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To: Finlay Cran, Convener; , Elaine Mottram Vice-Convener; and Neil Campbell, Neil Carnegie, Susan Dunn, Louise Grant, Steve McConnachie, Lorcan O'Connor, John Philip, Diane Sande and Jonathan Smith.

Town House,
ABERDEEN 06 September 2021

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in **Virtual - Remote Meeting on WEDNESDAY, 8 SEPTEMBER 2021 at 2.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

- 1 Welcome and Apologies
- 2 Minute of Meeting of 23 March 2021 - for approval
- 3 Membership Updates - Elaine
- 4 Development Day - Finlay
- 5 ELEPHANT Study Update - Niamh Fitzgerald
- 6 Annual Functions Report 2021 - Sandy (Pages 3 - 6)
 - 6.1 Annual Financial Report 2020-21 (Pages 7 - 8)
- 7 Licensing Board and Local Licensing Forum Joint Meeting - 5 October 2021

- 8 Aberdeen City Licensing Board - Chief Constable's Report 2020-2021 - Neil Campbell (Pages 9 - 14)
- 9 AOCB
- 10 Date of Next Meeting - 24 November 2021

Should you require any further information about this agenda, please contact Shereen Balaban, email sbalaban@aberdeencity.gov.uk or 01224 522497

ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 3 August 2021

CLERK TO THE LICENSING BOARD Jenni Lawson

TITLE OF REPORT: Aberdeen Licensing Board Annual Functions Report 2020/21

REPORT AUTHOR: Sandy Munro, Solicitor

1. PURPOSE OF REPORT

To invite the Licensing Board ("The Board") to approve this Annual Functions Report.

2. RECOMMENDATIONS

That the Board:

- (1) approve this Annual Functions Report and;
- (2) authorise the Clerk to the Board to proceed with the publication of this Annual Functions Report.

3. BACKGROUND

- (1) Licensing Boards must produce and publish annual functions reports and annual financial reports. The Boards annual functions report must normally be prepared and published not later than 3 months after the end of each financial year. Amendments made by the Coronavirus (Scotland) Act 2020 extended the 3-month time limit to 9 months. The August Board is the first available Board meeting following preparation of the report.
- (2) This report should contain a statement explaining how the Board has had regard to the licensing objectives, their licensing policy statement, and any supplementary licensing policy statement in the exercise of their functions during the financial year.

4. HOW THE BOARD EXERCISES ITS FUNCTIONS

- (1) The Licensing (Scotland) Act 2005 as amended ("the Act") sets out regulations for the sale of alcohol and regulations for licensed premises and other premises on which alcohol is sold.
- (2) The Act has five licensing objectives which the Board must have regard to when exercising its functions. These objectives are: -

- (i) Preventing crime and disorder
 - (ii) Securing public safety
 - (iii) Preventing public nuisance
 - (iv) Protecting and improving public health
 - (v) Protecting children and young persons from harm
- (3) The Board deals with all applications in accordance with the legislation, and in particular the five above objections, together with its Statement of Licensing Policy 2013 – 2016 which is based on the objectives.
- (4) The Board has determined all applications in line with the Statement of Licensing Policy. The Board has routinely applied additional conditions on the operation of outdoor drinking areas to ensure minimum disruption to the surrounding area and a condition that restaurants offering a delivery service can only supply alcohol alongside a food delivery. It has also determined all applications for licensed hours in line with the Statement of Licensing Policy.
- (5) In accordance with Scottish Government guidance in light of the unique trading climate in which hospitality premises have found themselves the Board have temporarily disapplied the part of the Statement of Licensing Policy which prohibits a series of Occasional Licence applications in respect of the same premises. This was to facilitate temporary premises or temporary additional areas to existing premises to be operated in order to help mitigate the challenges faced by the on-sales sector of the trade. Such temporary areas or premises were still required to operate in accordance with the remainder of the Statement of Licensing Policy.
- (6) The Board has also worked closely with partner agencies including Police Scotland, NHS Grampian, the local licensing forum and Licensing Standards Officers to ensure the satisfactory operation of licensed premises. As a result, problems can be identified and addressed at an early stage and reduces the need for Premises Licence Reviews after the fact.
- (7) As a result of the trading climate the number of applications for Premises Licences and Major Variations was smaller than would normally have been expected. The number of Occasional Licence applications was considerably higher than normal however, in part due to the relaxation of policy detailed in paragraph 5 above.

