

ABERDEEN CITY LICENSING FORUM

26th February, 2009

Present:- Allan McIntosh, Convener; Jennie Biggs (substituting for Harry Miller), Ken Eddie, Sandy Kelman (substituting for Dr. Lesley Wilkie), Diane Sande (Licensing Standards Officer), Inspector John Soutar (Grampian Police), George Wyatt, Councillor Martin Greig, Depute Provost John West, David Pattinson, Sohail Faruqi and Murray Leys.

Also:- Councillors Jaffrey and Donnelly, Convener and Member of Aberdeen City Licensing Board and Gerard Rattray (a proposed new member of the Forum as a representative of Holders of Premises Licences/Personal Licences).

APOLOGIES

1. Apologies were intimated on behalf of Councillors Collie and Farquharson, William Christie, Harry Miller (Jennie Biggs substituting) and Dr. Lesley Wilkie (Sandy Kelman substituting).

WELCOME

2. The Convener welcomed Councillor Martin Greig and Depute Provost John West (members of the Forum), Councillors Jaffrey and Donnelly (Convener and Member of Aberdeen City Licensing Board), David Pattinson (proposed Forum Member for Community Safety), Gerard Rattray (proposed Forum Member as a representative of Holders of Premises Licences/Personal Licences), and Sohail Faruqi (a new member of the Forum as an education representative).

RESIGNATION

3. The Clerk advised the Forum that Councillor Jim Farquharson had intimated his wish to resign from the Licensing Forum due to the pressure of other commitments.

The Forum resolved:-

to accept Councillor Farquharson's resignation and to thank him for his assistance with the work of the Licensing Forum.

MINUTES

4. The Forum had before them the Minute of Meetings held on 9th October, 2008 and 21st January, 2009, and of the Forum Sub-Committee of 2nd December, 2008.

The Forum resolved:-

- (i) to approve the Minutes subject to an amendment to the Minute of 21st January, 2009, substituting as present "Inspector John Soutar" for "Inspector Peter Morrison" and subject to an amendment to the Sub-Committee Minute of 2nd December, 2008, substituting as present "Sergeant Robert McRobb" for "Inspector John Soutar";
- (ii) to note in terms of the Forum Minute of 9th October, 2008, that the Convener and Depute Provost John West, would contact Ms. Diane Sande, Licensing Standards Officer to arrange to accompany her on visits to licensed premises;
- (iii) to note that in accordance with the Minute of the Sub-Committee meeting of 2nd December, 2008, that the Clerk to the Licensing Board had been asked to arrange for the provision on a regular basis of statistical information on the work of the Licensing Board to assist the Forum and a reply was awaited; and
- (iv) to note a verbal update from the Convener of the Aberdeen City Licensing Board that there had been two suspensions of licences of licensed premises in recent months, one for serving alcohol after the permitted hours, and the other arising from reports of drug related activity taking place in the premises. The Aberdeen City Licensing Board has only had two new applications for premises licences in recent months and the vast majority of the business transacted by the Licensing Board is related to considering applications to transfer existing licences to the new licensing regime introduced in the 2005 Licensing Act.

DRAFT ALCOHOL STRATEGY FOR ABERDEEN 2008/2018

5. The Clerk reminded the Forum that their Special Meeting held on 21st January, 2009, for the purpose of formulating the Forum's response to the draft Alcohol Strategy had been inquorate and therefore a reply had not yet been sent to Richard Carey, Chair of Aberdeen Joint and Alcohol Drug Action Team. The Forum noted that the consultation period has been extended to 31st March, 2009 and considered whether it would be appropriate to submit a response on behalf of the Licensing Forum in addition to any individual responses submitted by members of the Forum in their other capacities.

The Forum resolved:-

to submit comments on the draft Alcohol Strategy to the Clerk by 20th March, 2009, to enable him and the Licensing Standards Officer to collate a draft response and submit it for approval by the Convener and Vice-Convener of the Forum before arranging to respond to Mr. Richard Carey.

AREAS OF CONCERN

6. In accordance with the instruction of the Forum's Sub-Committee meeting on 2nd December, 2008, the Clerk wrote to all Community Councils enquiring as to whether they wish to raise any areas of concern with the Forum. Responses have been received from Ashley and Broomhill Community Council and Ferryhill Community Council. The latter intimated they had no specific concerns about alcohol related issues affecting the area but they plan to engage local residents in discussion and place a message on their website suggesting that if anyone has any concerns they

should advise the Community Council. Therefore Ferryhill Community Council may wish to raise concerns for consideration at a future Forum meeting.

