

LOCAL LICENSING FORUM

Wednesday 13 February 2013

Present: George Wyatt (Chairperson), Garry Burnett, Diane Sande, Inspector John Soutar, Heather Wilson, Sandy Kelman, Allan McIntosh, David Wright and Audrey Kirkpatrick.

Also Present: Councillor Graham Dickson (as an observer), Vikki Cuthbert and Lynsey McBain

Apologies: Gerard Rattray, Heather Manning, Barry Black and Shelly Wall.

INTRODUCTION

1. The Chairperson outlined how important it was for members of the Forum to attend as many meetings as possible, and noted that substitutes could be sent should a member be unable to attend. It was highlighted that attendance at the last couple of Forum meetings had been very poor and as a result, meetings had not been quorate, and decisions could not be made. Finally the chairperson reminded members that should they be absent for three consecutive meetings, that the Forum had the power to exclude that member on a permanent basis.

The Forum resolved:-

- (i) to request that the clerk email all members of the Forum to remind them of the above and to ask that should they no longer wish to be a member of the Licensing Forum, to let the clerk know as soon as possible; and
- (ii) to otherwise note the information provided.

MINUTE OF THE PREVIOUS MEETING OF 15 NOVEMBER 2012 - RATIFICATION OF DECISIONS REQUIRED AS THIS MEETING WAS NOT QUORATE

2. The Forum had before it the minute of the previous meeting of 15 November, 2012, which had not been quorate.

The Forum resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETINGS OF THE SUB GROUP OF THE FORUM - 13 DECEMBER 2012 AND 31 JANUARY 2013

3. The Forum had before it, the previous two minutes of the Sub Group of the Licensing Forum, from 13 December 2012 and 31 January 2013.

Garry Burnett, as the chair of the Sub Group, explained that the Sub Group had initially been open to Licensing Board members to attend, however Board members had been advised that they should be in a position to consider the recommendations of the Forum without any involvement in the formulation of these.

The clerk explained that a request had been received from Councillor Greig to join the Sub Group and the agreement of the Forum was sought for this proposal.

Garry Burnett also provided a brief background of the history of the Sub Group and asked that the Forum delegate powers to the Sub Group to allow them to progress with the work they were currently undertaking, without having to seek approval for the Forum. Sandy Kelman explained that much of the work until now had focused on a template linking data of relevance to the five licensing objectives and the three strands of the Alcohol and Drugs Partnership strategy.

Finally the Forum discussed the vacant position on the Forum and agreed that there was a need for a representative from off sales. Diane Sande and George Wyatt agreed to send out the relevant application form to individuals they knew who were involved in off sales.

The Forum resolved:-

- (i) to agree that Councillor Greig be added to the membership of the Sub Group;
- (ii) to delegate powers to the Sub Group to allow the Group to make decisions and finalise any recommendations to the Licensing Board directly, based on the new Statement of Licensing Policy, however, that the final submission be issued to the Forum for comments and information, prior to it being sent to the Board;
- (iii) that the template produced by the Sub Group be sent to all Forum members for comment after the meeting; and
- (iv) to request that the clerk send the relevant application form to Diane Sande and George Wyatt for further dissemination and to highlight that the closing date for applications would be Friday 5 April 2013.

AGENDA AND MINUTE OF LICENSING BOARD MEETING OF 11 DECEMBER 2012

4. With reference to article 4 of the minute of the previous meeting, the Forum had before it the minute of the Licensing Board of 11 December 2012, for information.

Inspector Soutar asked a number of questions in relation to the Board, and noted that the Forum was in place with a statutory responsibility under the Licensing Act to keep under review the exercise by the Licensing Board of its functions under the Licensing (Scotland) Act 2005. Following this, discussions took place in relation to the two most recent review hearings which had been the subject of appeal. It was noted that the Board's decisions were defended by different solicitors to those present at the initial hearings and it was the view of the Forum that if this were to continue to be the approach taken, the Board would always be in a weaker position in defending any decision taken by it.

The subsequent findings by the Sheriff Principal had been critical of the Licensing Board and the Forum wished to ask what steps were being taken to learn lessons to safeguard the Board's position in the event of future challenges.

The Forum resolved:-

to request that a letter be prepared by the clerk for sending on to the Licensing Board raising the issues above; and that the letter be circulated to members of the Forum in the first instance for approval.

WORKPLAN/DECISION SHEET

5. With reference to article 5 of the minute of the previous meeting, the Forum had before it an updated workplan.

The Forum resolved:-

to note the workplan.

FURTHER OPTIONS FOR ALCOHOL LICENSING - CONSULTATION DOCUMENT

6. The Forum had before it a consultation document from Alcohol Focus Scotland on the further options for alcohol licensing.

Sandy Kelman spoke in furtherance of the paper, and explained that he was working with partners to get a response in by the end of March and sought any assistance from members of the Forum. Sandy explained that members could email him in order to contribute to the Alcohol and Drug Partnership (ADP) response.

