

ABERDEEN CITY COUNCIL
JOINT MEETING OF ABERDEEN CITY LICENSING BOARD
AND ABERDEEN LOCAL LICENSING FORUM

Wednesday, 1 December, 2010

Present: Councillors Jaffrey, Boulton (for DVD presentation), Clark, Cormie, Donnelly, Penny and Robertson (Licensing Board); Gerard Rattray, Ken Eddie, Sandy Kelman, Diane Sande, Linda Smith, Inspector John Soutar, Arthur Mustard (substituting for Mark Donlevy), (Local Licensing Forum).

In attendance: Eric Anderson, Depute Clerk to the Licensing Board, Vikki Cuthbert and Grant Webster, Clerks to the Local Licensing Forum.

Apologies: Allan McIntosh, Mary Crawford, Mark Donlevy, Ian Donaldson, Derek Murray, and George Wyatt.

DVD PRESENTATION

1. The joint meeting of Aberdeen City Licensing Board and Aberdeen Local Licensing Forum started with an informal presentation of a training DVD produced by Alcohol Focus Scotland, for Local Licensing Forum members.

Following the DVD there was some informal discussion relating to the Forum. They discussed the membership and remit of the Forum, underlying attitudes towards licensing and alcohol, and the relationship between the Licensing Board and the Licensing Forum. There was a particular focus on the extent of community representation on the Forum, and it was noted that this could be discussed by the Forum at its next meeting.

WELCOME AND APPOINTMENT OF CHAIRPERSON

2. Sandy Kelman as a member of Licensing Forum welcomed everyone to the joint meeting and it was agreed that he should chair the meeting in accordance with the approved rota and the apologies from both the Convener and Vice-Convener of the Licensing Forum.

UPDATE FROM DEPUTE CLERK TO LICENSING BOARD

3. Eric Anderson, Depute Clerk to Aberdeen City Licensing Board addressed the meeting.

The Board's Statement of Licensing Policy must be reviewed every three years. This review was approved on 16 November 2010 and published on 30 November 2010. As part of the review, the policy was put out to consultation with key stakeholders, notably the Licensing Forum. As part of the consultation process some of the Forum's suggestions were accepted and some were rejected. As per the Licensing (Scotland) Act 2005, the Board are obligated to feedback to the Forum reasons why some of their suggestions were not accepted. Mr Anderson

stressed that this would be available to the Forum before their next meeting in February.

The joint meeting was advised that the Statement of Licensing Policy, even after publication, was still a working document and, as such, was still open to amendment if necessary. This could also be done with the publication of a Supplementary Statement of Licensing Policy.

Two provisions that were incorporated into the Policy are:

- First Aid qualification required for late-night operations. If premises intend to stay open past 1am, they must have someone on the site trained in First Aid to a standard deemed acceptable by the Board. The minimum standard adopted by the Board is the Health and Safety Executive First Aid qualification.
- Premises ceased to be used for sale of alcohol i.e. if closed. The Act describes this as ceased to have effect but there was no clear definition as to what this may entail. As such, the Board have set out a balanced approach to this. For example, if the premises are closed for more than 30 days, the Board would seek advice within 14 days as to when they would be expecting to reopen. If the premises continued to be closed for over 6 months, there would be a review and action taken if necessary. If the premises were closed and their annual licence fee was not paid, the assumption would be made that they were not trading and the licence would cease to have effect. At the very minimum, there would need to be ongoing communication with the licence holder.

With regards to the new Criminal Justice and Licensing (Scotland) Act which was now in place, Mr Anderson advised the joint meeting that the Act must be fully bedded in and any initial issues identified before looking at any major new strategies. The Act will take effect over numerous stages as it covers a number of fields, some of which will affect Licensing Committee. Subsequently, this may require further consultation.

There have been 12 amendments, including adjustments to the Licensing (Scotland) Act 2005, which will take effect on 13 December 2010. In summary, these amendments cover:

- Anti Social Behaviour Reports – Police are no longer required to provide an anti social behaviour report for every new licence. Now, the Licensing Board can request one and the Police can offer to provide one if it is felt necessary.
- The Police now have greater scope to provide objections in relation to the 5 Licensing Objectives.
- Various amendments have streamlined the Appeals procedure, making it more efficient and less bureaucratic.
- Various changes relate to the Police. Mr Anderson will discuss these direct with Grampian Police at a later date.

The Alcohol Etc. (Scotland) Act was passed on 10 November, 2010. The joint meeting was advised that it wasn't ratified yet but would be before the end of the year. The Act contains more strategic provisions which will require more consultation as to how they will be workable. Minimum pricing on Alcohol was not included this time around. It is dependent upon Scottish Government elections whether it will be included at a later date. The Act contained provisions for

restricting promotions on offsales, for example, alcohol display areas, and a quantity discount ban to be brought in line with onsale provisions. The Act also contains an age restriction policy known as 'Challenge 25' as opposed to the previous Age 21 policy which was only targeted on certain areas of the city.

