

## ABERDEEN LOCAL LICENSING FORUM

17 September 2009

Present:- Allan McIntosh, Convener; Mary Crawford, Ken Eddie, Councillor Martin Greig, Gerard Rattray, Diane Sande, Inspector John Soutar, Bob Westland and Dr. Lesley Wilkie.

Also:- Mr. A. Finlayson, Cove and Altens Community Council and Mr. G. Glass, Cults, Bieldside and Milltimber Community Council.

### **APOLOGIES**

Apologies were intimated on behalf of Jennie Biggs, Mark Donlevy, Sohail Faruqi, Ian Haddock, Murray Leys, Connor McKay, Derek Murray, David Pattinson, Councillor John West and George Wyatt.

### **WELCOME**

Allan McIntosh, Convener, welcomed everyone to the meeting and was pleased to have two Community Council representatives in attendance.

### **MINUTES**

The Forum had before it the Minutes of the Meeting held on 30 July, 2009 and of the Forum Sub-Committee meeting held on 31 August, 2009.

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

to approve the Minutes and to note that the next meeting of the Sub-Committee is on Monday, 26<sup>th</sup> October, 2009 at 5pm.

### **JOINT MEETING OF THE FORUM AND THE LICENSING BOARD**

The Forum noted the draft Minute of the joint meeting with the Licensing Board on 20<sup>th</sup> August, 2009.

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

to approve for its interest the Minute of the joint meeting with the Licensing Board held on 20<sup>th</sup> August, 2009.

## **OVERPROVISION ASSESSMENT**

The Forum considered a letter from Eric Anderson, Depute Clerk to the Licensing Board setting out the consultation timetable in respect of assessment of overprovision in terms of the Licensing (Scotland) Act 2005. Members of the Forum have previously been circulated with a copy of the Scottish Government's guidance on producing a statement on overprovision as part of the Licensing Board's Statement of Licensing Policy. In his letter the Depute Clerk to the Licensing Board has drawn attention to the fact that the Licensing Board must evaluate the results of all consultations to identify robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached and that it is very important to realise that there must be a direct link between that evidence and the operation of licensed premises in a locality.

As a starting point Grampian Police have identified two areas in which they consider there is overprovision. The areas are Belmont Street bordered by Union Street, Back Wynd and Schoolhill, this includes both sides of Belmont Street, the north side of Union Street, the Back Wynd, Little Belmont Street (both sides) and Gaelic Lane (both sides). Grampian Police have also identified the Justice Mill area relating to both sides of Justice Mill Lane, both sides of Langstane Place, both sides of Bon Accord Street, both sides of Dee Street, the south side of Union Street and both sides of Holburn Street.

Statutory consultees had been written to by the Depute Clerk and this includes some of the individual members of the Forum however the Forum itself was invited to contribute to the consultation process and to respond to the Depute Clerk by 16<sup>th</sup> October, 2009.

Inspector John Soutar advised that the identification of the two areas was based on overwhelming evidence of detected crime in the two areas and that detailed statistics had been forwarded to the Depute Clerk. He advised that it would be into 2010 before the effects of the Licensing (Scotland) Act 2005 could be assessed in terms of enforcement activity. Meantime Inspector Soutar was not aware of any particular difficulties in relation to members clubs. Dr. Lesley Wilkie advised that NHS Grampian would be submitting relevant statistics to the Depute Clerk and the information will be shared with members of the Forum.

Allan McIntosh referred to the work being undertaken by the Sub-Committee in scrutinising the Statements of Licensing Policy approved by other Scottish Licensing Boards. To date the Edinburgh Licensing Board Policy seemed the most comprehensive and it has also been established that other Scottish cities employ more than one Licensing Standards Officer. Inspector John Soutar is of the view that these postholders can make a significant contribution to the successful implementation of the Licensing (Scotland) Act 2005. It would be more effective if the workload was manageable to enable the Aberdeen Licensing Standards Officer to be proactive rather than mainly focusing on responding to complaints although an inspection programme has been drawn up and every effort will be made to adhere to that programme.

Gerard Rattray advised that assistance from the Licensing Standards Officer would be useful in the area of quality assurance checking in relation to training courses in particular online training courses.