5. SUMMARY OF DECISIONS OVER THE LAST FINANCIAL YEAR

- (1) A Summary of all decision made by the Licensing Board can be found on the Licensing Board's Website at <https://committees.aberdeencity.gov.uk/ieListMeetings.aspx?CommitteeId=151>

6. THE NUMBER OF LICENCES IN THE BOARDS AREA

- (1) See Appendix 1 – Premises Licences
- (2) See Appendix 2 - Personal Licences
- (3) See Appendix 3 – Occasional Licences

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ABERDEEN CITY LICENSING BOARD

LICENSING BOARD DATE: 17 August 2021

CLERK TO THE LICENSING BOARD Jenni Wilson

TITLE OF REPORT: Aberdeen Licensing Board Financial Report 2020/21

1. PURPOSE OF REPORT

To invite the Board to approve the Annual Financial Report set out in Appendix One to this Report.

2. RECOMMENDATION(S)

That the Board

- (a) approve the annual financial report set out in Appendix One and;
- (b) authorise the Clerk to the Board to proceed with the publication of the annual financial report.

3. BACKGROUND

1. Licensing Boards must produce and publish annual functions reports and annual financial reports. The Boards annual financial report must normally be prepared and published not later than 3 months after the end of each financial year. Amendments made by the Coronavirus (Scotland) Act 2020 extended the 3-month time limit to 9 months. The August Board is the first available Board meeting following preparation of the accounts.

2. The financial report must include-

- (a) a statement of-
 - i. the amount of relevant income received by the Licensing Board during the financial year, and
 - ii. the amount of relevant expenditure incurred in respect of the Board's area during the year, and
- (b) an explanation of how the amounts in the statement were calculated.

3. In this context, “relevant income” means income received by the Board in connection with the exercise of the Board’s functions under or by virtue of the 2005 Act. This involves totaling all the fee income generated by 2005 Act licence applications received during the financial year.

4. “Relevant expenditure” means any expenditure-

(a) which is attributable to the exercise of the Board’s functions under or by virtue of the 2005 Act, and;

(b) which is incurred by the Board, the Council or the Licensing Standards Officers for the Board’s area.

5. Calculation of relevant expenditure is more complicated to determine and requires the figures to be calculated upon estimates of the direct time spent by Legal Service staff as well as all costs in connection with the Licensing function to include central support costs and outlays. It is also worth noting that the Licensing Board income is not guaranteed to remain the same in any financial year and can vary significantly depending on the number and type of applications received. Also, in the event of any appeal against a Board decision, the cost of any appeal would require to be met from the Licensing Board income.

6. This year’s accounts show a significant decrease in income. This can be largely attributed to fewer applications being made as a result of the trading climate over that period and also to the Board’s decision to reduce the annual fees payable by on-sales premises who were most affected by the trading restrictions.

7. Expenditure also decreased overall albeit to a lesser degree. The result is a moderate surplus which would allow the Board to give consideration to retaining the reduced figures for the annual fees for on-sales premises which fall due on 1 October 2021.

4. APPENDICES

1. Appendix One: Licensing Board Annual Accounts 2020/21

5. REPORT AUTHOR DETAILS

Sandy Munro, Solicitor
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**ABERDEEN CITY
Licensing Report
2020-2021**



**POLICE
SCOTLAND**
Keeping people safe

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Foreword

In accordance with Section 12(A) Licensing (Scotland) Act 2005 I provide the Annual Licensing Report for 2020/21.

I would like to thank you for working with policing to keep the people of Scotland safe in what has been an extremely demanding year. During these challenging times Police Scotland has continued to work closely with Local Authorities and key stakeholders and, collectively, we have played a crucial role in supporting the national response to the COVID-19 pandemic, explaining the rules and encouraging our fellow citizens to do the right thing.

We have embraced new, flexible ways of working that have involved remote or home working where possible and the incorporation of new IT solutions. We have quickly adapted to these changes while continuing to provide a high standard of service to our communities.

We have also continued to deliver effective regulation of Liquor Licensing whilst taking full cognisance of the restrictions and requirements conferred by the Coronavirus Regulations. Our focus has been on preventing alcohol fuelled violence, disorder and antisocial behaviour along with supporting the national response to suppress the virus.

I would like to thank our many local partnerships and acknowledge the good work that they do; without their support we would not be able to maintain the high standard in licensing in the Aberdeen City area.

Police Scotland remains committed to working with others to achieve the licensing objectives. I am confident that through effective, collaborative working we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Iain Livingstone QPM

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2020/2021, from a licensing perspective, our particular focus was on the following:

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises;
- Working closely with Licensed Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, educating and enforcing;
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the thirteen Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The Licensing Board area is policed by North East Division.

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Chief Superintendent George Macdonald is the Local Police Commander who has the responsibility for all day-to-day policing functions.