In conclusion, Mr Anderson noted the annual Chief Constable's report which will be due at the end of the financial year, and some discussion was held regarding Social Responsibility Levy, which will aid the cost of the aftermath of revellers. He stated that there was still a lot of work to be done within a complex legislative picture.

Sandy Kelman thanked Mr Anderson for his informative update on the Board's Statement of Licensing Policy.

The joint meeting discussed many of the points above, and an issue regarding door stewards was raised. It was recognised that the biggest cost to premises is having door stewards in place. It was asked if some sort of guidelines could be drawn up perhaps for smaller, quieter premises wherein door stewards would not be necessary. The Board informed that there were no such guidelines in place and, indeed, if it were possible to do so, it would have been done in the past, although a guidance note in this vein could be considered. It is imperative that door stewards are utilised in overprovision areas as they are the first line of 'policing' for premises. The meeting expressed disappointment that door stewards are no longer provided with First Aid training, feeling that this would be appropriate. UNIGHT are currently working on risk assessments for all of their members with regards to door stewards. They offered to show this to the Board once complete.

FORUM WORK PLAN

4. The joint meeting considered the Work Plan and noted updates on actions / decisions taken by the Forum. Sharing information and statistics was identified as a useful two way process between the Board and the Forum.

The Depute Clerk to the Licensing Board confirmed that statutory information on liquor licensing will be shared with the Licensing Forum in accordance with the requirement of the Licensing (Scotland) Act 2005. He confirmed that the Board would scrutinise all relevant statistical information at the appropriate time when reviewing the impact of its policies and conditions. In explanation, he advised that guidance from the Scottish Government has been slow in relation to the sharing of statistics.

In relation to an item on the Forum's workplan expressing concern over the workload of Aberdeen City's only Licensing Standards Officer, Mr Anderson explained that this item was outwith the remit of the Board. The joint meeting did express concern about this but conceded that the only appropriate action the Board could pursue would be to approach the Council with their concerns.

ADDRESSING THE 5 LICENSING OBJECTIVES

5. The joint meeting then turned to discuss the ways in which the Board were seeking to address the 5 Licensing objectives as set out in the Licensing (Scotland) Act 2005.

Mr Anderson advised the joint meeting that the decisions of the Licensing Board have to be on certain grounds. The grounds of refusal are based on the 5 objectives. In relation to the Health objective (Protecting and Improving Public Health), Mr Anderson conceded that this has been difficult to incorporate in practice in the past, but hopefully the new act will address this with appropriate guidance.

It was felt by the Forum that the Board could take a more focused approach to health issues, perhaps using hospital admission and ambulance call-out statistics to identify hotspots.

In conclusion, Councillor Jaffrey reminded the joint meeting that all Licensing Board meetings are open to the public. The Forum asked to be advised of future Board meetings so that they would be able to attend.

NUMBER OF REVIEW HEARINGS

6. In relation to this item, Mr Anderson advised that, with regards to premises licenses, there had been 9 to date (more comprehensive procedure). With regards to personal licenses, it was advised that it was difficult to garner a figure due to them usually being contained within Board meetings. Mr Anderson advised that there were usually 1 or 2 at each meeting. He concluded by stating that the Forum are more than welcome to contact his office to find out this information.

PREVENTION OF VIOLENT BEHAVIOUR/CRITERIA USED IN DETERMINING LICENSES/STATISTICAL INFORMATION/UNDERSTANDING OF NIGHT TIME ECONOMY

7. The Forum stated that there were concerned about the disposal of review hearings leading to an image or message of reduced standards from the Board. The Board sympathised but reiterated that they can only act on the evidence before them so that they are able to justify any action taken.

The joint meeting discussed issues regarding people hanging around in the streets after closing time, late night food establishments, and statistics on serious and minor assaults. In summary, Inspector John Soutar advised the joint meeting that serious assaults are at a 5yr low while minor assaults are at a 5yr high. He suggested that this may be because premises now feel more comfortable reporting minor assaults to the police. Hopefully, this will lead to further reductions in serious assaults as more are reported and charged.

It was advised that, as per the Criminal Justice Act, personal licence holders can now be reported to the Board before conviction. This should have a considerable impact moving forward.

There was further discussion regarding statistics including the formulation of a 'report card' of key performance indicators which could be the basis for future joint meetings.

Articles 8, 9 and 10 were also discussed at this time.

ANY OTHER COMPETENT BUSINESS

11. Brought to the table by Arthur Mustard on behalf of UNIGHT was the issue regarding occasional extensions specifically for events such as Halloween, Monday holidays etc. Mr Anderson advised the joint meeting that the policy covered Christmas, Hogmanay and the 4 local holidays as standard. For any other occasions which UNIGHT felt were important and not covered, they should write to the Board to request an extension.

Councillor Donnelly extended his thanks to the Licensing staff on behalf of the Licensing Board and hoped that the Forum felt the same. Sandy Kelman agreed and extended the Forum's thanks also while advising that it was the Forum's role to ask the difficult questions and hopefully the Forum and the Board can continue to work together.

NEXT MEETING

12. It was confirmed that the next joint meeting between the Licensing Board and the Licensing Forum would take place in approximately six months time and that the Forum would be consulted on a date and time in due course.