

Public Document Pack



ABERDEEN CITY COUNCIL

To: Sandy Kelman, Convener; Vacant, Vice Convener; and Dave Bliss, Craig Cole, Ken Eddie, Inspector Jim Hume, Struan King, Emily Queen, Diane Sande, Linda Smith and Vacancy (Education Representative).

Town House,
ABERDEEN, 6 February 2014

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **WEDNESDAY, 12 FEBRUARY 2014 at 2.00pm.**

JANE MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Appointment of Vice Convener
- 2 Minute of Meeting of 11 December 2013 (Pages 1 - 10)
- 3 Matters Arising
- 4 Resourcing the Forum
- 5 Membership Updates
 - 5.1 Vacancy - Scottish Fire and Rescue Service (Pages 11 - 12)
 - 5.2 Vacancy - Education Representative

- 5.3 Representative of Licensed Trade
- 6 Statement of Licensing Policy - Response from Clerk to Licensing Board (Pages 13 - 24)
- 7 Training Programme - Health - Heather Wilson, Health Improvement Officer (Alcohol / Drugs)
- 8 Benchmarking against other Local Licensing Forums (Pages 25 - 30)

INTELLIGENCE (TO INFORM THE WORKING GROUP OF THE LICENSING FORUM)

LICENSING OBJECTIVE 1 : PREVENTING CRIME AND DISORDER

- 9.1 Update from Police Scotland

LICENSING OBJECTIVE 2 : SECURING PUBLIC HEALTH

- 9.2 Update from Licensing Standards Officer

LICENSING OBJECTIVE 3 : PREVENTING PUBLIC NUISANCE

- 9.3 Update from Unight Representative (if possible)

LICENSING OBJECTIVE 4 : PREVENTING AND IMPROVING PUBLIC HEALTH

- 9.4 Update from NHS Grampian and Alcohol and Drugs Partnership

LICENSING OBJECTIVE 5 : PROTECTING CHILDREN FROM HARM

- 9.5 Update from Children's Services Representative

- 10 Progress Statement (Pages 31 - 36)

- 11 Licensing Board - Agenda of 10 December 2013

Please note that this link is for the meeting of the December 2013 meeting of the Licensing Board. The agenda for the meeting on 18 February 2014 is not available at present.

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=151&MId=3045&Ver=4>

12 Any Other Competent Business

DATE OF NEXT MEETING - 2PM, 23 APRIL 2014

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Steph Dunsmuir, tel. 522503 or email sdunsmuir@aberdeencity.gov.uk

Substantive Members (voting)

Holders of premises licences and personal licences
<i>Vacant</i>
Chief Constable for the police area in which the Forum's area is situated
Inspector Jim Hume
Persons having functions relating to health, education or social work
<i>Vacancy - Scottish Fire and Rescue Service</i>
Sandy Kelman, Aberdeen Alcohol and Drugs Partnership, <u>Convener</u>
Linda Smith, NHS Grampian
Craig Cole, Aberdeen Samaritans
Emily Queen, Community Safety Partnership
<i>Vacancy, Education, Aberdeen City Council</i>
Dave Bliss, Practice Improvement Officer, Children's Services, Aberdeen City Council
Young People
Struan King, Youth Council Dan McCroskrie (sub.)
Persons resident within the Forum's area
Ken Eddie, Aberdeen Civic Forum
Licensing Standards Officer
Diane Sande (or Tara-Erin Gilchrist)

Co-optees (non-voting)

Holders of premises licences and personal licences
George Wyatt
Craig Adams
William Christie
Persons having functions relating to health, education or social work
<i>Street Pastors Representative – to be confirmed</i>
Persons resident within the Forum's area
Allan McIntosh, Aberdeen Civic Forum
Other
Bob Westland, Door Security

LOCAL LICENSING FORUM

Wednesday 11 December 2013

Members Present:

Sandy Kelman, Convener; and Dave Bliss, Craig Cole, Sergeant Gill Flett (as a substitute for Inspector Jim Hume), Ken Eddie, Tara-Erin Gilchrist and Emily Queen.

Also present:

Heather Wilson, NHS Grampian; Dmitry Gavin and Vikki Cuthbert.

Apologies:

Inspector Jim Hume.

Item	Discussion	Action/Decisions	To be actioned by
1.	The Forum agreed to appoint Sandy Kelman to the position of Convener. The decision about the Vice Convener position was delayed until the next meeting when a representative of the licenced trade would be in attendance. It was hoped that the position of Vice Convener would ideally be filled by a member of the licenced trade, although it was noted that this would require one of the current co-optees representing that group to become a substantive member.	<ol style="list-style-type: none"> 1. Sandy Kelman appointed as Convener; 2. Appointment of Vice Convener deferred until next meeting when it is hoped that a member of the Licensed Trade can be in attendance and appointed to this position. 3. Clerk to email licenced trade reps to convey this decision and invite a representative of the licenced trade to become a substantive member of the Forum (see item 4.2 below) and to take up the position of Vice Convener. 	Clerk to the Forum
2.	Minutes of Meetings of 11 September and 5	Minutes approved.	

