violence and positively influence behaviour and cultural attitudes across Scotland.

This report outlines what activity has been undertaken over the last twelve months for the Moray Licensing Board area and what steps we will take in 2014/5 to ensure we continue to improve on our performance and positively improve the lives of the people of Scotland - keeping people safe.

Sir Stephen House QPM  
Chief Constable  
Police Scotland

## **Police Scotland Licensing Overview**

### Structure

Following the inception of Police Scotland in 2013; a two tier structure for Licensing was adopted, to support both national and local priorities and service delivery.

A national licensing policy unit (NLPU) which sits within Licensing and Violence Reduction Division has overall responsibility for determining and delivering national licensing strategy and policy. The NLPU also provides advice and support to Divisional Licensing teams as well as other specialist functions.

Dedicated Licensing teams are located in each of the 14 local Divisions and are responsible for 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.

### **National perspective**

#### Licensing and Violence Reduction Division.

Licensing and Violence Reduction Division (LVRD) is a specialist division which, as stated, exists to support each of the 14 divisions across Police Scotland. Working with Divisional Licensing teams we shape the policy and strategy around the Police licensing function.

The licensing policy unit provide practical and tactical advice and support to operational officers, supervisors, Commanders and Police licensing practitioners on actions that can contribute to the safe and legitimate operation of premises licensed to sell alcohol.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across each division and that all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law and statutory instruments. As such policing tactics require to be continually developing to keep pace with these changes.

All of this activity is done in support of the National Police Scotland priorities;

National Priorities:

- Reduce violence, disorder and antisocial behaviour
- Protect the public
- Increase road safety and reduce road crime
- Tackle serious and organised crime and terrorism
- Effectively police major events and threats
- Maintain high levels of public confidence in policing
- Deliver our equality and diversity outcomes

The licensing policy unit currently has a focus on the following priorities;

#### Effectively police major events

Events and festivals around the country where alcohol is supplied are placing increasing demands on policing. As we strive to protect the public it is recognised that the management of alcohol consumption is a crucial part of event management.

Experiences from events have informed the view that there should be a move towards agreed alcohol management plans which set out how alcohol sale and supply and alcohol risk are to be controlled.

It is intended that these plans should be made available to the licensing board and will form the basis of any enquiry the board make following an application. This will allow the board to set expectations around public safety and reduce the impact some events might have on the wider community.

#### Reduce violence, disorder and antisocial behaviour

LVRD will scrutinise the most serious incidents of violence and disorder linked to licensed premises to inform the tactics the Police might develop and use to solve the underlying problems causing these incidents. Engagement with the affected licensed premises whilst attempts are made to identify the solutions to identified problems. This activity is reported to the Chief Constable on a weekly basis.

The NLPU are currently developing partnerships which will assist in a better understanding of the challenges faced by the licensed trade. Where possible there will be engagement with premises and companies which rarely come to the attention of the Police. This is with the intention of identifying good practice and the hope that this can be shared across the trade. This approach will enable Police Scotland to further work together with local communities and key partners preventing alcohol related crime and offences.



Tackle serious organised crime and terrorism

LVRD identifies opportunities to impact on serious and organised crime groups who may seek to exploit the licensed trade, either by making attempts to become involved in the running of, or ownership of 'legitimate' enterprises, or by seeking to influence or intimidate legitimate operators in furtherance of their criminal enterprises.

The licensing policy unit has identified that there are considerable opportunities to impact on organised crime groups in our communities. There has been a concerted effort made to research and engage key stakeholders involved with the regulation of businesses such as HMRC and the Insolvency Service in order to map out how information gleaned by each agency can be fused together towards a focussed joined up disruption against SOCG licensed businesses.

Working in collaboration with the Police Scotland, Organised Crime and Counter Terrorism Interventions Unit, ways to deter serious and organised crime groups from gaining access to legitimate licensed premises have been identified as have methods of disrupting them within or depriving them of already established businesses.

