

## ABERDEEN LOCAL LICENSING FORUM

### WORKPLAN AS AT AUGUST, 2010

#### Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

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.

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
(1)	Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals. In August 2010 the Lead Group of the Civic Forum was advised of the opportunity to raise concerns and to submit comments to the Licensing Forum to consider as part of the review of the Statement of Licensing Policy.		
(2)	Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum has been represented at conferences and training events and will continue to do so.		
(3)	Overprovision – Assisting the Licensing Board in adopting a statement as part of Licensing Policy.	The Forum submitted its views to the Clerk to the Licensing Board and formally approved the change to its Statement of		

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		Licensing Policy.  <b>Request for Removal</b>		
(4)	To receive reports from the Licensing Board containing relevant statistical information.	031110 – In discussion with Clerk to Licensing Board, sections 12 and 6(5) were cited as grounds to refuse statistical information being provided to the Forum		
(5)	To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five licensing objectives.  This is being addressed as part of the review of the Statement of Licensing Policy.	An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes appropriate references to the objectives. At the joint meeting with the Board on 23/4/10 it was confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.		
(6)	Public Safety in the City Centre	Safer Aberdeen Forum Action Plan was circulated at last meeting (09/09/10) and is on agenda. Forum is asked to note information.		

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(7)	Late Night Bus Services	A paper will be presented to Enterprise, Planning and Infrastructure on 9/11/10. Following that, an update will be sought.		
(8)	Policy Review	<p>The Sub-Committee and the Forum have considered Licensing Policy Statements from other Boards in Scotland. No significant gaps have been identified.</p> <p>The Forum is working on its contribution to the review of the Statement of Licensing Policy as the current Policy expires in November 2010.</p> <p><b>Request for Removal</b></p>		
(9)	Aberdeen Alcohol Strategy	The Forum or the Sub-Committee would benefit from considering the contributions the Forum can make to the achievement of the Strategy and this may require information on work in progress by other relevant bodies to avoid duplication of effort. For example work being undertaken by the Community Safety Partnership and by the		It would perhaps be of assistance to learn from the Licensing Board their approach to ensuring they are contributing to the achievement of the Aberdeen Alcohol Strategy and are monitoring progress.

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		Community Safety Criminal Justice Sub-Group of the Aberdeen Alcohol and Drugs Partnership.		
(10)	<p>Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing levels elsewhere in Scotland may be out-of-date there is no doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p> <p>The Forum at its meeting on 25/2/10 noted the response set out in this Plan but agreed to write to the Chief Executive of the City Council now seeking her views on increasing the establishment of Licensing Standard Officers.</p> <p>The Chief Executive has asked the Director of Housing and Environment to reply to the Forum and thanked the Forum for drawing this matter to her attention.</p>	<p>A response to the issues raised was received on behalf of the relevant of Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing Board were also sought. It was agreed it would be premature to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act 2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or</p>		

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		<p>not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties. Other staff have also received elements of LSO training and this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. It is suggested the Forum may wish to review the position at its meeting on 11/11/10 as any approach to the City Council to consider enhancing staff resources could be considered then as part of the 2011/12 Budget process.</p>		
(11)	Irresponsible Promotions – The Forum agreed to ask the Clerk to the Licensing Board to comment on the legality and	The Depute Clerk to the Licensing Board has responded. He has pointed out there is nothing in the		This was discussed at the joint meeting with the Board on 23/4/10.

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	feasibility of requiring applicants for premises licenses to submit an alcohol pricing plan.	mandatory licensing conditions regarding this. If it was considered appropriate (which it is not) it would be administratively unsustainable.  <b>Request for Removal</b>		
(12)	Terminal Hours – The Forum agreed to ask the Depute Clerk to the Licensing Board whether legislation would permit the imposition of staggered closing hours on different types of licensed premises.	The Depute Clerk to the Licensing Board has responded. He advises that Appendix 4 of the Board's Statement of Licensing Policy states the position regarding terminal hours. Core hours are set out in the premises operating plan and not by local conditions.  <b>Request for Removal</b>		This was discussed at the joint meeting with the Board on 23/4/10

ACTIONS FOR LICENSING FORUM INALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.
- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.