Item	Discussion	Action/Decisions	To be actioned by
	November 2013		
3.	Matters Arising	None.	
4.1	Vacancy – Scottish Fire and Rescue Service (SFRS)	The Forum was asked to consider whether it wished another representative of SFRS to join the Forum. The Convener advised that he had a scheduled meeting with Duncan Smith to discuss links between the Alcohol and Drugs Partnership and SFRS, and would take that opportunity to raise the matter.	<p>1. Sandy Kelman to discuss the matter with Duncan Smith.</p> <p>2. Clerk to the Forum to write to SFRS.</p>
4.2	Representative of Licensed Trade – for discussion	The Forum noted that there was currently no substantive member representing the licensed trade. It was noted that their representation on the Forum was a statutory requirement.	Clerk to the Forum
4.3	Youth Representative	The Forum was advised that Struan King, Chair of the Aberdeen City Youth Council, had indicated his interest in being the youth representative on the Forum, and that there had been no response from the former RGU representative regarding his membership on the Forum. Clerk to the Forum also provided an update on the progress made in contacting the Aberdeen Street Pastors to offer them a place as a co-optee on the Forum, that the	<p>Agreed that the Clerk would write to the current co-optees representing licensed trade and ask them to nominate someone to become a substantive member.</p> <p>To confirm Struan King the Forum Member representing youth and that the clerk would advise him of the decision.</p> <p>That a representative of the Street Pastors be accepted as a co-optee.</p> <p>Clerk to the Forum to advise both</p>

Item	Discussion	Action/Decisions	To be actioned by
5.	<p>organisation was to discuss it at a meeting that week.</p> <p>The Forum had before it the agenda for the Licensing Board of 26th November, 2013, at which meeting the Statement of Licensing Policy had been agreed, with reference to the consultation responses submitted. There was discussion surrounding particular items of the Statement of Licensing Policy, particularly whether the Board had accepted Forum recommendations or not. It was felt that it would be helpful to receive a breakdown of the items accepted and rejected by the Board, and the reasons for rejection where appropriate.</p>	<p>1. That links to Licensing Board agendas be placed on future Forum agendas;</p> <p>2. That the Clerk would write to Eric Anderson, Clerk to the Licensing Board, asking him to provide a commentary on all of the Forum recommendations, indicating if they were accepted or not, and if not, why not.</p> <p>3. That the Clerk would seek information from other Local Licensing Forums about how they monitor their Licensing Boards.</p>	Clerk to the Forum
6.	<p>Sergeant Gill Flett outlined a recent practice within certain night clubs in Aberdeen known as “bottle packages”. This involves booths and tables being made available for exclusive use by customers in exchange for minimum spend on a drinks package. The result is that excessive amounts of alcohol are being sold to customers, placing them and others at risk. Sergeant Flett advised that Police Scotland are working closely with (unnamed) the venue in question which was co-operating</p>	That Police Scotland would provide updates as appropriate at future meetings.	Inspector Jim Hume / Sergeant Gill Flett

Item	Discussion	Action/Decisions	To be actioned by
	<p>with their requirements, and it was noted that sales of this nature had been suspended until the club policy had been redrafted to the satisfaction of the police. The Forum discussed measures which would prevent any recurrence of this practice, such as appropriate signage. There was also discussion on the importance of suitable evidence of the adverse effects on customer health should venues offering such promotions ever be taken to review hearing.</p>		
7.	<p>Submission to Licensing Board on Review Hearings – Police Scotland</p> <p>The Forum was reminded of the outstanding issue here, that the Forum had written to the Clerk to the Licensing Board in February 2013 on the matter of two recent review hearings which had been subject to appeal. The Forum had asked the Clerk to the Board to advise what steps were being taken to learn lessons to safeguard the Board’s position in the event of future challenges. The Forum had considered this response and agreed to discuss the matter at its next meeting with the Board. The matter had then been raised at the joint meeting on 27th June and the Clerk had provided a further verbal response. The Forum had then agreed to discuss the</p>	<p>That the responses provided by the Clerk to the Board were sufficient and that no further action was required. The item was therefore to be deleted from the Progress Statement.</p>	Clerk to the Forum

Item	Discussion	Action/Decisions	To be actioned by
8.	<p>The Forum discussed a training programme for 2014, focusing on areas of priority and who could deliver them. With regard to the suggestion made at the meeting on 11th September, that George Wyatt would request Gerrard Rattray to attend a meeting and provide some training on personal licenses, the Forum was advised that there was no update.</p>	<p>That a programme for 2014 be agreed as follows</p> <ul style="list-style-type: none"> - February – Health (Fraser Hoggan/Linda Smith) April – Legislation (Emily/Tara/Diane/someone from licensing team) Meetings later in the year – Samaritans/Social Work/Police Scotland – further thought around these is required. 	<p>All Members of Forum.</p> <p>Clerk to the Forum to speak to Clerk to the Board about getting an input from a member of his team on the legislative elements.</p>
9.	<p>This was covered under item 11.1 at the request of the Convener.</p>	<p>None.</p>	
10.	<p>The Clerk to the Forum updated the Forum Members about the work that had been done on the progress statement and the actions arising from it. The Forum Members agreed that they were happy with the new format of the progress statement, which would track</p>	<ol style="list-style-type: none"> 1. That items 1, 2, 11 be deleted. 2. That feedback be sought Karen Riddoch on progress made with engaging community councils, particularly the Community Councils Forum. 3. That a written update be sought from Bob 	<p>Clerk to the Forum</p>

Item	Discussion	Action/Decisions	To be actioned by
11.1	<p>Licensing Objective 1: Preventing Crime and Disorder - Update from Police Scotland</p> <p>Sergeant Gill Flett provided the following update on behalf of Police Scotland for the period August to October:- <u>Common Assaults in Licensed Premises – August – 21</u> <u>September – 27</u> <u>October – 24</u></p> <p><u>Common Assaults between 3.00 and 5.00am – August – 9</u> <u>September – 12</u> <u>October – 9</u></p> <p><u>Serious Assaults between 3.00 and 5.00am – August – 0</u> <u>September – 2</u> <u>October – 2</u></p>	<p>Westland on the issues around door supervisors, and from there that the Forum determine whether further information from the Board/a meeting of the Door Supervisors Working Group is needed.</p> <p>4. That the web pages for the Forum be further developed to include information on the aims of the Forum, and to seek feedback from the public on the issues that affect them.</p> <p>Noted.</p>	