To this end the Licensing Policy Unit has developed staff in terms of Intelligence and Financial Investigation disciplines in order to develop intelligence about organised crime groups involved in licensing and also to initiate money laundering enquiries where unlawful conduct and recoverable assets are identified through the licensing process. There is close liaison with the Civil Recovery Unit at the Crown Office where licensed premises have in the process of enquiries been identified as a vehicle for unlawful conduct and fraud.

Strategic Focus 2014- 2015

With the intention of harmonising licensing practice across the country, Police Scotland has introduced training and seminars which will ensure there is continuous professional development for staff in licensing departments.

Inn Keeper software has been purchased by Police Scotland and will be available for use across Scotland from late spring in 2015.

The licensing policy unit will continue to support the operational activity of licensing teams across Scotland as we look to develop a consistent standard in relation to reporting to licensing boards and the application of the Licensing (Scotland) Act 2005.

## **MORAY LICENSING BOARD AREA**

The Licensing Board area is policed by Aberdeenshire and Moray Division.

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

### Local Policing Priorities

Following our public consultation process, the policing priorities for Aberdeenshire and Moray Division, as set out in our Local Policing Plan are as follows;

- Acquisitive Crime
- Antisocial Behaviour, Violence and Disorder
- National Security
- Public Protection
- Road Safety and Road Crime
- Serious and Organised Crime

Aberdeenshire and Moray Division extends across 8,551 square kilometres and has a population of approximately 333,040. It covers largely rural areas in the north east of Scotland. The area extends from Laurencekirk and St Cyrus in the south, to the fishing and coastal communities of the north east through to Peterhead and Fraserburgh in the north. It also covers Deeside and Donside and areas of the Cairngorm National Park into Tomintoul, Rothes and Forres towards the Moray Firth.

The Division has three territorial command areas, Aberdeenshire South, Aberdeenshire North and Moray which have their own dedicated Area Commander who is responsible for the daily policing functions. Each command area is served by a number of community policing teams whose activities are built around the needs of the local community. The teams respond to local calls and look for long term solutions to key issues.

### Moray Command Area

The Moray Area covers the multi member wards of Elgin City North, Elgin City South, Heldon & Laich, Fochabers & Lhanbryde, Buckie, Keith & Cullen, Speyside & Glenlivet and Forres.

These are contained within four Policing areas each with a nominated Local Policing Team Inspector. The area covers the large towns of Elgin, Forres, Keith, Lossiemouth and Buckie with additional smaller settlements in the community.

Moray covers 2238 square kilometres and a population of around 88,000 people. The economy revolves around tourism, forestry and agriculture with

the Scotch Whisky Industry playing a large role in the local and Scottish economy.

The community is served by larger Police stations in the main towns with smaller stations at Fochabers and Rothes.

#### Area Commander

Chief Inspector Willie Findlay is the Area Commander and is responsible for the daily management of local personnel, performance management, community engagement and partnership working within the Moray Area in order to ensure that key performance indicators and outcomes within the Local Police Plan are delivered. He is based at Elgin Police Station.

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

Aberdeenshire and Moray Divisional Licensing team is currently headed by Inspector Gillian Milne and supported by Sergeant Gavin Jardine both based at Stonehaven Police Office. Additional administration staff and enquiry officers are based at Inverurie and Elgin Police Offices. All staff have a Division wide remit.

Each application received from the Licensing Board is scrutinised by staff of the Divisional Licensing team and where relevant, objections and representations are made to the Board, paying particular attention to both relevant convictions and the five licensing objectives. Recent amendments to the legislation have also widened the scope of the Chief Constable's (C.C) response. One example of this is in relation to transfer applications where the C.C is now permitted to raise concerns with the Board when he believes that the granting of the application is inconsistent with the licensing objectives, regardless of whether the applicant or any connected persons have relevant convictions.