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

to endorse the views of Grampian Police in relation to the assessment of overprovision in respect of the Belmont Street area and the Justice Mill area to ask the Clerk to obtain information from Aberdeen City Council on the basis of their decision to recruit only one

Licensing Standards Officer for the city and to authorise the Sub-Committee to consider whether representations should be made to the City Council that they increase the staffing establishment in the light of comparative information from other Scottish cities.

## **NATIONAL LICENSING CONFERENCE 2009 – AVIEMORE**

Allan MacIntosh represented the Forum at the National Licensing Conference and he advised he was the only representative from the city. Aberdeenshire was represented by nine participants. He found the conference very informative and interesting and recommended that the Forum should be represented at future Conferences. The speech from the Justice Minister Kenny MacAskill included a reference to an expectation that the Licensing (Scotland) Act 2005 will be enforced in full and that he would expect Licensing Standards Officers in addition to Licensing Boards and Police forces to play their part. This would appear to strengthen the case to justify asking the City Council to increase the resources available for enforcement activities.

Although there was limited time for discussion with other Licensing Forum representatives at the conference it is clear that there are a number of common issues and complaints in particular about lack of information to assist Forums in discharging their responsibilities. Diane Sande advised that she was hosting the next quarterly meeting of North East Licensing Standards Officers and they would discuss opportunities for sharing information and best practice subject to being clear that there are no restrictions imposed by the terms of their employment. They will also take up the suggestion of members of North East Forums attending each others meetings as observers to help gain an understanding of common interests and issues.

Dr. Lesley Wilkie reminded the Forum of the importance of working to contribute to the achievement of all of the licensing objectives including protecting and improving public health rather than only focusing on enforcement activities. To assist with that task Dr. Wilkie will arrange for members of the Forum to receive copies of the NHS publication on guidance on protecting public health in the context of addressing licensing issues.

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

to await an update from the Licensing Standards Officer on arrangements for representatives to attend North East Forum meetings as observers and to ask the Clerk to liaise with Dr. Wilkie to distribute the NHS guidance document to members of the Forum prior to the next meeting.

## **APPLICATIONS FOR MEMBERSHIP OF THE ABERDEEN LOCAL LICENSING FORUM**

The Forum considered the merits of two requests to join the Aberdeen Local Licensing Forum and considered that at this time it would be appropriate to approve the application received on behalf of the Aberdeen University Students' Association but to defer to a future meeting consideration of the application from Mitchells and Butlers having noted that they were willing to be placed on a waiting list until a vacancy arose. Arrangements will be made for Mitchells and Butlers to receive copies of Forum agendas and minutes if this would be of assistance to them meantime.

**The Forum resolved:-**

to invite the Aberdeen University Students' Association to become a member of the Aberdeen Local Licensing Forum and to place the application from Mitchells and Butlers on the waiting list for consideration at a future Forum meeting when there are more vacancies than there are at present.

**ELECTION OF CONVENER AND VICE-CONVENER OF THE ABERDEEN LOCAL LICENSING FORUM**

In accordance with the Forum's Constitution the Forum was reminded of the annual opportunity to make nominations for the post of Convener and Vice-Convener of the Aberdeen Local Licensing Forum.

**The Forum resolved:-**

to note that there were no nominations and therefore it was agreed to confirm the continuation of the present postholders terms of office until September 2010 namely Allan McIntosh as Convener and George Wyatt as Vice-Convener of the Aberdeen Local Licensing Forum.

**STATISTICAL INFORMATION**

Inspector John Soutar advised the Forum that the initiative to bring charges under licensing legislation was continuing to have a positive impact. Reported offences has increased and there is an unprecedented increase in suspension hearings for non-compliance with liquor licensing legislation. At present there are six cases ongoing in relation to possible suspension of licenses. Intelligence led activities are having a deterrent effect. The representatives from the Community Councils advised that local communities welcome visible policing and the continuity of Community Police Officers would be appreciated as they have the opportunity to get to know the local area and local people. Grampian Police have been of assistance when specific issues have been raised with them by Community Councils. The Licensing Standards Officer advised that arrangements have been made for weekly liaison meetings with Grampian Police.

In relation to the problem of drinkers congregating at the Byron Square shops brought to the Forum's attention by Councillor Kevin Stewart, Inspector John Soutar advised that the Scottish Government and the City Council need to make progress on the new drinking in public places byelaw. (Please note since the meeting the Scottish Government has confirmed the byelaw with effect from 1<sup>st</sup> October, 2009).

