

ABERDEEN CITY COUNCIL

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

Meeting held Thursday, 20 August, 2009

Present:- Councillors Jaffrey, Boulton, Clark, Cormie, Donnelly, Penny, Robertson and Young (Licensing Board); Allan McIntosh, Mary Crawford, Ken Eddie, Sohail Faruqi, Sandy Kelman (substituting for Doctor Lesley Wilkie), Murray Leys, David Pattinson, Gerard Rattray, Diane Sande and Sergeant Robert McRobb (substituting for Inspector John Soutar) (Licensing Forum).

In attendance:- Brenda Flaherty, Legal Manager, Legal Service, Eric Anderson, Depute Clerk to the Licensing Board and Fiona Gardiner, Clerk to the Licensing Forum.

Apologies:- Jennie Biggs, Mark Donlevy, Councillor Martin Greig, Ian Haddock, Conor McKay, Derek Murray, John Soutar, Councillor John West, Bob Westland and Dr. Lesley Wilkie.

WELCOME AND APPOINTMENT OF CHAIRPERSON

1. Allan McIntosh as Convener of the Aberdeen Local Licensing Forum welcomed everyone to the joint meeting with the Aberdeen City Licensing Board and it was agreed he should chair the meeting in accordance with the approved rota.

UPDATE ON PREPARATION FOR IMPLEMENTATION OF THE LICENSING (SCOTLAND) ACT 2005

2. Eric Anderson, Depute Clerk to the Aberdeen Licensing Board addressed the meeting on the key aspects of work by City Council officers and Grampian Police in preparing for implementation of the Licensing (Scotland) Act 2005 with effect from 1st September, 2009. At the outset Mr. Anderson reminded the meeting that staff continue to deliver the day-to-day services of the Licensing function while preparing for implementation of the new regime. Mr. Anderson's update dealt with (1) Personal Licences, (2) Premises Licences, and (3) Overprovision Assessment. Managers of licensed premises require to have a Personal Licence which can only be obtained after the successful completion of a training programme and applications require to be vetted by Grampian Police. The Licensing Board has granted in excess of 700 Personal Licences to date and it is estimated that between one hundred and two hundred applications are currently to be processed. It is possible that there will be an upsurge in the volume of applications as the deadline approaches. Also there is no restriction on the number of Personal Licence holders per premises and any staff in licensed premises may obtain Personal Licences. The legislation requires Licensing Boards to process applications for Personal Licences from residents within their boundaries and there is no way of knowing how many applicants who live in Aberdeen but work outwith

the city will apply for Personal Licences. It is understood that Aberdeen is well placed in implementation of the Licensing (Scotland) 2005.

As a result of representations made to the Scottish Government it was recently announced that provided certain criteria are met, Personal Licences will be deemed to have been granted up until the 1st of November, 2009. This will relieve the pressure on the administration of licensing procedures.

With respect to Premises Licences, it is hoped that all 650 applications to convert will have been granted in Aberdeen by the end of the transition period.

Mr. Anderson explained that each Licensing Policy Statement published by a Licensing Board must in particular include a statement as to the extent to which the Board considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description in any locality within the Board's area. The process of drafting the statement on overprovision has commenced and a series of meetings has already been held. It was considered prudent in the first instance to seek views from Grampian Police and Sergeant Robert McRobb, attending the meeting on behalf of Inspector John Soutar, advised that these would be made available shortly.

Mr. Anderson informed the meeting that consultation on the draft Statement would comply with the Scottish Government's guidelines and the Local Licensing Forum will be included in the consultation process together with the individual interested parties represented on the Forum. Mr. Anderson encouraged members of the Forum to begin to consider their position on the provision of licensed premises in the city as a whole or in parts of the city in preparation for the formal consultation process. Mr. Anderson explained that the Licensing Board will take a decision on the timescale for consultation but that it was in everyone's interests to have an approved Statement of Overprovision as soon as possible to guide the work of the Licensing Board in future.

Mr. Anderson responded to a number of questions from members of the Licensing Board and the Local Licensing Forum. In relation to the approach to drawing up the Statement on Overprovision, Mr. Anderson confirmed that statistics available to officials included information on licensed premises which are currently closed but retain a licence. He pointed out that if licence holders failed to claim grandfather rights in time to be included in the conversion process under the 2005 Act, new applications would be required and they would fall to be considered in the context of any Statement of Overprovision.

The meeting considered the situation where communities have expressed anxiety to Elected Members that local facilities will have to curtail the service they provide if licensees have failed to comply with the application procedure, missed deadlines, etc. It was noted that the Licensing Board will consider any applications for Occasional Licences on a case by case basis. However, only certain categories of applicant can apply for Occasional Licences, namely Personal Licence holders, Premises License holders and voluntary organisations.