Within the limits of what the legislation permits, the Chief Constable will always endeavour to bring all relevant information before the Board to afford the fullest picture of the applicant/application to be considered in any subsequent deliberations.

#### Licensing Offences

Whilst the majority of premises within the Board area continue to operate lawfully and in line with the Licensing Objectives, where evidence exists to support licensing offences, officers will pursue criminal charges when appropriate.

Within this period, Aberdeenshire and Moray Division officers recorded the following common licensing offences:

|   |    |
|---|----|
| Attempt to enter relevant premises whilst drunk [Sect 111(1)]       | 4  |
| Drunk and Incapable on relevant premises [Sect 111(2)]              | 1  |
| Responsible person drunk whilst on licensed premises [Sect 114(1)]  | 1  |
| Disorderly conduct on premises whilst drunk [Sect 115(1)(a)]        | 9  |
| Disorderly conduct/refusal to leave licensed premises [Sect 116(1)] | 26 |

When such offences occur, these will be brought to the attention of premises management, to allow them to review their internal processes. Local Officers and the Divisional Licensing team will offer advice and assistance and where appropriate if further intervention is required, consideration will be given a more focussed interaction with the premises (outlined below).

### Incident Management/Premises Licence Review Applications

Incident management is a critical aspect of our ongoing monitoring of licensed premises.

Police Officers submit an Inspection of Licensed premises report via a software system (Innkeeper) on every occasion they are called to attend an incident at licensed premises with particular focus upon violence, disorder, anti-social behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation and any other matter that might impact on the safety of the public.

The information obtained may show a causal link between the operation of the premises and the incident. Where necessary, a four stage process may be engaged in order to address any issues or concerns regarding the premises. This can range from low level 'interaction' which may involve a discussion between the Police and premises licence holder, or the premises may become 'monitored' with closer attention being paid to day-to-day operations and incidents occurring. Where necessary the premises licence holder and management may be asked to attend an 'intervention' meeting with the Police, where concerns can be discussed and may involve an agreed action plan with set time scales being put in place for the premises to remedy any matter.

The most serious status premises can attain is that of being considered 'problematic' where it is unlikely that interaction or intervention will resolve the issue and it is likely that the Police would submit a premises licence review application to the Licensing Board.

For problematic, intervention or monitored premises there may be a tasked visiting regime put in place where Police Officers are tasked to visit the premises and observe their operation with a view to noting improvements, or otherwise. These tasked visits are assessed by Aberdeenshire and Moray Division Command Officers on a weekly basis.

The use of this approach continues to very successful in resolving issues which may have previously been brought before the Board to be remedied. In the twelve month period of this report there has been only one Premises Licence Review submitted for consideration of the Board.

### Partnerships

Aberdeenshire and Moray Division works in partnership with the following groups and organisations to jointly improve local licensing issues;

- Local Licensing Forum
- Licensing Standards Officers
- Licensed Trade Association
- Community Safety Partnership
- Local Pubwatch initiatives
- Local Security Industry companies
- Voluntary organisations/Event organisers - in respect of sale/supply of alcohol at events

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

The Police Service of Scotland reserves the capability to carry out test purchase operations on an intelligence led basis. For the reporting period, no operations were carried out in the Board area.

Aberdeenshire and Moray Division is committed to engaging with the community, in particular with schools and educational establishments to raise awareness of vulnerability and risk associated with the consumption of alcohol. School liaison officers assist in disseminating that message in schools across the Division in line with the Curriculum for Excellence syllabus.

Officers in the Safer Communities Team also continue to drive home the dangers and consequences of counterfeit, borrowed or stolen identity documents as proof of age to enter licensed premises and purchase alcohol. Literature is regularly supplied to licensed premises in this regard.

In respect of licensed events which occur outwith licensed premises, officers from the Divisional Licensing team are consulted to ensure that appropriate conditions are sought on all such licences. In respect of larger events, the Divisional Licensing team will also be asked to consider the suitability of the event alcohol management plan. Access to such events by children and young persons is closely scrutinised and appropriate conditions sought to regulate the limits and scope of such access.