Item	Discussion	Action/Decisions	To be actioned by
	<p><u>Identify document incidents</u> – August – 15 September – 15 October - 22</p>		
11.2	<p>The Forum discussed “early morning” assaults and the intentions of Police Scotland to seek more robust intelligence to inform approaches to crime reduction.</p>	<p>Tara-Erin Gilchrist, LSO, provided the update in Diane Sande’s absence. The Forum was informed that both LSOs had undertaken night visits on 7th and 8th December to community premises selling alcohol to the public, as well as within the city centre. Both LSOs were concerned that they came across a number of establishments that had people serving alcohol who had not done their two hour essential training. The LSOs had also been in attendance at the Licensing Board the previous day. They informed the Forum that out of all of the applications before the Licensing Board two applications had been rejected and one had been granted but conditions set. All of the other applications</p>	<p>Noted.</p>

Item	Discussion	Action/Decisions	To be actioned by
	<p>were granted/varied. Tara-Erin advised the Forum that starting from next year the whole of Aberdeen would be split between the two LSOs and they would get one overprovision area each. It was the intention of the LSOs to focus on off-sales in the community areas next year.</p>		
11.3	<p>LO 3: Preventing Public Nuisance - Update from Unight Representative</p>	<p>None.</p>	
11.4	<p>LO 4: Preventing and improving Public Health - Update from NHS and ADP</p>	<p>None.</p>	<p>Linda Smith advised the Forum that she, along with a representative of the Public Health Directorate, had attended the Licensing Board the previous day as an observer. Public Health were working towards the implementation of a process to allow them to respond to applications before the Board, and the Board Convener, Councillor Boulton, had indicated that she was keen to receive this input. This would hopefully assist in the areas of overprovision.</p> <p>The Convener provided performance information from the Alcohol and Drugs</p>

Item	Discussion	Action/Decisions	To be actioned by
	<p>Partnership as follows:-</p> <ul style="list-style-type: none"> • In quarter 2 of 2013/14, 231 people treated at a designated place of safety, with 369 referrals to the Integrated Alcohol Services. 100% had been seen within 21 days. • The ADP was retendering on third sector alcohol services in the city and this would run from April. • Workforce development training programme had been busy. • Best Bar None Awards on 27th August, 20 gold awards, 11 silver and 6 bronze. 		
11.5	<p>LO 5: Protecting Children from Harm - Update Children's Services Representative</p> <p>No discussion as Dave Bliss had left the meeting by this stage.</p>	None.	
12.	<p>The Convener made some closing remarks to bring the meeting to an end and invited any other competent business.</p>	<p>1. Forum to write to Shelly Nichols, thanking her for her work at Forum meetings and wishing her all the best with the birth of her baby;</p> <p>2. The Convener thanked Vikki Cuthbert and Dmitry Gavin for their work throughout the</p>	Clerk to the Forum

Item	Discussion	Action/Decisions	To be actioned by
13.	Dates for 2014	<p>The following proposed meeting dates were approved at the meeting.</p> <p>Approved as follows –</p> <p>12th February 23rd April 18th June 17th September 19th November</p> <p>Rooms to be booked in the Town House and this to be circulated to the Forum.</p>	Clerk to the Forum

Agenda Item 5.1

From: Geddes, Paul
Sent: 24 January 2014 15:10
To: Kelman Alexander (NHS GRAMPIAN)
Cc: Dmitry Gavin; Smith, Duncan
Subject: FW: SFRS Representation at Aberdeen Licensing / ADP Forums

Sandy,

Following our meeting of 23rd January to discuss future partnership working and Fire representation on Alcohol related forums, I wished to provide an update on items discussed. Firstly, thank you for your time yesterday; it was great to meet with yourself and Fraser again after my time out of the City environment.

As mentioned by AM Duncan Smith, I'm currently reviewing our local representation to Community Planning and Partnership forums and this includes our participation and support to Licensing and ADP forums. As you're aware our Local Fire Plan is currently subject to consultation and details our local priorities based on both the SFRS Strategic Plan and Local SOA. Partnership working remains a key focus throughout the plan and I'm keen to ensure we build on the existing positive relations we have with ADP in Aberdeen City. As you'll appreciate the service wishes to ensure we're focused on delivery of priorities whilst providing a consistent and valued contribution to local partnerships and that is a key focus of the review.

Whilst I appreciate the important role of both the Licensing Board and Forum and understand we've previously been involved through my predecessor, I'm not confident that our continued membership to those adds value. With this in mind I'd propose that we continue to offer support by means of data provision where appropriate, however step down as recognised members. I would be comfortable for myself to remain on the mailing list, perhaps as an associate member with a view to contributing by means of providing advice on any fire related items. I understand the difficulties whereby meetings have not had the required quorate for voting and as such wouldn't wish to commit to membership only to disappoint partners at a later date.

With regard to the ADP (Strategic), ADP T&CG and Alcohol Task Group I do believe there is value in our contribution. There is a clear link between fire casualties/fatalities and it would be remiss of me not to consider how and where we can contribute. With this in mind I would ask for myself to remain as an interim point of contact and I will endeavour to advise of future representation and point of contact for each in the near future.

