

JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD

Thursday, 27 June, 2013

Present: Councillor Boulton, Convener; and Councillors Carle, Dickson, Forsyth, Grant, Lawrence and Townson; Garry Burnett, Craig Cole, Phil Donald, Ken Eddie, Sandy Kelman, Shelly Nichols, Gerard Rattray, Dr. Maria Rossi, Diane Sande, Sergeant Barry Skinner, George Wyatt, David Wright.

In attendance: Eric Anderson, Depute Clerk to the Licensing Board, Vikki Cuthbert, Clerk to the Local Licensing Forum, Dmitry Gavin, Committee Services, and Grace Ball, NHS Grampian.

Apologies: Kay Dunn (replaced by Phil Donald) and Linda Smith (replaced by Dr. Rossi) intimated apologies and sent representatives.

WELCOME AND INTRODUCTIONS

1. Councillor Forsyth chaired the meeting for the first few moments whilst Councillor Boulton was absent, and welcomed everyone to the joint meeting of the Licensing Board and Licensing Forum. Councillor Boulton joined the meeting shortly thereafter.

MINUTE OF PREVIOUS JOINT MEETING

2. The Joint Meeting had before it the minute of its previous meeting of the Local Licensing Forum and Licensing Board of 16 August 2012.

the Joint Meeting resolved:-

to approve the minute.

PRESENTATION BY DR. MARIA ROSSI - CONSIDERATIONS FOR LICENSING BOARD POLICY REVISION - A PUBLIC HEALTH PERSPECTIVE

3. Dr. Rossi introduced herself to the Joint Meeting and gave a presentation outlining the public health perspective on the Licensing Board's Statement of Licensing Policy. Dr Rossi provided data on the prevalence and health impacts of alcohol use in Scotland, and compared this with other countries, demonstrating that the position in Scotland is stationary at best, whilst other nations appear to be improving. The death rates statistics showed that Scotland has overtaken the UK as a whole for drink related deaths and that whilst most countries have shown a decrease in alcohol misuse over time, Scotland has shown an increase. Dr Rossi also provided local statistics on Aberdeen and Aberdeenshire, and highlighted the link between alcohol consumption and proximity to licenced premises. The economic impacts of alcohol misuse were also

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noted. Dr Rossi indicated that the Board could use its Statement of Licensing Policy to encourage changes to be made to this position.

There followed a question and answer session on Dr. Rossi's presentation, wherein the following were discussed:-

- The extent to which a policy of over-provision could assist the Board in addressing some of the issues outlined, with licenses being granted by exception.
- The role of education in altering the perceptions of young people with regard to alcohol.
- Linked to this, the extent to which normalising drinking in the home alters the views of young people on alcohol.
- The impact of readily available off-sales.

The Joint Meeting resolved:-

to thank Dr Rossi for her informative presentation.

EVIDENCE REQUIREMENTS FOR MEETING 5 LICENSING OBJECTIVES

4. The Joint Meeting had a discussion around the evidence requirements of the Board in meeting the five licensing objectives.

Garry Burnett noted that the Licensing Board would meet to discuss the Statement of Licensing Policy on 2 July and was not therefore in a position to discuss evidence requirements at this stage, however, referred to the submission agreed by the Forum and submitted to the Board in May and which recommended a system of performance management based around meeting the licensing objectives. The Convener highlighted the importance of evidence in agreeing a Statement of Licensing Policy, in order to avoid the risk of legal challenge, and Dr Rossi advocated the "population approach" in agreeing a policy of over-provision, which would require applications to be granted by exception and remove the need for evidence to be presented in each individual case. Garry Burnett asked the Board to be clear about what evidence was needed by it, and Eric Anderson responded that following next week's Board meeting there would be further consultation on the Statement of Licensing Policy before agreeing a final document in November. The Convener added that this would be a live document which could be amended during the three year period.

UPDATE FROM THE CLERK TO THE LICENSING BOARD

5. Eric Anderson, Clerk to Aberdeen City Licensing Board, provided an update to the Joint Meeting.

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(1) Review of the Licensing Board's Statement of Licensing Policy

Mr Anderson advised that the Licensing Policy requires to be reviewed every 3 years and that it was due to be reviewed and published by 30 November 2013. The next review after that will need to be completed by the 30 of November 2016. Eric advised the meeting that the Licensing Board can add a supplementary policy statement at any time if they wish to do so. A Working Group of Forum members had been set up to gather evidence to assist the Board in its review and a submission agreed for consideration by the Board. This would be considered by the Board on 2 July. Mr Anderson indicated that there would be no updated guidance from the Government in time for the publishing of the Board's Policy.

(2) Equalities Act 2010

The Board fulfilled its duty under the Equalities Act 2010 by publishing its equalities outcomes in time to meet the statutory time limit of April 2013. This area of the law continues to evolve. Since the Equalities Act came into force the Board has replaced three policies (race, disability and gender) with one single policy. The policy is on the website if anyone wishes to see it.