In the reporting period, there have been three offences of persons buying or attempting to buy alcohol for a child or young person (agency sales) in the Board area.

Such offences are always brought to the attention of the relevant licensed premises to ensure that their processes are as robust as they should be. Where shortcomings are identified within the premises, consideration will be

given to engaging with the premises in line with the four stage process outlined previously.

### TACKLING SERIOUS AND ORGANISED CRIME

Many of the processes and procedures involved in licensing applications are carried out to guard against serious and organised crime groups (SOCG) infiltrating the licensed trade in any way.

If such an SOCG were able to gain a foothold in licensed premises this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

Many of the procedures currently carried out by the Divisional Licensing team, particularly in relation to new premises licences, the transfer of premises licences and the appointment of premises managers are done to ensure complete financial transparency and there are no business related irregularities which may be indicative of SOCG involvement.

As part of this, the Divisional Licensing team staff regularly liaise with Police Interventions staff who are aware of OCG activity within the Division to ensure that applicants are not affiliated in any way to such groups before responding to the Licensing Board.

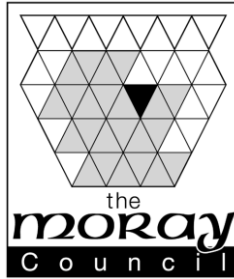
### PROPOSED ACTIVITY FOR THE YEAR AHEAD

Aberdeenshire and Moray Division will continue to work closely with Moray Licensing Board and be mindful of their Policy and the legislative framework available.

We will continue to raise objections, representations and other concerns when appropriate to keep unsuitable applicants or operating practices out of licensed premises in the Board area.

We aim to improve standards and compliance across the licensed trade and tackle business practices that result in excess alcohol consumption and vulnerability, whilst supporting our legitimate local traders who make a positive contribution to local economies and communities.

By doing so and by working collaboratively with our partners, we will support the licensed trade in upholding the five licensing objectives and the spirit of the 2005 Act, to ensure the safety and wellbeing of the people of Aberdeenshire and Moray Division.



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**REPORT TO: THE MORAY LICENSING BOARD 11 JUNE 2015**

**SUBJECT: PUBLIC SECTOR EQUALITY DUTIES**

**BY: CLERK TO THE BOARD**

**1. REASON FOR REPORT**

1.1 The Board is asked to note the update report on the public sector equality outcomes.

**2. RECOMMENDATION**

**2.1 It is recommended that:**

**The Board note the update report on the public sector equality outcomes that has been published on the Council's web pages.**

**3. BACKGROUND**

3.1 The Equality Act 2010 makes the public bodies listed, including Councils and Licensing Boards, subject to public sector equality duties.

3.2 At its meeting on the 7 March 2013 the Board considered a report on the public sector equalities duties. The Board agreed (para 11 of the minute refers) to publishing equality outcomes jointly with the Moray Council around the themes of bullying and harassment of vulnerable people and domestic abuse.

3.3 The public sector equality duties also require public bodies to publish a report on progress made towards the equality outcomes within two years of the publication of the outcomes themselves. The first progress report was required to be published no later than the 30 April 2015.

3.4 The Council's Equalities Officer, in concert with relevant parties including the Depute Clerk, recently drafted and published the first progress report. A copy of that progress report is attached at **Appendix I**. It was published on time in order to comply with statutory requirements, but there was not an opportunity to report it to the Board prior to publication.

3.6 The progress report is now submitted for the Board's information and will be the subject of a separate report to the Moray Council.

#### 4. **SUMMARY OF IMPLICATIONS**

(a) **Moray 2023: A Plan for the Future/Service Plan/Health and Social Care Integration**

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community by ensuring those providing licenseable goods and services are fit.

(b) **Policy and Legal**

Progress will assist in meeting the public sector duties under the Equality Act 2010.

(c) **Financial implications**

There are no financial implications arising from this report.