Thank you again for your time yesterday and should you have any fire related queries, please don't hesitate to give me a call.

Regards

Paul

Paul Geddes
Group Manager, Aberdeen City
Scottish Fire & Rescue Service

This page is intentionally left blank

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

Page No.	Para No.	Addition/Amendment	RESPONSE
General Comments	Where appropriate	<ol style="list-style-type: none"> 1. The Forum strongly believes that it would have been preferable if the policy had been completely re-drafted rather than the existing one re-worded. It should also provide a more balanced reflection on all licensed premises, i.e. on and off sales. 2. Whenever there is a mention of child or children it should follow thereafter that the rights or welfare of the child is the primary concern. 3. Can smart links to each of the documents listed in the appendix be inserted throughout for ease of reference and to encourage readers to access these. 4. Once the document has been finalised, can it be issued in hard copy to license holders, including off-sales, and also issued electronically with a reminder that the Licensing Standards Officers can provide support in accessing associated documents. 5. The Forum asks that the Board give consideration to including within the Policy a reference to the operating plans for premises whose licence includes entertainment, in order to ensure that due consideration is given within such plans to guarantee that alcohol is not used as a main focus of the promotion of that entertainment as part of any publicity material. 	<ol style="list-style-type: none"> 1. Noted. 2. Not included. Unsure of meaning behind proposal. Does the Local Licensing Forum (LLF) mean that a phrase should be added to the Policy Statement regarding the rights or welfare of the children on every occasion the words child or children are mentioned? There are repeated references to the licensing objective Protecting Children from Harm and at 2.17 the Board notes the terms of the UN Convention on Rights of the Child. At 2.6 reference is made to harm regarding children's health and this will be of paramount consideration when determining applications. 28.1 determining applications to accommodate children and families risk of harm to children paramount. 3. A list of smart links was added at Appendix 7 of the Policy. If the LLF is able to explain exactly where the smart links are to be inserted (and their references) consideration can be given to

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

	<p>4. This is rejected as it is not a requirement of the Act and will incur unnecessary cost.</p> <p>5. Reference has been made in relation to late opening premises and terminal hours indicating that the consumption of alcohol is ancillary to the entertainment. It has restricted these premises classes as having entertainment that warrants a later terminal hour eg removal of snooker from the list of significant entertainment. It also states what it deems not to be significant entertainment at 20.7.</p>		
<p>2</p>		<p>The Forum recommends that the Policy make stronger reference to the purpose of the 5 objectives, as per 2007 guidance¹: 'These represent the principles on which the new licensing system is based, and provide Licensing Boards with a solid foundation on which to build their own local policies. These objectives are not ranked in order of importance. Each has equal weighting and all must be paramount considerations when Licensing Boards are carrying out their responsibilities.' 'As well as complementing the wider policies of the Scottish Executive these objectives aim to improve the environment for social drinking to one which is safe and welcoming for all.'</p>	<p>3</p> <p>3 & 4</p>
			<p>The reference is to paragraph 3 in the preamble. The Board did not consider it to be necessary to add anything further here. However, if further explanation is given as to why the LLF consider this especially necessary further consideration may be given.</p>

¹ <http://www.scotland.gov.uk/Publications/2007/04/13093458/3>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

	<p>The Forum recommends the addition of the below wording, to be inserted after 'In preparing the policy, the Board will have due regard to the guidance issued by the Scottish Government in April 2007...' 'Guidance has been produced in accordance with section 142 of the Licensing (Scotland) Act 2005.' Departure from the Guidance may give rise to an appeal or judicial review, and the reasons given could be relevant if the courts are asked to consider the lawfulness and merits of any decision taken.'</p>	<p>It is considered sufficient to have "due regard" following the terms of the Act.</p>
4	<p>1.2</p> <p>The Forum takes the view that this, as currently phrased, the bias is towards the economy, and contribution of licensed establishments to this. There should be more balanced and reflect the 10 year vision agreed by community planning partners and outlined in the 2013 Single Outcome Agreement, so include, for example: '...its continuing economic success is benefiting all its citizens and advancing equality in City'... the City centre is a 'vibrant hub of commercial and cultural activity with easy and safe access for Aberdeen's communities and tourists.'</p> <p>As part of developing this vision, changing the City's culture toward alcohol was identified as a key priority across Community Planning partners and recognised to portray a negative (and unsafe) image for visitors and businesses in the City, hence one of the strategic priority for health & wellbeing is 'people in Aberdeen who consume alcohol drink responsibly and within sensible weekly drinking guidelines'.</p>	<p>Included.</p> <p>See paragraph 2.16.</p>
4	<p>1.3</p> <p>The Forum wishes to know how the Board intends to now assess and consult on a policy of overprovision (see separate submission from NHS Grampian) and take into account provision of both off and on sales as per 2007 guidance (p.15-18) which inverts the approach to assessing overprovision with reference to town or city centre. In assessing</p>	<p>The Board took into account the responses received from its consultations. Based on the evidence received, primarily from the police and the Health Board, it decided as follows</p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

