

LOCAL LICENSING FORUM

Tuesday 5 November 2013

Members Present: Linda Smith, Acting Convener; and Dave Bliss, Ken Eddie, Tara-Erin Gilchrist, Emily Queen, Heather Wilson (as substitute for Sandy Kelman) and Bill Christie (as substitute for Shelly Nicols, representing the licensed trade).

Also present: Grace Ball, NHS Grampian; and Vikki Cuthbert.

Apologies: Shelly Nicols, David Wright and Sandy Kelman.

APPOINTMENT OF CONVENER

1. In the absence of a Convener or Vice Convener, the Forum appointed Linda Smith as Acting Convener.

DEFERRAL OF BUSINESS

2. In light of the small number of members in attendance and the pressing issue of responding to the Licensing Board on its further consultation on the Statement of Licensing Policy (SLP), the Forum agreed to defer all items of business except for the SLP consultation response, and to convene a further meeting in early December to allow the other items of business to be dealt with.

LICENSING BOARD DRAFT STATEMENT OF LICENSING POLICY - CONSULTATION RESPONSE

3. With reference to its meetings of 23 August and 11 September, 2013, the Forum had before it the Licensing Board's draft Statement of Licensing Policy for the purposes of agreeing a response to the further consultation. The Board had agreed at its meeting on 8 October, 2013 to hold a further short period of consultation, closing on 12 November, and had accordingly issued a copy of the draft review of the SLP. The Forum had been included in this circulation and had this before it for consideration.

The Acting Convener explained that the purpose of the meeting today was to agree a response from the Forum as part of this extended consultation, focusing particularly on the comments and queries raised by the Board when it had considered the Forum's first submission, agreed on 23 August and amended on 11 September. The Forum should therefore focus on these queries and comments and agree whether it wished to respond to them and if yes, how it wished to respond. Whilst the Forum did have access to the submissions made by other bodies and organisations, it should restrict itself to the Forum submission alone. Following the meeting, the response would be sent round the members present here today to ratify the exact wording to be used.

The Forum resolved:-

to approve a response to the extended consultation, as outlined in the appendix to this minute.

- LINDA SMITH, **Acting Convener**

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Issue	Query/comment from Licensing Board	Response from Forum
Overprovision	None directly to the Forum.	Reiterate original submission from the Forum in relation to overprovision, with no further evidence to be added to the statistics provided by the Forum on proximity to premises; and ask that the Board undertake consultation with communities over the next 12 month period to establish what provision those communities think is required in terms of both on and off-sales.
Licensed Hours	Explanation required to justify recommendation that opening hours should be amended (opening time to be amended from 10am to 11am).	Noted the insertion of the word “maximum”. Retain submission that opening time be amended to 11am and explain that it was intended that this revision address the issue of overall provision and availability, and the resultant impact from a ‘harm’ perspective, however to acknowledge that provision is made within the policy for a 14 hour maximum, and to emphasise that the Forum would not wish the terminal hour to be extended as a result of a later opening time.
CCTV	The Forum had asked that the Board look at whether CCTV radio link should be introduced for all premises as good practice and is unclear why outside seating areas are excluded from CCTV and asks the Board to review its position in this area, however, the Board states that the	The Forum takes the view that it is best practice to recommend use of CCTV in all premises (on and off sales) as it relates to all the licensing objectives, but particularly Preventing Crime and Disorder, Securing Public Health and Protecting Children from Harm. It also affects Public Health

	<p>policy already recommends CCTV or membership of Radiolink to be introduced as control measures where appropriate. Moreover, these measures may not necessarily be appropriate for all licensed premises.</p>	<p>and Public Nuisance, albeit to a lesser degree. This view also supports the comments made by the Forum in its first submission to the Board about making alcohol less visible to children/public at front of premise. The Forum has also identified concerns about increased theft especially with smaller premises; the concern is that some measures for CCTV are expensive and potentially become a disincentive to use, thus premises holders may revert back to measures that impact on other licensing objectives, especially Protecting Children from Harm. The Forum therefore wishes to know how the Board would intend to ensure this circular is effectively resolved in conjunction with police and/or LLF to ensure decisions can be balanced across the relevant licensing objectives.</p>
<p>Protecting Children from Harm</p>	<p>(a) The Forum asked that the title of paragraph 28 be amended to include “Vulnerable Groups” – rejected by the Board as the licensing objective is statutorily based and cannot be changed.</p> <p>(b) The Forum asked for further amendments in relation to the Adult Support and Protection (Scotland) Act 2007 – Board response that this cannot be included in this paragraph and asks why this should be included in the policy and in relation to which licensing objective.</p>	<p>(a) Noted.</p> <p>(b) Reference is made in the policy to the Human Rights and Equalities etc Acts and it is requested that reference also be made within the same section of the policy to the UN Convention on the Rights of the Child. Although there is a conflict between the wording of the 2005 Act which defines a child as someone under 16 and the UNCRC which asserts that a child is someone up to 18, the Forum would encourage the Board as an administrative</p>