LOCAL POLICING PRIORITIES

Following our public consultation process, the policing priorities for North East Division, as set out in our Local Police Plan 2020 - 23 are as follows:

- Protecting vulnerable people;
- Serious organised crime;
- Anti-social behaviour, violence and disorder;
- Road safety and road crime;
- Acquisitive crime;
- Counter terrorism and domestic extremism.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Due to the global COVID-19 pandemic, we began and ended the reporting period in national lockdown. Many licensed premises operated under varying restrictions between July and December 2020, with the exception of venues which could be considered nightclubs.

This presented new and unprecedented challenges for all involved in the licensed trade; from prolonged cessation of trading for much of the year and the adapting to guidelines and regulations to permit certain types of business to operate under prescribed conditions.

The vast majority of operators abided by the frequently changing landscape of regulations and worked in close co-operation with Police Scotland and local authority partners such as Licensing Standards Officers, Trading Standards and Environmental Health.

Reviewing incidents on, or connected to, licensed premises is a key part of our day-to-day business. Community based Police Officers are encouraged and expected to routinely visit licensed premises within their area.

Within the reporting period, there were 1069 visits to licensed premises recorded.

Any Police Officer who attends an incident at a licensed premises is expected to submit a concise report via the Inn Keeper system, particularly when the incident involves violence, disorder, anti-social behaviour, drunkenness, drug misuse, underage drinking, breaches of licensing legislation or any other matter that might impact on public safety.

Within the reporting period, there were 93 incidents connected to licensed premises recorded on the Inn Keeper system.

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The information obtained may show a causal link between the operation of the premises and the incident. An incremental intervention process allows for issues to be addressed quickly and effectively at an early stage. This includes a low level 'interaction' which may involve a discussion between the Police and the premises management and/or licence holder. The level of engagement from within the Aberdeen licensed trade is very good and in many instances, this approach reduces recurrence or escalation.

Premises may become 'monitored' with closer attention being paid to any incidents occurring there. This is often undertaken in conjunction with tasked, supportive visits to the premises by uniformed Police Officers.

However, where necessary, the staged process allows for more formal intervention to support premises where the need for support has been identified. A premises licence holder and the premises management may be asked to meet with the Police, when concerns will be discussed. This will often involve an agreed action plan being put in place, with a reasonable time scale for completion.

The most common example of an agreed 'action' is refresher training of staff covering their responsibilities including the sale of alcohol to underage or intoxicated persons, 'Challenge 25' and the general terms and conditions of the licence held.

Should the intervention stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the consideration of the Licensing Board.

Over the reporting period there were four licensed premises in subject to a period of monitoring or intervention. Three of these were issues relating to management and procedures in terms of legislation introduced and relating to the COVID-19. Pandemic, including one which resulted in a premises licence review hearing.

The other matter related to alleged sale of alcohol, from an 'off sales' premises, to underage persons.

Partnership working between the Police, the Licensing Standards Officer and the premises licence holders and premises' management teams continues to hopefully fully resolve the issues and prevent bringing the matters to the Licensing Board by premises licence review application.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Aberdeen City attracts a relatively low number of reports of underage drinking or youth congregation involving alcohol when considering other towns and cities across Scotland.

Where a person under 18 years of age is found to be either under the influence of alcohol, drinking alcohol in a public place or in possession of alcohol, the Police Officer involved will take all appropriate steps to ascertain the source of the alcohol.

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Where information that cannot be fully evidenced is received regarding the sale of alcohol to children and young persons, in accordance with the national guidance contained within the 'Alcohol Toolkit', letters will be sent to licensed premises in the area reminding them of their responsibilities and requesting extra vigilance.

If such concerns were to continue in respect of specific premises, then other operational strategies would be considered.

One way in which North East Division delivers our commitment to the community is through our School Liaison Officers and School Based Officers.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

The uncertainty of the global COVID -19 pandemic has impacted heavily on the licensing trade making it very difficult to plan for proposed activity for the year ahead.

The North East Division Licensing Team, along with Community Policing Teams, will work alongside licensed premises, to ensure that the premises are complying with the legislation and operate in a manner that supports the five licensing objectives. We aspire to maintain our number of supportive visits to licensed premises and hope to see a continued reduction in the number of incidents taking place on licensed premises.

Our involvement and participation in public safety campaigns will continue, such as the 'Ask for Angela' personal safety campaign, the 'One Punch' campaign which highlights consequences for both victims and perpetrators of spontaneous acts of violence and support partners with campaigns such as 'Count 14' promoting awareness of alcohol consumption guidelines. We will also remain involved in ongoing work to ensure premises are complying with the Duty of Care condition.

Working with established partnerships but particularly with the licensed trade, we hope to continue to see a reduction in alcohol-related crime, particularly violence, whether perpetrated within licensed premises, public places or private spaces.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2021/2022.