		<p>overprovision, the Board is asked to acknowledge the change in trend in alcohol purchase, with 68% of purchases now from off sales; and rise since early 90's in consumption among adults as well as young people (see submission from NHS Grampian).</p>	<p>(1) with regard to premises that sold alcohol exclusively for consumption off premises the Board identified a locality which took into account almost the whole of the city with the exception of two areas namely (a) the Anguston locality and (b) the Kirkhill locality (both localities as identified by the Board). (2) With regard to premises providing sales of alcohol for on sale consumption, the Board recognised two localities (i) the Belmont Street locality and (ii) the Langstane Place/Windmill Brae/ Bridge Place locality as recommended by the police. The types of premises are restricted to those operating as entertainment , public house or the so-called hybrid premises venues. Paragraph 9 of the Policy provides details.</p>
5	<p>2.1 2.2 and 2.8</p>	<p>The Forum asks that this be updated to reflect who the Board consulted on with the current draft policy.</p> <p>The Forum asks that the Policy refer to 2013 Single Outcome Agreement vision and specific outcome on alcohol, now in a very different format (see above).</p>	<p>The list of consultees is stated at Appendix 8.</p> <p>Included. Paragraph 2.16</p>
6	<p>2.4 with subsequent paragraphs to be renumbered</p>	<p>The Forum asks that reference be made to the Adult Support and Protection (Scotland) Act 2007 and that the following wording be added: "Article 3 of the UN Convention on the Rights of the Child, as ratified by</p>	<p>The Board has noted this in Paragraph 2.17 but has not included the wording suggested. A quick link has been provided to the relevant legislation.</p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

<p>The Board has at its core the licensing objective Protecting Children from Harm to which there are numerous references in the Policy.</p>	<p>the UK government, requires that in all actions concerning children {defined in the UNCRC as being anyone under age of 18 years}, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The Board will have regard to this in determining applications.” ‘The UNCRC helps us all to articulate what makes for a safe, healthy, happy childhood and a good start in life. It underpins the approach to children’s rights in Scotland, providing us with a framework for ensuring we consider children’s rights whenever decisions are made’. {http://www.scotland.gov.uk/Topics/People/Young-People/families/rights/uncrc}</p>	<p>Included.</p> <p>Not included. This may be revisited. It would be helpful if the LLF provided the exact wording of their proposal?</p>
<p>8</p>	<p>2.16</p> <p>Amend to reflect wording in 2013 SOA, as referred to above: Health & Wellbeing Outcome: ‘people in Aberdeen who consume alcohol drink responsibly and within sensible weekly drinking guidelines; Safer Communities: ‘people feel safe throughout Aberdeen’s communities’ and ‘Safer Roads’</p>	<p>This was proposed but rejected by Members on the basis that there was no adequate reason given for this to be added exclusively for the Health Board.</p>
<p>10</p>	<p>5.1</p> <p>After “the relevant Health Board” a generic e-mail address for the Health Board should be added.</p>	<p>The CCTV provisions are twofold: (1) where it involves CCTV in off sales premises there is a local condition attached to each premises that CCTV</p>
<p>11</p>	<p>6.5</p> <p>Request that there is a regular review of Police advice on the requirements around CCTV. For clarification, the Forum would also like to know whether the guidance attached at appendices 5/6 is mandatory or just for information.</p>	<p></p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

<p>system that complies with the specifications is installed and maintained. (2) CCTV system is required in late opening premises at the discretion of the Chief Constable. Discussions between the Police and the Board can continue regarding the provisions which were recently modified at the request of the police.</p>			<p>13</p>
<p>As mentioned above, the Board considered the evidence presented to it and made its decision regarding the two existing overprovision localities and added another in respect of off sales premises.</p>	<p>The Forum would like to see the two current areas of overprovision (the Justice Mill Area and the Belmont Street Area) expanded and further areas added.</p> <p>Paragraph 9.8 amended as follows:</p> <p>“The effect of the identification and adoption by the Board of this over-provision statement is that:</p> <ul style="list-style-type: none"> • there is a presumption in the city centre area (as defined in Appendix 3) against the grant of an on-sales premises licence, except for restaurants (as defined in Appendix 4), and • there is a presumption throughout the whole extent of the Board’s geographical area against the grant of an off-sales licence for all premises. <p>84% of the city’s 18 years and over population is already within 500 metres of an off-sales premises and 96.5% is within 1,000 metres, both reasonable walking distances..</p> <p>However, the Board will consider each case on its merits and the presumption may be overturned where cause is shown.”</p>		<p>9.8</p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

16	12.6	<p>The Forum appreciates that designation of the whole of the city as an area of over-provision in respect of off-sales may not be feasible, but would request the Board to include as much as possible of its geographical area based on the evidence presented.</p> <p>The proposed change is as follows: "The Board will enforce <i>robustly</i>...by acting <i>timeously</i> on receipt of such a report."</p> <p>Clarification also sought on what is meant by "appropriately acting".</p>	<p>"Appropriately acting" is a more neutral term and allows the Board greater flexibility when considering such reports. Each case is decided on its own merits.</p> <p>Yes except where there is reference to specific type eg late opening premises.</p> <p>The criteria are laid down in the Act. No extra qualifications are sought.</p>
16-17	13	<p>Does this refer to management of premises-both off and on sales?</p>	<p>Included.</p>
18	15.2	<p>The Forum asks if experience of working in the licenced trade can be a desirable criteria in applying for a licence, appreciating that there is a need for compliance with the Act.</p>	<p>This is not a requirement of the Act.</p>
18	16.3	<p>Where it says "Significant numbers of children" the words "young people" should also be added, and the reference to "other premises" changed to "other places".</p>	<p>Included.</p>
20	17	<p>The Forum recommends that each new application for an off sales licence must include evidence of need.</p>	<p>This is not a requirement of the Act.</p>
21	19	<p>The Forum is unclear why outside seating areas are excluded from CCTV and asks the Board to review its position in this area.</p>	<p>CCTV reference is included in 19.2</p>
20	20.1	<p>The addition of the following: "the Board will facilitate a reduction in licencing/opening hours by licence holders that are either permanent or temporary as long as licence holders make the Board aware of these changes." The Board may insert this in another article if it thinks it more appropriate to do so.</p>	<p>This does not appear to be necessary. Should a licence holder wish to reduce their hours on a permanent basis there is a procedure to follow in terms of the Act.</p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