	<p>(c) The Forum asked that paragraph 28.1 include reference to “children <i>and families</i>” – accepted by the Board.</p> <p>(d) The Forum asked that paragraph 28.1 include reference to “adult entertainment <i>or gambling</i>” – accepted by the Board.</p> <p>(e) The Forum asked for a new paragraph on protecting children and vulnerable adults in regard to off-sales – the Board states that no justification has been given and that the reference to vulnerable adults cannot fall under the Protecting Children from Harm objective.</p>	<p>authority to comply with the UNCRC and to recognise the best interests of young people aged 16 and 17 alongside other children in its decision making. The Forum would also encourage the Board to recognise that the implementation of the Adult Support and Protection (Scotland) Act 2007, subsequent to the 2005 Act has extended the same level of protection and consideration for children’s needs to other vulnerable groups. Whilst they are not explicitly covered by the Licensing Objectives, the Forum believes that the interests of these groups should be recognised within the Licensing Policy.</p> <p>(c) Noted.</p> <p>(d) Noted.</p> <p>(e) The justification offered is that promoted visibility of licensed products in the off-sales environment increases the chance of these goods being seen as a convenient grocery item, which in turn increases consumption, contrary to health recommendations for sensible drinking within nationally recognised limits.</p>
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Single Outcome Agreement (SOA)	The Board has added in reference to the SOA as requested.	The Forum asks that the reference in paragraph 1.2 of the policy as redrafted refer to the 10 year vision of the SOA, and that the reference at paragraph 2.8 be inserted instead between paragraphs 2.7 and 2.8.
Protecting and Improving Public Health	<p>(a) The Board states that the line “The Board wishes to see premises thriving in the city” can be removed if necessary.</p> <p>(b) The Board has agreed to add that it supports the Health and Wellbeing outcome in the 2013 SOA.</p> <p>(c) The Board does not need to change “Public Health and Wellbeing” to “Protecting and Improving the Public’s Health” as the first line in this paragraph has been removed.</p>	<p>(a) Reinforce that this is necessary.</p> <p>(b) Noted.</p> <p>(c) Noted.</p>
Provision of Hard Copies	The Board states that it will be expensive exercise to provide hard copies to all licence holders.	The Forum asks that email is used wherever possible for on and off-sales premises, to ensure that all of them receive a copy of the policy.
Reference to Objectives	The Forum wishes stronger reference to the purpose of the five licensing objectives within the policy. The Board wishes to know how this could be achieved.	The Forum asks that reference is made in the preamble to the document and that this explain that the licensing objectives providing a framework for the Board’s decisions.
Adult Support and Protection (Scotland) Act 2007 and UN Convention on the Rights of the Child	The Forum wishes reference to be made to the Adult Support and Protection (Scotland) Act 2007 and also quotes from the UN Convention on the Rights of the Child. The Board wishes further explanation of why these references should be made.	The Forum believes that as an administrative authority the Board has a duty to comply with the UNCRC and reference to the Convention should therefore be included in the Policy. See above re 2007 Act.

The Forum recommends that reference to 'young people' alongside 'children' is essential in order for the Board, as an administrative authority, to comply with its duty under the UNCRC to act in the best interests of all children aged up to 18.

Subject to the above responses and modifications, the Forum reaffirms its earlier response to the consultation. Any lack of reference in the above responses to a comment or query from the Licensing Board should be taken as acceptance by the Forum of the changes made or the explanation provided by the Board in its further consultation.