(3) Scottish Government Consultations

Mr Anderson detailed that there was currently a Scottish Government consultation on Liquor Licensing being circulated. The Board had replied to it and all of the responses are currently being considered by the Scottish Government. The consultation had taken the form of a questionnaire. Mr Anderson explained that it would be beneficial to see a period of consolidation in the area of liquor licensing law.

The Joint Meeting resolved:-
to note the update.

ASSESSMENT OF OVER PROVISION BY LICENSING BOARD

6. Sandy Kelman, Alcohol and Drugs Partnership advised the Joint Meeting that according to recent data 96% of Aberdeen City residents live within 1,000 metres of an off-licence, highlighting that this is a significant problem in tackling alcohol misuse. The report to be considered as the next agenda item (Licensing Act Evaluation Report – NHS Health Scotland) highlighted that off sales were in fact the bigger problem (compared to on sales). Mr Kelman hoped that the presentation from Dr. Rossi had provided useful information for the Board in agreeing a Statement of Licensing Policy.

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The Joint Meeting resolved:-
to note the information.

LICENSING ACT EVALUATION REPORT

7. The Joint Meeting had been provided with a link to the Health Scotland report "An Evaluation of the Implementation of, and Compliance With, the Objectives of the Licensing (Scotland) Act 2005".

Sandy Kelman highlighted the section on Local Licensing Forums, noting that Aberdeen's experience appeared positive compared with some others and that the Forum was very keen to consult with the Board on major issues. The report did highlight the prevalence of off-sales, and that more guidance and support were needed nationally. Mr Kelman encouraged everyone to read and share the document, which covered much of what the Board and Forum are trying to progress. Eric Anderson agreed that the document contained a lot of data, but emphasised that this needs to be channelled so that it is relevant to Aberdeen City. He also indicated that Aberdeen City cannot be one locality. Eric Anderson urged the Forum to collect the relevant data and to seek Scottish Government endorsement of this.

The Joint Meeting resolved:-
to note the information.

DOOR SUPERVISORS' WORKING GROUP - UPDATE

8. An update was sought on the progress of the Door Supervisors' Working Group which had not met for some time although there were still inconsistencies in the way that venues were addressing the matter of door supervisors.

Eric Anderson advised that there had been a number of meetings held initially, with the last meeting in April 2012. The Group had requested statistics from the licensed trade on the use of door supervisors, to be collated by Police Scotland, and was to consider this evidence once it had all been collated. Mr Anderson noted that the conditions of license would be around whether door supervisors were required, but that the number of staff was to be determined by the venue itself.

The Joint Meeting resolved:-

- (i) to note the information provided;
- (ii) to note that Shelly Nichols would raise the matter at the next meeting of Unight, Police Scotland and Safer Aberdeen to take this forward; and

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- (iii) to schedule a meeting of the Door Supervisors' Working Group after the summer Council recess.

REVIEW HEARINGS

9. Sergeant Skinner referred to recent Board decisions that had been overturned on appeal, and asked whether any lessons had been learned as a result. It was noted that the Forum had written to the Board earlier in the year on this matter and had received a response at its meeting in April. Sergeant Skinner emphasised that the Forum was looking for a response on the generalities rather than specific cases, and that the focus was on the legislative and appeal process since the implementation of the 2005 Act. There was concern that the options open to Licensing Boards were being narrowed by the decisions of appeal courts, and that their powers were essentially being diluted. Mr Anderson responded to the meeting that the Court Team handles any appeals rather than the clerk to the Board, that it was appreciated by all that the meeting could not touch upon individual cases although the Board always acts with integrity taking decisions, that statute and case law are dynamic in this area and would be monitored closely, that any move away from existing direction as set out in law would need legislative change, and that lessons are always learned from each case.

The Joint Meeting resolved:-

that the Forum would discuss the matter further at its next meeting in September to determine whether a further response was required, noting that this would be in general terms rather than about specific cases.

AOCB

10. The Convener declared the meeting open for any other competent business, whereupon:-

- (1) Statement of Licensing Policy

Dr. Rossi sought information on timescales for agreeing the Statement of Licensing Policy and queried whether there would be a further joint meeting before it was agreed. Eric Anderson replied that the Board would be asked to agree a two month consultation period at its meeting the following week and that the Board would also have before it the Forum's submission. Any decisions taken by the Board would be intimated to the Forum.

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(2) Use of Social Media

George Wyatt raised the dangers of social media in promoting cheap alcohol to young people.

(3) Off Sales Engagement

Garry Burnett highlighted the importance of engaging with off sales representatives, and it was noted that there was now an off-sales representative attending Forum meetings as a co-optee.

The Joint Meeting resolved:-

to note the information provided

- Councillor Boulton, Convener