21	20.3	The Forum recommends that 14 hours is the maximum a premises should be allowed to be open in one session (without closing), although the Board should still consider any applications for an extension to this. The word "maximum" should be inserted where appropriate.	"Maximum" was included.
21	20.3	The time 10am should be substituted with 11am.	The Board did not wish to change this opening time.
25	23	The Forum supports the additional wording inserted at para. 23.5.	OK
26	24.3	The Board is asked to look at whether CCTV radio link should be introduced for all premises as best practice.	This will require further consideration.
27	27.1	<p>The Forum requests</p> <ul style="list-style-type: none"> that the following line be removed 'Board wishes to see premises thriving in the City' on the basis that this is contradictory to next line as does not pre-empt introduction to the other 4 licensing objectives. that the Board support the Health & Wellbeing outcome in 2013 SOA, i.e. 'people in Aberdeen who consume alcohol drink responsibly and within sensible weekly drinking guidelines and negative outcomes are reduced' – refer also to submission from NHS Grampian, Public Health. The Forum suggests that we now need to take cognisance of the rise in consumption and off sales. that 'public health & wellbeing' be changed to protecting and improving the public's health. that reference also be made to local authorities' power to promote or improve wellbeing as part of the Local Government in Scotland Act 2003. 	<p>Done.</p> <p>See paragraph 2.16</p>
			Not included. Explanation required for including this in this Policy. The term

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

<p>29</p>	<p>27.6</p>	<p>UNCRC includes 'Every child has the right to the best possible health' and the Forum asks that this is reflected here.</p>	<p>"Health and Wellbeing" is taken from the SOA and so the appropriateness of changing the term is questioned.</p> <p>Not included. Explanation required for including this in this Policy.</p> <p>The Board notes the terms of the UNCRC at Paragraph 2.17 and the licensing objective Protecting Children from Harm is fundamental to the licensing process.</p>
<p>30</p>	<p>28.1</p>	<p>Please amend as follows: "28 LICENSING OBJECTIVE - PROTECTING CHILDREN AND VULNERABLE GROUPS FROM HARM the licensing objective is 'protecting children from harm' Other 'at risk' groups are protected by the Adult Support and Protection (Scotland) Act, 2007 (see above)</p> <p>"Adults at risk" are adults who— (a) are unable to safeguard their own well-being, property, rights or other interests, (b) are at risk of harm, and (c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected. (2) An adult is at risk of harm for the purposes of subsection (1) if— (a) another person's conduct is causing (or is likely to cause) the adult to be harmed,</p>	<p>Rejected. The statutory objective is protecting children from harm. This objective cannot be altered unless by statutory amendment.</p>

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

	<p>or (b) the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.</p> <p>28.1 The Board wishes to see family friendly premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families."</p>	
<p>30</p>	<p>28.2 Please amend as follows: "28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them, at the same time as recognising that parents and other adults accompanying children or vulnerable adults also have responsibilities."</p>	<p>Added.</p> <p>This Paragraph relates to the Licensing Objective Protecting Children from Harm. The objective does not include vulnerable adults.</p> <p>The word "as" has been included.</p>
<p>30</p>	<p>28.3 Please amend as follows: "28.3 In determining any such application, the Board requires the applicant to demonstrate how they have taken the best interests of children and vulnerable adults into account and assessed and mitigated the risks to them."</p>	<p>This Paragraph relates to the Licensing Objective Protecting Children from Harm. The objective does not include vulnerable adults.</p>
<p>30</p>	<p>28.4 Please amend as follows: "28.4 Although, children and vulnerable adults may be adequately protected from harm by the action taken to protect adults, they</p>	<p>This Paragraph relates to the Licensing Objective Protecting Children from Harm. The objective does</p>

	<p>may also need particular measures to be taken. When demonstrating how they have done this, the applicant must consider those factors which may particularly impact on children and vulnerable adults.</p> <p>These include but are not exhaustive:</p> <ul style="list-style-type: none"> • the provision of entertainment or services of an adult or sexual nature are provided. • employment of members of staff who have convictions for serving alcohol to children, or convictions against children or vulnerable groups, in premises where families are encouraged. • where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there. <p>28.4 The following examples of control measures are given to assist applicants.</p> <ul style="list-style-type: none"> • effective and responsible premises management • adoption of best practice guidance • limitations on the hours when children may be present, in all or parts of the premises • limitations or exclusions by age when certain activities are taking place • imposition of requirements for children to be accompanied by an adult • acceptance of accredited proof of age cards with photographs, or passports • measures to ensure children do not purchase, acquire or consume alcohol • measures to ensure children are not exposed to incidences 	<p>not include vulnerable adults.</p>
--	---	---------------------------------------