(d) **Risk Implications**

There was a risk that if the progress report on equality outcomes was not published on time then the matter would be reviewed by the Equalities and Human Rights Commission in early May 2015 with a view to compliance action.

(e) **Staffing Implications**

The public sector equality duties have the potential of impacting on staff. Every effort is made to ensure that the principles of proportionality and relevance are applied to equality issues.

(f) **Property**

There are no implications on property arising from this report.



**(g) Equalities**

The recommendations will assist in meeting our obligations under the Equality Act 2010 and the Scottish regulations in relation to the public sector equality duties.

**(h) Consultations**

The Equalities Officer Consultations have taken place with the Moray Equalities Forum.

**5. CONCLUSION**

- 5.1 The Board is asked to consider and note progress towards the public sector equality duties and to approve the recommendations set out in section 2.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT

**APPENDIX I****Moray Council Equality Outcomes 2013 - 2017****THEME 1: Bullying****National evidence**

- Evidence from EHRC report: 'Hidden in Plain Sight', which discussed the results of its inquiry into disability related harassment were published:
  - The inquiry highlighted a range of systemic failures, including a culture of disbelief around incident reporting, insufficient co-ordination of incident reporting which would allow identification of repeat incidents or escalating incidents and an acceptance by victims of bullying and harassment as part of life.
  - There are a high number of unreported incidents.
  - The approved form may not capture sufficient information to safeguard the victim e.g. there is no space to indicate whether the incident is a repeat incident, nor does it allow identification of risk factors.
  - Follow up procedures are not robust enough. Some of the areas that need to be looked at more closely are: co-ordination between agencies; better analysis of report findings; are there different systems capturing similar incidents that work separately; are relevant front-line staff sufficiently aware of the need to record incidents, warning signs and procedures that ensure a more co-ordinated approach?
  - Where incidents are reported, there is no procedure for ensuring that the information is fed into a more comprehensive system for co-ordinating and analysing the information in order to identify repeat incidents or escalation.
  
- Evidence from EHRC's report: 'How Fair is Britain?':
  - LGBT adults are around twice as likely to report experiencing unfair treatment, discrimination, bullying or harassment at work as other employees.
  - Bullying, discrimination and language barriers are identified as issues facing ethnic minority pupils in school.
  - Gypsies and travellers are more liable than other groups to face hostilities and experience poor mental health.
  - The number of racially motivated crimes reported to the police has risen in Scotland as has the number of cases resulting in court proceedings.
  - Homophobic bullying is widespread in British secondary schools.
  - LGBT are more liable than other groups to face hostilities and experience poor mental health.
  - Small scale studies suggest higher suicide rates among LGBT groups.
  - In Scotland, 17% of disabled people are victims of crime.
  - In Scotland, 47% of disabled people have experienced hate crime as a result of their disability.
  - People who are not Christian are roughly 10 times more likely to report being attacked or harassed because of their faith than Christian people.
  - Among transgender people a large proportion of victims of hate crime are still reluctant to report such attacks.

**Local evidence**

- In March 2011 Grampian Racial Equality Council (GREC) published the results of a study commissioned by the Moray Council on equality issues in Moray. One of the findings suggested that the extent of bullying in schools is larger than our reporting systems indicate. Groups that are particularly affected are people with learning disabilities, Through Care and After Care young people and LGBT people.
- The Safer Communities Survey 2009 received 621 (60%) returns from the Moray Citizens' Panel. In the survey:
  - 23% reported having experienced deliberate damage to property or a threat of damage to property.
  - 11% experienced violence or a threat of violence.
  - 7% experienced racial harassment or intimidation.
  - 13% experienced other harassment or intimidation.
  - The survey doesn't give any figures for disability related harassment but mirrors the figures from the EHRC inquiry. The Safer Communities Survey also states that 65% don't report crime or community safety problems. Again, this mirrors national figures: according to the statistical bulletin, 37% of crimes in Scotland come to the attention of the police.
- Results from the Citizens' Panel Single Outcome Agreement Priorities survey (November 2012) provide the following information relating to adult protection:
  - Around 2 in 5 respondents indicated that they and/or a member of their family had been subjected to bullying or harassment.
  - Around 1 in 5 of those who had (or whose family member had) experienced bullying or harassment indicated that they had not spoken to anyone about this. In terms of those that had spoken to someone about the issue, this was most commonly parents or family, and teachers. This may suggest that a large proportion of these incidents involved bullying or harassment of children.
- At meetings on 10 September and 5 October 2012 the Moray Equalities Forum agreed that bullying should be one of the main themes for the Moray Council's equality outcomes.