The Forum resolved:-

- (i) to note that the Licensing Forum would not be submitting an individual response; and
- (ii) to request that members contact Sandy Kelman to feed into the ADP response should they have any comments to make on the consultation document.

EVALUATION OF THE IMPLEMENTATION OF THE OBJECTIVES OF THE LICENSING (SCOTLAND) ACT 2005

7. The Forum had before it for information, an evaluation of and compliance with, the objectives of the Licensing (Scotland) Act 2005, which had been published in November 2012.

The Forum resolved:-

to note the contents of the report.

CIVIC FORUM MEMBERSHIP

8. The Forum heard from the clerk, who advised that Mary Crawford was no longer a member of the Civic Forum, and as a result, would no longer be a member on the Licensing Forum.

The clerk advised that the vacant position could either be offered to the civic forum to fill, or offered to another applicant from another area involved in alcohol licenses.

The Forum resolved:-

- (i) to defer this item to the next meeting; however to agree in principle that the vacancy be offered to the Civic Forum to fill; and
- (ii) to otherwise note the information provided.

AT THIS STAGE GARRY BURNETT LEFT THE MEETING, WHICH MEANT THE MEETING WAS NO LONGER QUORATE AND ANY DECISIONS FROM THIS POINT ON WOULD NEED TO BE RATIFIED AT THE NEXT MEETING OF THE FORUM.

LICENSING OBJECTIVE 1: PREVENTING CRIME AND DISORDER

9. The Forum heard from Inspector John Soutar, Grampian Police, in relation to Licensing Objective 1, Preventing Crime and Disorder.

Inspector Soutar advised that the Christmas period had been relatively quiet for the police force and the amount of serious assaults were decreasing every month.

In relation to violent offenders, it was noted that there were 70 people deemed as high risk and these individuals were well known to the police. The list of names had also been circulated to night clubs. In July, 2012, 13% of assaults were carried out by individuals classed as high risk; however following work carried out by Grampian Police, this had recently been reduced to 2%.

The Forum resolved:-

to note the update provided.

LICENSING OBJECTIVE 2: SECURING PUBLIC SAFETY

10. The Forum heard from Diane Sande, Licensing Standards Officer, (LSO) in relation to Licensing Objective 2, Securing Public Safety.

The Forum heard that since the last meeting in November (a) there had been no Notices Issued, (b) 34 premises had been visited, (c) two review hearings had taken

place and (d) monthly meetings were taking place with the LSO's, Grampian Police and the noise pollution team.

The Forum resolved:-

to note the update provided.

LICENSING OBJECTIVE 3: PREVENTING PUBLIC NUISANCE

11. The Forum noted that no update was available due to Shelly Wall intimating her apologies for the meeting.

LICENSING OBJECTIVE 4: PROTECTING AND IMPROVING PUBLIC HEALTH

12. The Forum heard from Sandy Kelman, Alcohol and Drug Partnership, and Heather Wilson, NHS Grampian, in relation to the Licensing Objective 4, Protecting and Improving Public Health.

Sandy advised that for the three months up to December 2012, there had been 327 referrals to the service and 99% of these had met the target of being seen within 21 days of the original referral.

Heather Wilson then spoke about a campaign by NHS Grampian to encourage women between the ages of 30 and 50 to "Drop a Dress Size" by reducing their alcohol intake. The road show was due to visit Union Square on Friday 15 February from 9-5pm.

The Forum resolved:-

to note the updates provided.

LICENSING OBJECTIVE 5: PROTECTING CHILDREN FROM HARM

13. The Forum noted that no representative was present from Children's Services at Aberdeen City Council.

The clerk explained that a new representative was currently being arranged, following Mairi MacLeod's change in employment.

The Forum resolved:-

to note the update provided.

ANY OTHER COMPETENT BUSINESS

14. The Chairperson declared the meeting open for any other competent business, whereby Sandy Kelman explained that he had received an email from Alcohol Focus Scotland with updates on work presently being carried out. Sandy advised that the former clerk of West Dunbartonshire Council had prepared a guide for licensing clerks on the Statement of Licensing Policy and it would be available in the next few weeks. Sandy indicated that he would send on the relevant document/toolkit to the clerk who could then send it to the Forum for information.

In relation to Licensing Objective 5, Protecting Children from Harm, David Wright explained that a new Development Officer was to be appointed in the near future under the remit for Health and Well Being, and he suggested that the individual may be useful to the Forum for influencing schools and the policy delivery in schools including alcohol issues.

Allan McIntosh highlighted that the Civic Forum had objected to two licensing applications for allowing children into premises for food, and wondered what the outcome of the applications were. Diane Sande suggested that contact be made with her separately in regards to this issue.

Finally, George Wyatt highlighted a problem with license breaches, and Diane Sande explained that George should contact her directly to discuss this.

DATE OF NEXT MEETING - 24 APRIL 2013

15. The Forum noted that the date of the next meeting was Wednesday 24 April at 2pm.

- **George Wyatt, Chairperson**