LOCAL LICENSING FORUM MEETING 12 FEBRUARY 2014
 RESPONSE TO LOCAL LICENSING FORUM'S COMMENTS TO LICENSING BOARD'S STATEMENT OF LICENSING POLICY

		of violence or disorder.”	
30	28.5	<p>Please amend as follows:</p> <p>“28.5 The Board requires applicants who submit operating plans which include provision for children to ensure that they are not given access to premises when activities such as adult entertainment or gambling are taking place.”</p>	Added.
30	29 (new paragraph to be inserted)	<p>The Forum recommends the following additional paragraph:</p> <p>“29 PROTECTING CHILDREN FROM HARM IN RELATION TO OFF-SALES Off sales premises, especially supermarkets, need to show a due diligence to children’s exposure to alcoholic products. Off sales premises need to ensure that they are not contributing too greatly to the normalisation of alcohol and its consumption in the home. With this in mind, the Board requires the applicant to demonstrate how they have taken the best interests of children and vulnerable adults into account and assessed and mitigated the risks to them.”</p>	<p>Rejected. The reference to vulnerable adults does not assist when dealing with an objective which relates only to children.</p> <p>It is suggested that such a proposal would be more appropriately introduced by way of an amendment to the legislation.</p>

Agenda Item 8

Name of Group: Local Licensing Forum

Date of Meeting: 12 February 2014

Title of Report: Liaison between LLF and Licensing Boards

Author of Report: Steph Dunsmuir, Committee Services Officer

Summary of Purpose of Report

At the meeting of the Local Licensing Forum of 11 December 2013, members had asked that other local authorities be contacted to ascertain how other Licensing Forums monitored the work of their Licensing Boards, and how often Forum members attended Board meetings (and vice versa).

I contacted the support officers in other authorities as requested, and a summary of their responses is set out in the table below.

Council	Response
Highland Council	<p>Attendance at Board Meetings</p> <p>Licensing Board meetings usually attended by 3 or 4 Forum members. Board meetings available to watch on webcast up to one year after they take place, and papers are circulated electronically to all Forum members.</p> <p>Attendance at Forum Meetings</p> <p>Board members do not attend Forum meetings.</p> <p>Joint Meetings between Forum and Board</p> <p>The Forum meets annually with the Board. The 2012 meeting was in a formal setting, and generated very little discussion. The meeting consisted of the Board Clerk reading out prepared answers to questions submitted in advance by the Forum. Following that meeting, the Board and Forum Chairs met to discuss how the Forum could ensure that it was contributing effectively to the work of the Board. The Board now has a better understanding of the Forum, and the Forum has realised that its contributions are valued by the Board.</p> <p>The 2013 meeting was less formal and there was discussion around the procedure and methodology for preparing Board Policy Statements, and the key issues for the Board over the forthcoming year. There was also discussion on how the Forum could better interact with the Board. The Board advised that the Forum should continue to respond to policy consultation and provide the Board with comments as it had been doing. Board members had advised that the Forum had been extremely helpful in feeding into policy consultation and their thoughts and knowledge had been invaluable to the Highland Licensing Board.</p>
Scottish Borders Council	<p>Attendance at Board / Forum Meetings</p> <p>Members of the Licensing Board are advised of all Licensing Forum meetings, and likewise, the Licensing Forum members are informed of Board meetings and can attend.</p> <p>Joint Meetings between Forum and Board</p> <p>There is one joint meeting each year.</p> <p>Further Information</p> <p>In November, the Licensing Forum arranged a Local Licensing Conference to engage with licensees and invited all licensees in the region to attend. It was a free event and feedback has been very positive.</p>

Council	Response
South Ayrshire Council	<p>Attendance at Board Meetings Members of the Licensing Forum regularly attend Board meetings, and the previous Board minutes are circulated to the Forum for their information. It is proposed that a rota will be compiled to ensure that a Forum member is present at each Board meeting who can report back to the next Forum meeting.</p> <p>Attendance at Forum Meetings The Forum meeting dates are approved at the start of each year, and the Board members are advised of these dates.</p> <p>Joint Meeting between Forum and Board There is one joint meeting a year, usually held in May.</p> <p>Engagement between Forum and Board If the Forum requires any information on any decisions the Board has made, a letter would be submitted by the Chair, on behalf of the Forum.</p>
Renfrewshire Council	<p>Attendance at Board Meetings The Convener of the Forum is advised of the dates of the Board meetings, and occasionally attends.</p> <p>Attendance at Forum Meetings It is open to any member of the Board to attend any meeting of the Forum as an observer.</p> <p>Joint Meeting between Forum and Board The main interaction between the Forum and the Board is the annual joint meeting (as well as through any consultation circulated by the Board).</p>
Falkirk Council	<p>Attendance at Board Meetings Members of the Board are advised of all Forum meetings and may attend.</p> <p>Attendance at Forum Meetings Forum members are advised of the dates of the Board meetings, and a few members of the Forum have attended meetings of the Board to observe.</p> <p>Joint Meeting between Forum and Board There is one annual meeting between the Forum and the Board.</p>

Council	Response
Orkney Islands Council	<p>Attendance at Board Meetings Members of the Board are advised of all dates of Forum meetings and decide amongst themselves who will attend and observe. The Licensing Standards Officer attends all Board meetings as an observer.</p> <p>Attendance at Forum Meetings The Chair of the Forum has access to the Board papers and regularly attends to observe meetings.</p> <p>Joint Meeting between Forum and Board There is one annual joint meeting between the Forum and the Board.</p>
West Lothian Council	<p>Attendance at Board Meetings There is no formal rota for Forum members going to Board meetings, but those on the Forum from groups such as Social Work and Housing often have someone there to observe. A couple of the community members go along from time to time.</p> <p>Attendance at Forum Meetings The Board Chair and Clerk are sent copies of the Forum meeting papers and there is a standing invitation to Board members to attend Forum meetings. The Chair is the only one who has ever attended, but does not do so on every occasion.</p> <p>Joint Meeting between Forum and Board For the last few years, there have been two joint meetings a year. They have not been particularly well-attended on either side.</p> <p>Engagement between Forum and Board The Board minutes are put on the agenda for all Forum meetings to let the Forum try to pick up on trends in Board business and decisions. The LSOs are a valuable source of information for the Forum and are a useful bridge between the Forum and the Board.</p> <p>The next Forum meeting will be a training session for Community Councils (as we've just held our CC elections) with the Clerk to the Board about liquor licensing – types of applications, types of premises, types of licences, application procedures, objection procedures, review procedures etc.</p>

