

## ABERDEEN LOCAL LICENSING FORUM

Friday, 25 February, 2011

Present: Allan McIntosh, Convener; Ken Eddie, Bob Westlands, Inspector Robert McRobb (substituting for Inspector John Soutar), Sandy Kelman, Tom Cowan, and Diane Sande.

Also Present: Grant Webster, Clerk to the Local Licensing Forum

Apologies: Craig Adams, Derek Murray, Gerard Rattray, Inspector John Soutar, and Linda Smith

**As the meeting was not quorate as per the constitution, the Forum were advised that any decisions made would be deferred to the next meeting for approval.**

### **MINUTE OF FORUM MEETING HELD ON 11 NOVEMBER 2010**

1. The Forum had before it the minute of the meeting held on 11 November 2010.

With reference to Article 9 of the minute of its meeting of 11 November 2011, the Forum discussed the possibility of approaching the Licensing Board to once again raise the issue of minimum pricing. The Alcohol (Scotland) Bill was passed on 10 November, 2010, without plans to bring in minimum alcohol pricing. At the time, the Forum expressed disappointment at this.

#### **The Forum resolved:-**

- (i) to approve the minute, and
- (ii) to approach the deputy clerk to the Licensing Board regarding minimum pricing.

### **MINUTE OF JOINT FORUM/BOARD MEETING HELD ON 1 DECEMBER 2010**

2. The Forum had before it the minute of the joint meeting held on 1 December 2010.

With reference to Article 3 of the minute of the joint meeting of 1 December 2010, confirmation was sought regarding the discussion which focused on door stewards. It was clarified that the lack of door stewards on premises at weekends was posing a risk to staff and customers.

#### **The Forum resolved:-**

to approve the minute, subject to the above clarification being noted.

## **AGENDA AND MINUTE OF LICENSING BOARD MEETING OF 16 NOVEMBER 2010**

3. With reference to Article 4 of the minute of the meeting of 11 November 2010, the Forum had before it a copy of the agenda and minute of the meeting of the Licensing Board of 16 November 2010.

**The Forum resolved:-**

to note the information

## **REVIEW OF STATEMENT OF LICENSING POLICY – RESPONSE FROM LICENSING BOARD**

4. The Forum had before it a letter from Brenda Flaherty, Legal Manager, Licensing Team. In terms of section 12 of the Licensing (Scotland) Act 2005, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. The letter set out the Licensing Board response to the Forums submissions with regards the review of Statement of Licensing Policy.

The Forum queried some of the responses provided and it was decided to defer this item to the next meeting so that the response could be fully analysed.

**The Forum resolved:-**

to defer this item to the next meeting

## **STATISTICAL INFORMATION**

5. The Chairperson asked if the representatives present had any statistical information they wished to share with the Forum.

Inspector Robert McRobb advised the Forum of various City Centre statistics from the Police. The statistics showed that there had been an increase in counts of people being disorderly on premises (from 56 in 2009/10 to 122 in 2010/11); in counts of people refusing to quit Licensed Premises (from 68 in 2009/10 to 112 in 2010/11); and in counts of people attempting to re-enter premises (from 43 in 2009/10 to 79 in 2010/11). He advised the Forum that this may be due to more proactive work being done by Police and door stewards. He advised the Forum that Inspector John Soutar had recently arranged a meeting with the Police and representatives from security companies where the key message was 'Working Together'.

**The Forum resolved:-**

to note the update given

## **WORKPLAN**

6. The Forum had before it the workplan of the Local Licensing Forum. The Convener went through each issue on the workplan and updates were noted.

### **The Forum resolved:-**

- (i) for the Clerk to update the workplan as agreed; and
- (ii) to note the relevant updates

## **COMMUNITY REPRESENTATION**

7. With reference to Article 1 of the minute of the joint meeting of 1 December 2010, the Forum had before it a report outlining some methods the Forum could utilise to enhance its community representation.

The report recommended that the Forum (a) write to all Community Councils advising them of the Forum's role in licensing and that representation can be made for discussion at Forum level; and (b) contact Robert Gordon's University to source an appropriate student representation to fill the vacant spot held by Aberdeen University Student Association.