The Forum considered representations from Ashley and Broomhill Community Council and additional comments from Councillor Martin Greig and Depute Provost John West as representatives of residents within the Forum's Area. Concerns relate to use of through routes such as Broomhill Road and Great Western Road by persons who have consumed excessive amounts of alcohol making their way from city centre licensed premises. Late night and early morning disturbances include noise, vandalism to parked vehicles and damage to other property. Ashley and Broomhill Community Council have also intimated concerns about youths congregating in the local green space "the woodies". Some of these youths have consumed alcohol despite the fact they are under age and the youths regularly verbally abuse local residents and damage property. The Community Council is of the opinion that these disorder problems would be significantly reduced if the youths did not have access to alcohol and they ask for an enforcement of existing legislation including preventing the sale of alcohol to underaged drinkers both within licensed premises and at off-licence premises.

The Forum noted some of the causes of the disturbances have a connection to lack of public transport and taxis late in the evenings and in the early hours of the mornings on Friday nights through to early Sunday morning. Councillor Donnelly pointed out that this is a city-wide problem with people walking to the south of the City creating a disturbance in residential areas in addition to the problems identified in the Ashley and Broomhill areas. Councillor Jaffrey as Convener of the Aberdeen City Licensing Board, advised that the Board must apply licensing legislation and policies. If a competent licensing application is submitted, there are no objections and the necessary planning permission has been obtained, there would be no valid grounds for the Licensing Board to refuse an application.

The Forum noted that work on the night zone including the provision of transport marshals at taxi ranks showed that a number of initiatives were designed to try to alleviate some of the problems which are experienced by patrons of licensed premises and residents. The issue of the total number of taxi licences granted in the City is a matter for the Licensing Committee rather than the Licensing Board and it was accepted that it can be difficult to provide incentives and if necessary more coercive measures to encourage taxi drivers to work at the weekends. Taxi drivers are also entitled to refuse to take passengers who have consumed excessive amounts of alcohol or who are carrying food having taken advantage of late hours catering provision in the city centre.

The Forum resolved:-

to ask the Clerk to write to the Community Safety Partnership referring to anti-social behaviour perpetrated by people who have consumed excessive amounts of alcohol leaving the city centre on foot to peripheral areas of the city and asking them to take a holistic approach to the problem using their tactical approach including lessons which could be learned from elsewhere such as the play safe transport scheme operated in Glasgow and to request that they advise the Forum of any interventions they have been able to instigate.

STATISTICAL INFORMATION

7. Inspector John Soutar, Grampian Police, advised that he could supply a written report for future meetings of the Forum on crime statistics which would be of interest to the Forum. Inspector Soutar gave a verbal report on crime statistics which included advising the Forum that each weekend a policing plan for the city centre is put into operation as the busiest period for incidents/crime is from approximately 10.30pm on a Friday night to 3.30am on a Sunday morning. From recent statistics it can be noted that the peak age for offending behaviour is 19 with the average age being 26. Inspector Soutar advised of a successful meeting Grampian Police had held recently at which nineteen representatives of the licensed trade had attended to discuss the Unite Scheme. This scheme which was launched in Edinburgh, meant that if a customer is banned from one licensed club in Edinburgh he or she will be automatically banned from them all. The Licensing Forum reconfirmed their unanimous support for this initiative.

In relation to the licensing offences of serving alcohol after the permitted hours and serving alcohol to customers who are clearly intoxicated, Inspector Soutar informed the Forum that in the Grampian area sixteen test purchases had been carried out and there was only one double failure which was not in Aberdeen. Inspector Soutar and Jennie Biggs indicated their support for use of plastic glasses in licensed premises and it was noted that some holders of premises licences/personal licences in Aberdeen are already introducing these changes and have stopped the practice of handing over glass bottles of beer etcetera to customers.

In relation to NHS Grampian statistics, Jennie Biggs advised the Forum that Aberdeen Joint Alcohol and Drug Action Team (JADAT) has been pursuing improvements to the statistical information available to it. Data will be collected on the outcomes of the on-going initiative whereby GPs have been contracted to undertake brief interventions to discuss alcohol consumption and problem drinking with a number of their patients. The way records are kept in Accident and Emergency Departments is also under scrutiny and there is a project in Lanarkshire on the use of data systems which may be capable of being replicated in Grampian. Dr. Lesley Wilkie, Director of Public Health, is discussing data capture with analysts and the new Scottish Government publication on Alcohol should provide further guidance and support to improve the quality of information gathering.

The Forum resolved:-

to note that statistical information will be available for future Forum meetings including information from the Fire and Rescue Service and that meantime Sandy Kelman would circulate information from the national Information Service Division which may be of interest to members of the Forum.

MEMBERSHIP OF THE FORUM

8. The Forum had before it a report from the Clerk (i) advising that the four people who had expressed an interest in becoming members of the Forum and were invited to attend meetings without voting rights had been written to in order to ascertain what experience each could bring to the Forum; (ii) pointing out that one or two of the Elected Members on the Forum may not have been receiving agendas for at least one of the last three meetings of the Forum and it would therefore be unfair to regard them

as no longer being members of the Forum in terms of its Constitution; and (iii) detailing at Appendix 1 the current membership of the Forum subject to an amendment to delete Councillor Jim Farquharson who had intimated his resignation.