Council	Response
West Dunbartonshire Council	<p>Attendance at Board Meetings Members of the Forum have come along to various meetings of the Board to observe proceedings, particularly when policy reports are considered and have required prior consultation with the Forum.</p> <p>Attendance at Forum Meetings The Chair of the Licensing Board is also a member of the Licensing Forum and regularly attends Forum meetings. Members of the Board are advised of all Forum meetings and may attend. Agendas and papers for the Forum are sent to all members of the Board for information.</p> <p>Joint Meeting between Forum and Board There is one annual meeting between Board and Forum members and this is held immediately prior to the AGM of the Forum. Members of the Board are invited to remain for the meeting of the Forum.</p>

This page is intentionally left blank

ABERDEEN LOCAL LICENSING FORUM

PROGRESS STATEMENT - FEBRUARY, 2014

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum’s area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. “Case” is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as “policemen” with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
1.		<p><u>Community Engagement</u></p> <p>Find out from communities what are their areas of concern.</p>	<p>The following was agreed in September 2013 -</p> <ol style="list-style-type: none"> 1. Ken Eddie to ask the Civic Forum to discuss ways in which it can offer intelligence 		Securing Public Safety

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
			<p>to the Local Licensing Forum on alcohol in the community, with the assistance of a summary document from the Public Health Coordinator, to be supplied by Linda Smith.</p> <p>2. Community Council Liaison Officer asked if community councils can be asked to add to agendas as a standing item – Alcohol in the Community. Sandy Kelman and Linda Smith met with CCLO in October.</p>		
2.		<p><u>Door Supervisors Working Group</u></p> <p>At the first meeting of the Licensing Board after the local elections in 2012, one additional member of the Board was appointed to the Doors Supervisor Working Group. As a result, the Board asked if the Forum would also like an additional member on the group.</p>	<p>It was agreed in September 2012 that the additional place be taken up by Unight. This position now needs to be updated, due to the changes in membership of the Forum since that meeting.</p> <p>There was discussion on the status of the group at the joint meeting with the Board on 27 June 2013 and it was agreed that a meeting be called after the summer recess.</p> <p>Update from Eric Anderson – if the Forum wishes to ask about the Working Group they are free to do</p>		Securing Public Safety

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
			<p>so, but there is currently no meeting scheduled.</p> <p>The Forum also agreed on 11 December 2013 that Bob Westland be asked to provide a summary of the issues around door supervisors, which would allow the Forum to determine whether further information from the Board/a further meeting of the Working Group is needed. It is hoped that a response will be available for this meeting.</p>		
Items relating to all Licensing Objectives					
3.	11 December 2013	<p><u>Appointment of Vice Convener</u></p> <p>Deferred until February 2014 by which time licensed trade would be in attendance – it was the expressed wish of the Forum to have a licensed trade representative in this position.</p>	<p>The current licensed trade co-optees were advised of this decision after the last meeting and a response is awaited.</p> <p>This is on the current agenda.</p>	Clerk	
4.		<p><u>Statistical Information</u></p> <p>To receive reports from the Licensing Board containing relevant statistical information.</p>	The Forum and Board will continue to liaise at joint meetings.		All objectives
5.	11 December 2013	<u>Statement of Licensing Policy</u>	This is on the current agenda.		All objectives

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
6.	19 June 2013	<p>To request a commentary from the Clerk to the Board on all of the Forum recommendations on the Statement of Licensing Policy, indicating if they were accepted or not, and if not, why not.</p> <p>Evaluation</p> <p>Having looked at the NHS Report evaluating implementation of the Licensing (Scotland) Act 2005, it was agreed to –</p> <ul style="list-style-type: none"> • Receive occasional presentations from members • Look at the production of a leaflet on the work of the Forum • Place agendas on the display boards outside the Town House • Keep the website updated and look to hold more information there. 	<p>Agendas are now displayed outside the Town House to encourage attendance by members of the public. It is hoped that work enhancing the website can begin early in 2014.</p>		All objectives
7.	11 September 2013	<p>Resourcing the Forum</p> <p>It was agreed to write to Aberdeen City Council asking if additional resource could be made available to assist the Forum in raising awareness, promoting and working towards its goals and developing its web resources</p>	<p>This item is on the agenda.</p>	Vikki Cuthbert	All objectives

Item	Meeting Reference	Decision/Action	Update	Responsible Lead	Licensing Objective
		(interactive if possible), and that if additional finance were needed to enable this, that Community Planning Aberdeen be invited to gather partner contributions.			
8.	11 September 2013	<p><u>Training Programme</u></p> <p>The Forum agreed to the production of a training programme, and that this include in the first instance information sessions on (1) the relevant legislation; (2) personal licences (3) the Alcohol and Drugs Partnership and (4) admissions to Accident and Emergency. It was also agreed that, as there was no training budget, the programme would rely on members and co-optees themselves to provide, and that former member Gerrard Rattray be asked to provide some training on personal licences in the first instance.</p>	The first training session is on the current agenda. Clarification is sought from the Forum on which legislative aspects it would like to see covered by the Clerk to the Licensing Board.	All Partners George Wyatt to speak to Gerrard Rattray	All objectives

This page is intentionally left blank