The Forum discussed this item and advised the clerk to contact Charles Lowe, Civic Forum Development Officer, regarding the student representatives on the Civic Forum to see if an invitation to join the Forum could be extended to them.

### **The Forum resolved:-**

- (i) to contact Community Councils with a view of introducing the Licensing Forum to them and outlining its purpose in the licensing process
- (ii) to contact Charles Lowe with a view of extending an invite to the student representatives on the Forum

## **LATE NIGHT BUS SERVICES – AN UPDATE**

8. With reference to Article 4 of the minute of the meeting of 9 September 2010, the Forum had before it an update on the Night Time Bus Improvements in the form of an extract from the minute of the Enterprise, Planning & Infrastructure Committee of 9 November 2010.

The Forum were pleased to note that many of the suggestions they had made at the meeting of 9 September 2010 seemed to have been incorporated into the proposals.

### **The Forum resolved:-**

to note the update.

## UPDATE FROM LICENSING STANDARDS OFFICER

9. The Forum heard an oral update from Diane Sande, Licensing Standards Officer. She informed the Forum that over the last period, 1 September 2010 to 31 January 2011, 15 noise complaints had been received. These ranged from noise caused by smokers etc. outside clubs late at night to loud extractor fans. At present, 2 are still ongoing while 13 have been either resolved or closed. She advised the Forum that there had been 9 night visits to premises in November and 11 compliance notices were issued due to various non-compliance issues and/or breaches of licensing conditions. 9 of these notices were complied with and 2 led to the surrendering of licences. More night visits are planned for March 2011. Finally, Ms. Sande advised the Forum of the outcome of a recent decision by the Sheriff Principal in Dundee to overturn Dundee City Council's censure of a city pub over its drinks discount card.

The pub in question, part of a larger chain, offered discount to holders of a loyalty card. Dundee City Council argued that the scheme contravened licensing laws governing changes in the prices of products, but the Sheriff Principal took the view that this case was not a breach of the 72 hour price variation condition.

**The Forum resolved:-**  
to note the update given.

## ANY OTHER COMPETENT BUSINESS

10. The clerk brought to the attention of the Forum a potential contradiction contained within the constitution. He advised that, in relation to article 5 of the constitution, if any member of the Forum should miss three meetings consecutively, that person will be excluded from membership of the Forum on a permanent basis. In certain circumstances, however, this may cause a 'catch 22' scenario wherein a member may be permanently excluded even when that person is statutorily obliged to attend as per the Licensing (Scotland) Act 2005. He advised the Forum that he was recommending an amendment to the constitution wherein the decision of exclusion from the Forum after missing three consecutive meetings should be placed before the Forum.

Lack of co-ordination across the City Centre regarding door stewards was raised as an issue to be discussed at the next meeting. The Forum discussed this issue briefly and the clerk advised that he would place it on the agenda for next time.

Ken Eddie mentioned the possibility of discussing whether the drinks industry from manufacture to sales should be 'picking up the bill' for health, police and ambulance services involved in the aftermath of alcohol excess. He was advised that the Social Responsibility Levy was currently out for consultation. According to section 10(3) of the Alcohol etc. (Scotland) Bill, the purpose of the levy is to meet or contribute to expenditure incurred by any local authority in furtherance of the licensing objectives with a view to remedy or mitigate any adverse impact on those objectives attributable (directly or indirectly) to the operation of businesses of relevant license-holders in the local authority's area.

Sandy Kelman advised the Forum that the reason the meeting was being held at Summerfield House this time was so that Alcohol and Drugs Partnership (ADP) could show the Forum a presentation. The presentation would have outlined ADP's strategy. Unfortunately, this was unable to occur. However, he advised the Forum that ADP would be holding an event early next summer and the Forum would be invited to attend.

**The Forum resolved:-**

to note the information given and place the appropriate items on the agenda for the next meeting.

**DATE OF NEXT MEETING**

11. It was confirmed that the next meeting of the Forum would be held on Thursday, 14 April, 2011.

- **ALLAN MCINTOSH, Convener**.