**Other evidence**

- A new study by the University of Cincinnati found that both school bullies and their victims are likely to abuse alcohol after a bullying episode. The study examined bullying, recent alcohol use and heavy drinking episodes among more than 54,000 7th-through-12th grade students in schools across Greater Cincinnati, including the Tristate regions of Ohio, Kentucky and Indiana. The data was collected by the Coalition for a Drug Free Greater Cincinnati as part of the 2009-2010 Pride Survey on adolescent drug use in America.
  - The study found that junior high and high school students were one-and-a-half times more likely to have abused alcohol if they had been bullied. "The overall effect of victimization and alcohol use did not differ based on sex, age or race. It has an overall impact on their drinking rates and level of intoxication across all categories. Also, bullies and their victims are reporting similar types of activity in relation to their drinking patterns. We

believe the alcohol abuse may often be an effort to escape problems and to self-medicate".

### **Equality Outcomes**

1. Through 2013 and 2014 it is expected that the number of reported incidences of bullying for all protected characteristics will increase through better awareness and reporting mechanisms. The baseline figures will relate to all incidences and will enable us to identify repeat incidences and escalating incidences.
2. By April 2014 onwards a baseline figure for the number of incidences for all protected characteristics will be established.
3. From April 2014 the number of repeat incidences of bullying related to protected characteristics will decrease.
4. From April 2014 the number of escalating incidences of bullying related to protected characteristics will decrease.
5. From April 2014 the overall number of incidences of bullying related to protected characteristics will decrease.
6. From April 2013 onwards victims of bullying will be supported in developing better ways of dealing with bullying behaviour.
7. From April 2013 onwards people who display bullying behaviour will be supported in addressing their own bullying behaviour.

### **Protected characteristics**

The outcomes will apply to all characteristics protected under the Equality Act 2010.

### **THEME 2: Domestic Abuse**

#### **National evidence**

- 'How Fair is Britain?':
  - Partner violence accounts for 43% of female homicides compared to 7% for men.
  - 1 in 7 women in Scotland have experienced a physical form of partner abuse since reaching the age of 16.
  - Women experience over three-quarters of domestic violence and sexual assault and encounter more extreme forms than do men.
  - Data suggests that LGB are more likely than average to have experienced sexual assault and domestic violence during their lifetimes.

#### **Local evidence**

- Moray Safer and Stronger Strategic Assessment 2009/10:
  - The numbers of incidents and repeat incidents of domestic abuse have reduced between 2006/07 and 2008/09, by 18% and 17% respectively. The proportion of incidents that were repeat incidents has remained steady over this period.
  - The vast majority of victims are female, though there has been a slight reduction since 2006/07, from about 90% to about 86%. The vast majority of perpetrators are male, accounting for virtually the same proportions as female victims, with a similar reduction since 2006/07. The picture is the same nationally. Approximately 84% of victims of both genders are aged 20-50yrs, although the spread within this range is slightly different, with

males being split fairly evenly between 20-30yrs, 31-40 yrs and 41- 50 yrs, whereas the majority of females fall within the younger of these two age groups.