The Clerk advised the Forum that he had received no reply from Mr. Stanley Morrice of McLeish Brothers and it is assumed that he is no longer in a position to become a member of the Forum due to the fact that McLeish Brothers has been placed in administration. A reply has been received from Mr. Ian Haddock, Cults Bowling Club, confirming his continued interest in membership of the Forum and submitting an apology for today's meeting.

The report recommended:-

that the Forum recommend to the City Council that David Pattinson (Community Fire Safety), Gerard Rattray (Hospitality Training) and Ian Haddock (Cults Bowling Club) be formally appointed to membership of the Forum.

The Forum resolved:-

- (i) to approve the recommendation having noted that David Pattinson would be a Community Safety representative and Gerard Rattray and Ian Haddock would be representatives of holders of premises licenses/personal licences;
- (ii) to accept George Wyatt's offer to seek further nominations for membership of the Forum from among the licensed trade; and
- (iii) to accept the offer from Jennie Biggs to make enquiries among her colleagues who have contacts with the student population in the city to try to identify a nominee for membership of the Forum in the category of representative of Young People.

WORK PLAN

9. The Forum noted that a Work Plan had been drafted to include the aim of receiving regular reports from the Aberdeen City Licensing Board on applications granted and refused (with grounds of refusal listed) and to request an outline from the Aberdeen City Licensing Board on what measures they will employ to ensure compliance with the five principles of the Licensing (Scotland) Act 2005.

The Forum resolved:-

- (i) to continue to hold meetings of the Aberdeen City Licensing Forum Sub-Committee to assist with progressing the Work Plan, requesting research by officers and setting the agenda for Forum meetings;
- (ii) to request the Clerk to circulate to members of the Forum the details of the website address used by Mr. John McFarlane, the National Licensing Officer, to enable Licensing Forums to access agendas and other relevant papers from Forums throughout Scotland and to note that the Scottish Government is considering re-establishing the National Licensing Forum;
- (iii) to welcome the invitation from Councillor Jaffrey as Convener of the Aberdeen City Licensing Board for Forum members to attend the Board meetings on 17 and 24 March, 2009 in order to gain an understanding of the operation of the Board; and
- (iv) to consider the implications of the Scottish Government's Alcohol Framework document published on 2 March 2009 at the next Forum meeting.

NATIONAL LICENSING CONFERENCE 2009

10. The Forum noted the invitation to attend the National Licensing Conference to be held on 9th and 10th September, 2009, in Aviemore.

The Forum resolved:-

to authorise the Convener on a whom failing basis to attend the Conference.

NOISE ABATEMENT

11. Diane Sande, Licensing Standards Officer, advised that in recent weeks four noise abatement complaints had been resolved, five continue to be monitored, and in one case the premises concerned were closed pending remedial action and they may reopen in the next few weeks.

SCOTTISH LICENSED TRADE ASSOCIATION

12. George Wyatt referred to promotion material he had seen issued by Wetherspoons advertising their promotional campaign of selling pints of beer for 99p and pointing out that the offer is not available in Glasgow and South Ayrshire. The Forum agreed that it would be useful to ascertain the legal basis upon which these two areas were able to prevent this low price campaign and Mr. Wyatt agreed to supply Councillor Jaffrey with the details so that she could raise the matter when she attends the Association of Licensing Boards Conference in Edinburgh in April 2009.

Councillor Jaffrey advised the Forum that the Aberdeen City Licensing Board had been unsuccessful a few years ago in its defence of Court action taken by national public house chains when it tried to enforce a minimum pricing policy which was accepted by the local licensed trade. A Court action is currently pending in relation to the 2005 Act whereby garage proprietors wish to continue off-sales trade arguing that the sale of alcohol is an established part of their business. The Aberdeen City Licensing Board has tried to refuse applications for off sales licences to garages within a specified distance of the city centre in accordance with their interpretation of the 2005 Act which they believe was intended to prevent the sale of alcohol by garages.

The Forum resolved:-

to note the update provided by Councillor Jaffrey.

LICENSING COMPLAINTS

13. The Forum agreed that publicity and communications could be improved as the general public may be unclear to whom they should address complaints about licensed premises and off-licences.

The Forum members were asked to note that if anyone approaches them on this issue they should invite them to write to Mr. Eric Anderson, Depute Clerk to the Aberdeen

City Licensing Board, and he will either investigate the matter or refer it to the appropriate agency.

APPRECIATION - MURRAY SCOTT

15. The Convener, on behalf of the Licensing Forum, thanked Murray Scott, Clerk to the Forum, for his hard work in assisting the Licensing Forum since its inception and wished him well in his retirement.

NEXT MEETING

16. It was noted that the next meeting of the Licensing Forum will take place on Thursday, 23 April, 2009 at 2.00pm and that the next meeting of the Licensing Forum Sub-Committee will take place on Thursday, 2nd April, 2009 at 5.00pm.

- **ALLAN MCINTOSH, Convener**