

JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD

ABERDEEN, 5 October 2021. Minute of Meeting of the JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD. Present:- Licensing Board - Councillor Boulton, Convener; and Councillors Cameron, Greig, McLellan, Townson

Present:- Licensing Forum – Finlay Cran, Convener, Elaine Mottram, Vice Convener and Diane Sande, John Philip, John Mooney, Susan Dunn and Steve McConnachie

Apologies: Councillors Dunbar, McKenzie and Sellar

WELCOME AND APOLOGIES

1. The Convener of the Licensing Board, Councillor Boulton, welcomed everyone to the annual joint meeting of the Licensing Board and Local Licensing Forum. She advised that apologies had been received from Councillors Sellar, Dunbar and McKenzie.

MINUTE OF MEETING OF 8TH DECEMBER 2020

2. The Joint meeting had before it the minute of its previous meeting of 8 December 2020.

The Joint Meeting resolved: -

To approve the minute as a correct record.

BOARD UPDATE

3. The Joint Meeting heard from Sandy Munro, Depute Clerk to the Board. Mr Munro advised that the Board's operation had adapted over the last 18 months to virtual meetings, which had brought its own challenges with technology. Mr Munro commented that there had been a decrease in the number of new applications lodged due to the pandemic, however the Board saw a huge increase in the number of occasional licence applications. He further advised that in co-operation with Police Scotland and the Licensing Standards Officers the manner in which occasional licence applications were dealt with had been amended so that the applications could be turned around in a shorter timescale. Mr Munro advised that this practice had resulted in additional workload both for the licensing team and for the Board.

In terms of the Board's Policy, Mr Munro advised that most decisions were granted in line with the policy statement. He advised that the policy is not an absolute no (not clear what this means), it is a presumption that an application will not be granted if it is not within policy. However, it is always open to an applicant to persuade the Board that their particular circumstances justified a departure from Policy. Mr Munro further

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commented that the exception to this was in relation to occasional licences for a series of applications. He advised that this has been relaxed during the pandemic and that the Board had agreed to continue the relaxation until January 2022.

The Convener of the Board added that the Board had taken a flexible approach to occasional licences to try to allow the licensed trade to manage it's way through Covid restrictions. She commented that she hoped that these measures in conjunction with the reduction in annual fees for the second-year running has allowed some licensed premises to survive the pandemic. Any reduction in the numbers of licensed premises would become apparent when the Board reviews the annual fee payments, and this report will be available to the Board and can be shared with the Forum in due course. The Convener thanked the partners around the table, including the Forum, for their support and for turning around occasional licences. She thanked the licensing team for going above and beyond to turn around occasional licences applications in shorter timescales so as not to create any barriers for the licensed trade. The Convener advised that the Board are trying to have a more joined up approach with colleagues in Planning, Environmental Health and Building Standards, not to circumvent any of the policies in different departments but to allow applicants to receive advice from one source. The Convener concluded by thanking members of the Board who have attended Board meetings at short notice and all partners and licensing officers for their efforts to make sure the Board provides the best services to applicants and citizens.

The Joint Meeting resolved: -

to note the update.

FORUM UPDATE

4. The Joint meeting heard from the Vice-Convener of the Forum, Elaine Mottram. The Vice-Convener thanked the Board for their time and commented that it was useful to have a dialogue with the Board. The Vice-Convener advised that during Covid the forum has tried to keep meeting and being productive. She commented that it had been difficult and the membership had changed and acknowledged that there was work to be done around engagement with the community and membership of the Forum. Ms Mottram advised that the forum had a development day in May 2021 with Alcohol Focus Scotland. One of the issues that emerged from the development day was that the Forum would like to work with the Board to consider how to engage the whole community in licensing matters. The Forum recognise that the annual function report is a useful outline of what has been happening with the Board, however the Forum want to consider, with the Board, how that report could be developed so that it is more informative for the Forum and the community, in order for them to be more engaged and knowledgeable in licensing matters. The Vice-Convener advised that the second point for discussion was to improve engagement in relation to licensing matters,

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licensing objectives and the overview of what is happening with licensing and thirdly to facilitate people to actually make that engagement. She commented that the Forum are aware that some areas use proformas to support the community to support or object to applications. All of this is against background of recognising the Forum's statutory role and its duty to keep the operation of the Act under review and give recommendations to the Board. The Vice-Convener advised that the Forum recognised that proposals may have resource implications and further recognised that Officers may be limited by the resources available to them. The Forum offered to work jointly with the Board and Officers to bring these proposals forward.

The Joint Meeting resolved: -

To note the update.

COMMUNITY ENGAGEMENT AND ANNUAL FUNCTIONS REPORT REVIEW

5. The Joint Meeting had before them a report by the Licensing Forum.

The report recommended: -

That the Board:-

1. agree to work jointly with members of the Local Licensing Forum to explore ways of developing the Annual Functions Report in order that (a) it is more informative and engaging for all Local Licensing Forum members, the community and Community Councils; and (b) better equips the Local Licensing Forum to carry out its statutory purpose of keeping under review the liquor licensing system and the functioning of the licensing board;
2. agree to work jointly with members of the Local Licensing Forum to identify and implement ways of increasing engagement with the community and Community Councils and all other Local Licensing Forum members in relation to licensing matters; and
3. agree to work jointly with members of the Local Licensing Forum to identify ways to facilitate the community and Community Councils and all other potential parties to make representation to the Licensing Board regarding licensing applications.