- Nationally, around 88% of victims and perpetrators fall into these three age groups, the difference being that Moray has a slightly higher proportion of victims and perpetrators aged under 19yrs.
- Children 1<sup>st</sup>, Cedar Project:
  - In 2011 there were over 500 reported incidences of domestic abuse in Moray.
- Moray Domestic Abuse Strategy 2011/14:
  - Overall figures need to be seen against the background of inherent underreporting. It is estimated that a victim will only summon up the courage to call the Police on average after seven incidents of abuse.
  - During 2010, across the four Children and Families Teams covering Moray, a total of 2100 referrals or initial contacts were made; in 224 of these, 10.67% of the total, Domestic Violence was recorded as the presenting issue.
  - Approximately 90% of the victims of Domestic Violence reported to Grampian Police were female.
  - Of the incidences reported to Grampian Police in Moray during the financial year 2008/09, 60% of the perpetrators were under the influence of alcohol and 40% of victims at the time of the offence.
  - In a large number of cases substantial emotional and physiological damage is done to the victim's children who are often present when the abuse takes place. This has long-term effects which can perpetuate the cycle of violence.
- Moray Women's Aid:
  - There is insufficient access to interpretation services for victims whose first language isn't English.
  - Victims who have special needs often face delays in having their needs assessed, leading to delays in finding suitable accommodation.

### **Data gaps**

- There is little information about the incidence of domestic abuse among:
  - Minority ethnic groups
  - LGBT community

### **Equality Outcomes**

1. Gain a better understanding of the number of incidences of domestic violence disaggregated by protected characteristic.
2. Gain a better understanding of the number of repeat incidences and escalating incidences as part of the total number of incidences.
3. Raise awareness of incidences of domestic abuse and reporting mechanism among front-line officers who are not currently engaged in tackling domestic violence and the public.
4. Reduce the overall number of incidences of domestic violence.
5. Reduce the number of escalating incidences of domestic violence.

6. Reduce the number of repeat incidences of domestic violence.
7. Victims whose first language is not English will have better access to interpretation services when seeking help.
8. Victims who have special needs will have quicker access to an assessment by an occupational therapist.

### **Public Sector Duties**

The outcomes relating to domestic violence will help in meeting duties regarding:

- The need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010.
- The need to promote equality of opportunity.

### **Protected characteristics**

The outcomes relate to the following protected characteristics:

- Sex
- Race
- Sexual orientation
- Gender reassignment
- Age
- Pregnancy and maternity

## **THEME 3: Accessible streets in Moray**

### **National evidence**

- Equality Evidence Finder: <http://www.scotland.gov.uk/Topics/People/Equality/Equalities/>
  - Per cent of the adult population have a long-standing illness, health problem or disability that means they find walking for at least 10 minutes difficult to manage on their own.
  - 1.6 per cent of the adult population have a long-standing illness, health problem or disability that means they find using a car difficult to manage on their own.
  - 4.7 per cent of the adult population have a long-standing illness, health problem or disability that means they find using a bus difficult to manage on their own.
  - 3.6 per cent of the adult population have a long-standing illness, health problem or disability that means they find using a train difficult to manage on their own.

### **Local evidence**

- Safer Communities Survey 2009:
  - Perception of safety: people generally feel safe about their own neighbourhood but less so when moving further away.
  - Perception of safety is affected by under-age drinking: 35% indicating this is a problem for local people at least once a week) and by public drinking/drunkenness (27%).
  - As was found in 2006, there was a clear trend in responses with views generally being most positive about the local area and least positive at the national level. In relation to crime the following points emerge:
    - 28% of respondents felt that crime levels had increased in their local area, significantly more than the 8% who felt crime had decreased.