Councillor Jaffrey, Convener of Aberdeen City Licensing Board, advised the meeting that as health is a Scottish Government priority, that is one of the main issues the Licensing Board will focus on when assessing overprovision and statistical and other information from NHS Grampian and the Alcohol and Drugs Partnership would be welcomed.

In response to concerns being raised by some licensees that the laminated licence issued by the Licensing Board is of poor quality compared to, for example, the Accord Card, it was pointed out that the licences issued by the Board comply with statutory requirements and are similar in nature to the licences issued by other Licensing Boards in Scotland. The priority was to process a significant volume of applications within a tight timescale and the documentation is regarded as fit for purpose. Officials always have to bear in mind Best Value and justify the use of public resources as the fee charged does not fully cover all of the costs incurred in processing applications when consultation with statutory bodies and administrative costs are taken into account. The fee for licences is set by the Scottish Government.

Allan McIntosh thanked Mr. Anderson for his comprehensive and informative update on the preparatory work to secure successful implementation of the Licensing (Scotland) Act 2005 in Aberdeen.

UPDATE ON THE LICENSING FORUM'S WORK PLAN

3. It was explained the aim in circulating a copy of the Forum's Work Plan was to inform members of the Licensing Board of the types of issues and concerns the Forum is currently addressing and to invite the Board to consider in future if tasks could be assigned to the Forum to assist the work of the Board. In relation to the task of gathering views from Community Councils, Neighbourhood Networks and other bodies on areas of concern in relation to liquor licensing and the five objectives set out in the Licensing (Scotland) Act 2005, it was suggested that the letters sent in June, 2009 should be re-issued with a suggestion that the matter be considered at the next meetings of the organisations concerned. It was also agreed it would be appropriate to seek views on issues of concern from all Elected Members in their capacity as Ward Councillors.

The meeting noted that the Licensing Forum includes a representative from the Youth Council and that a request for membership of the Forum has recently been received from the University of Aberdeen Students' Association. It was also noted that an umbrella student body has recently been established in the city comprising representatives from Students' Associations from Robert Gordon University and Aberdeen College in addition to the University of Aberdeen. Representatives of the Forum agreed to consider other opportunities to obtain views from young people in the city, for example, via the YMCA and local church groups.

In response to a question about the measures the Licensing Board employs to ensure compliance with the five objectives in the 2005 Licensing (Scotland) Act, it was noted there are appropriate references throughout the Board's Statement of Licensing Policy. The Board has powers to attach conditions to licences where appropriate, for example, there is a CCTV condition in respect of off-sales premises. The Licensing Board has been pleased to lend its support to a range of initiatives most recently the Unight Scheme involving licensed clubs in the city which was launched earlier this week and the annual Best Bar None Scheme. The Licensing Board is also supportive of initiatives to improve public safety such as the changes to the taxi rank in Union Street and the work of the Street Pastors.

On the issue of late night transport, it was noted that in response to a request from the Licensing Forum, First Bus have offered to meet City Council officials and

representatives from the Forum. The joint meeting was aware of the commercial realities within which the bus company must operate and there was no suggestion that a free bus service should be offered as a way of assisting in the dispersal of patrons from the city centre in the early hours of the mornings at the weekends. It was stressed it is important for people to use the bus service or it may be withdrawn and assistance from the licensed trade is appreciated in publicising the availability of the late night bus service.

Members of the Forum confirmed that they had agreed to support Grampian Police in their representations to the Licensing Committee to review the opening hours of hot food premises some of which remain open until 4.00am with licensed clubs closing at 3.00am. It was pointed out that this staggering of closing hours was part of a previous strategy to try to encourage dispersal from the city centre in a manageable way and to try to reduce pressure on public transport and the city taxi service. The impact of the 2.00am curfew on demand for transport will be part of the monitoring and evaluation of the curfew.

UNIGHT SCHEME

4. The Licensing Board and the Licensing Forum have both indicated their support for the recently launched Unight Scheme and it was noted that participating licensed clubs pay a fee of £300 towards the administrative costs of the Scheme. The Safer Aberdeen organisation is supporting the Scheme by maintaining a secure website and managing appropriate data sharing to enforce the banning protocol.

FUTURE MEETINGS

5. The Convener of the Aberdeen Licensing Board agreed to consult with her fellow members to identify possible dates for two meetings with the Licensing Forum in 2010 and that the Clerk to the Board will thereafter advise the Clerk to the Forum in order to finalise the arrangements.

CONCLUSION

6. In concluding the meeting, Allan McIntosh and Councillor Jaffrey expressed their appreciation for the good attendance at the joint meeting and for the informative comments on an extensive range of liquor licensing issues.