The Licensing Standards Officer confirmed that the provisions in the 2005 Licensing (Scotland) Act on irresponsible promotions mainly apply to on sales premises. The Bill currently under consideration by the Scottish Government has provisions to address this issue in relation to off-sales premises. She is awaiting information on the outcome of a challenge by the Licensing Standards Officer in Moray in connection with a supermarket promotion and will seek legal advice to help clarify the position regarding the use of discount/loyalty cards.

## **WORK PLAN**

The Forum noted the updated Work Plan and in relation to areas of concern noted the variation in the quality of training courses for people who wish to acquire Personal Licences. There was support for making representations that there should be a minimum of two hour face to face training resulting in the award of a certificate which could be transferable between employers. It would be useful to have the equivalent of an industry standard and it was agreed to enquire via the National Licensing Standards Officer if other Forums would support this approach to training and would therefore be willing to make representations to the Justice Minister.

The Forum is unaware of the justification for the exemption of members' clubs from the provisions of the Licensing (Scotland) Act 2005 in respect of having a Personal Licence Holder on the premises. Although it is understood members' clubs usually have a committee member present while functions are taking place, the member does not need to have any training under the Act. The Licensing Standards Officer confirmed that she had visited members clubs in the city and recommended that it was good practice to put at least one member of their staff/committee through a formal training course in order to have a Personal Licence Holder available.

It was agreed to raise the issue of members clubs exemptions with the National Licensing Standard Officer with a view to him supporting making representations on behalf of Forums in Scotland to the Justice Minister on this issue.

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

to request the Clerk to write to the National Licensing Standards Officer seeking his support for canvassing opinions from Scottish Local Licensing Forums on adopting a national standard in relation to training courses and making representations against the exemption of members' clubs from a number of the provisions of the Licensing (Scotland) Act 2005 in respect of having a Personal Licence Holder on the premises when alcohol is being served.

## **LIAISON WITH GRAMPIAN POLICE**

Inspector John Soutar indicated that he and his colleagues would welcome interest shown by members of the Forum in patrolling with Grampian Police in the city centre on a Friday or Saturday night. The experience would help members of the Forum develop a greater understanding of problems confronting Grampian Police.

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

to request the Clerk to contact all members of the Forum enquiring if they would wish to participate in a rota of accompanying police patrols in the city centre on a Friday or Saturday night.

## **CHRISTMAS LUNCH**

The Forum welcomed the Convener's suggestion to arrange a Christmas lunch for the Forum with members meeting the costs involved.

**The Forum resolved:-**

to request the Sub-Committee to suggest a date and venue for a Christmas lunch to be attended by members of the Forum and thereafter the Clerk will contact members to advise them of the details and to confirm a booking.

**OFF LICENCE SIGNAGE**

Mr. A. Finlayson of Cove and Altens Community Council advised the Forum of enquiries he was making about planning and other regulations governing the size of advertising signs and displays of alcohol in a general store and post office recently purchased by a large retailer.

The Licensing Standards Officer agreed to check the operating/layout plan for the premises and advise Mr. Finlayson of her opinion. She explained that signage was a matter of the City Council as Planning Authority.

**MEETING WITH FIRST BUS**

Please note that following the meeting arrangements have been made for the Convener of the Forum, Grampian Police, Aberdeen City Council and City Centre Association representatives to meet with Mr. Bob Dorr, General Manager of First Bus to discuss late night bus services at the weekends at a meeting on Friday, 2<sup>nd</sup> October, 2009.

The Forum will be advised of the outcome of the meeting at the next Forum meeting in November, 2009.

**PETROL STATION/GARAGE LIQUOR LICENCES**

The Forum has noted the successful legal challenge in Glasgow against a refusal by the Glasgow Licensing Board of a off-sales licence for a garage on the outskirts of Glasgow. The Forum appreciate the difficult position financially for Licensing Boards in defending legal challenges.

The outcome of an appeal by a supermarket against the refusal of an off-sales licence for premises in Cults is awaited and it was noted that overprovision was one of the justifications put forward by the Licensing Board in its decision.

- **ALLAN McINTOSH, Convener**.