In respect of recommendation 1, the Convener of the Board acknowledged that there was a concern that having looked at other function reports that these may have been more informative. She commented that it is not about being unwilling to assist in

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developing the report but is more about the capacity of licensing staff to expand the content of the report. The Convener suggested that a discussion could take place between the Forum, Board members and officers at separate meeting. The Convener commented that Officer's time was finite in particular during covid. Mr Munro stated that the annual function report was still relatively new and that the Board was still finding its feet with it. Mr Munro had no issue with the Forum or members of the Board making suggestions and recommendations as to the content of the annual function report and was content to explore the feasibility of including those recommendations. He commented; however, he could not make any guarantees that the recommendations could be incorporated as it would depend on not only staff availability but also depend on the current licensing system and the ability to extract information from it. The Convener recommended to the Forum that they look at other annual function reports and identify information contained in those reports that may be useful and commented that different Councils would have different pieces of technology at their disposal.

The Joint Meeting heard from Forum member John Mooney. Mr Mooney was particularly interested in the use of the health objective and whether it had been used in a successful or unsuccessful representation. The Convener of the Board commented that the health objective is something that the Board have struggled with for a long time. She commented that she had been a Board member for 14 years, during the first term there was little engagement from the Health Service, this improved during the second term but has tailed off again through demands on members of the NHS. It has also been a challenge to link premises and the public health objective. Councillor Cameron added that he thinks the Board should be able to do more but the information provided to the Board gives it a problem in terms of being able to make a decision that might not be challenged. Councillor Cameron considered that it would be helpful to try to work with the Forum in respect of the public health objective and have a wider debate on the objective. The Convener stated that the evidence provided to the Board in the past has not stood up to scrutiny as it has been generic or historic data. Councillor Grant commented that the NHS data received is helpful but up to a point, there is a gap between a more specific link in NHS data and an application and data needs to be for localities rather than city wide. He added that specific data would be significantly more helpful for the Board to be able to make decisions with the public health objective in mind.

Mr Mooney advised that the objective is equally challenging in other areas and acknowledged it is the difficulty in linking harms to an individual premises and is probably a good part of the reason that it has not been introduced in England. He considered that the situation would only change if there are test cases and successful representations based on the objective.

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In respect of recommendation 2, The Convener of the Board agreed that it was not necessarily about encouraging people to object but to encourage people to engage. The Board does want to have a meaningful dialogue. The Convener commented that the LSOs had engaged with Community Council's in the past and one area that could be incorporated into training would be around the licensing objectives. The Convener suggested that it would be a good time to liaise with the newly constituted community councils, through Karen Finch the Community Council Liaison Officer and the Community Council Forum.

The Vice-Convener of the Forum agreed that it would be a good way to start and recognised that the forum had to consider their own resources but agreed in principle that it was a good way forward.

Thereafter the Joint Meeting heard from the Convener of the Forum, Finlay Cran. Mr Cran began by thanking the Board for their input over the past year and for its pragmatic approach to the licensed trade both commercial and otherwise within the city. The Convener of the Forum advised that the Forum wished to move forward with a balanced view and advise the Board on how the policy decisions and actions of the Board affect the 5 licensing objectives. He added that the Forum has always had an issue with the balance changing periodically and that the Forum has to be careful to represent everyone and stated that the engagement programme of the Forum needed to be attended to regularly. Mr Cran considered that the Forum required to have regular contact with the Board, its members and officials. Mr Cran considered that it would be useful to have more regular informal meetings with the Board in addition to the annual meeting. The Forum can play a far more important role and the basis of that should be the annual functions report. The Convener of the Forum advised that they had a template of a report to work on. Data is very important and happy to have John Mooney from NHS on the Forum and data from the NHS and the Community Council's can be used to give a more balanced view.

Councillor Greig commented that the focus on developing community engagement was really welcome and in particular raising awareness of the overview of licensing and considered that while community councils are important it would be useful to engage with other community groups. He asked if consideration had been given to the content.

The Vice-Convener of the Forum advised that the Forum had not thought through the detail, but the support given by the Board was a good foundation to start with. Ms Mottorm said that if the forum can be seen to be having an impact and the outcomes of the Forum are clear, it attracts membership and helps with retaining membership of the Forum.

With regard to recommendation 3, Councillor Boulton considered that the recommendation tied in with recommendation 2. She added that its is about making representations not objections and for the community to highlight matters that they have

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concerns with. Councillor Boulton further commented that people need to understand the legislation that the Board works with and the licensing objectives and that decisions need to be made within that context.

The Vice-Convenor of the Forum commented that the recommendation 3 could also tie in with recommendation 1, in that the Forum could look at other areas. Ms Mottram advised that she is aware that other Boards use a proforma for representations.

The Joint meeting resolved: -

1. that the Forum look at other annual function reports and identify pieces of information that may be useful and highlight these elements to the Board. Thereafter a meeting between the Forum, Board Members and Licensing Officers will be held to discuss the content of the Annual Functions Report.
2. That the clerk to the Forum contact Karen Finch and the Community Council Forum and feedback to the Board and the Forum regarding opportunities to engage with the Community Councils with a view to establishing views on how to improve community engagement.
3. That the Forum look at other Board areas to establish practice in respect of facilitating representations.