- 48% felt that crime had increased across Moray as a whole, with just 4% indicating a decrease.
    - Views on crime were most pessimistic for Scotland as a whole – 61% felt that crime had increased nationally and just 3% felt there had been a decrease.
  - Results do suggest that the time of day is the most significant factor in how safe respondents feel in their local area. Very few felt unsafe walking alone or taking public transport during the day (just 3% for each).
  - However respondents were significantly more likely to feel unsafe in these situations at night, with around a fifth of respondents indicating that they would not feel safe walking alone (20%) or on public transport (21%) at night.
  - The profile of safety measures taken recently by respondents was broadly similar to that reported in 2006. In particular, respondents were most likely to have avoided certain places (53%), avoided going out alone at night (44%) and improved their home security (40%). The relative ranking of these three measures has changed since 2006, and in particular somewhat fewer respondents mentioned improving home security, but there has been little significant change.
  - There is no information on how perception of community safety affects the different protected characteristics.
- Feedback from Moray Disability Forum:
    - The Forum has given many examples of physical features in Moray which make it difficult or impossible to effectively use a great number of footpaths in Moray. These features range from temporary features (such as cars parked on kerbs, wheelie bins, a-frame signs, or other temporary obstacles blocking the pavement) to more permanent obstacles (such as dropped kerbs that are too high, narrow pavements, pavements made too narrow by drainpipes, lampposts, steep gradients, unsecure embankments, insufficient or non-compliant disabled parking spaces, cobbled streets). These features affect wheelchair users, people who are visually impaired, elderly and parents with young children. In some extreme cases, these obstacles are impossible to negotiate without a significant detour, e.g. the platforms at Elgin railway station.
    - Pavements are the basic unit of mobility within our overall system of transportation.

### **Equality outcomes**

1. Work with community groups to carry out street audits to gain insight into the physical and psychological barriers that prevent pedestrians or wheelchair users from using the pavements in Moray.
2. Improve access to streets for all users in Moray.

3. People feel safe using the streets in Moray.
4. Provide easily accessible information about safety and accessibility of the streets in Moray.

**Protected characteristics**

- Age
- Disability
- Pregnancy and maternity



# **APPENDIX 1**

## Key to Colour Coding of Applications within Appendices to the Agenda of Business for the Moray Licensing Board

All matters are to be heard by the Moray Licensing Board and the Moray Licensing Board has the final decision. However, in accordance with Government Guidance and locally agreed procedure, applications may be submitted to the Board with a general recommendation.

Please note that colour coding may be subject to change given the nature of the licensing procedure. Documents may be received and/or negotiations resolved following publication of the agenda.

RED

Indicates that the application will normally require to be heard, whether by virtue of general procedural rules or as a result of problems arising. There may be ongoing negotiations to resolve problems.

YELLOW

Indicates changing circumstances with the application. It is not ready to be granted at the time of publication but there are not normally major problems e.g. procedural issues or ongoing negotiations. Applications will normally be submitted with recommendation for grant or deferral.

GREEN

Indicates that all is in order with the application. All documents have been received and checked. All procedures have been followed. There are unlikely to be any representations, objections or problems or the same have been resolved. It is being submitted with a recommendation for grant but members are free to make enquiries as they see fit.

## MORAY LICENSING BOARD

MEETING, 11 June 2015 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

### Licensing (Scotland) Act 2005

| Type              | Premises  | Applicant                            | Date Received | Comments  |
|-------------------|---|--------------------------------------|---------------|---|
| New Provisional   | Station Hotel<br>51 New Street<br>Rothes<br>Aberlour<br>Moray<br>AB38 7BJ                   | Forsyths Limited T/A Station Hotel   | 12 March 2015 | Provisional licence applied for, hours 11am to 12am Sun to Thu & 11am to 1am Fri & Sat.<br>S50 cert planning in place<br>Site visited.<br>Police representation. No other objs/reps.              |
| Variation (Major) | Benromach Distillery and Malt Whisky Visitor Centre<br>Invererne Road<br>Forres<br>IV36 3EB | Speymalt Whisky Distributors Limited | 6 May 2015    | Variation to include Benromach House and extension to Visitor Centre as licensed areas.<br>To date completion certificate to be accepted for extension to Visitor Centre .<br>No other objs/reps. |