

JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD

ABERDEEN, 3 July 2014. Minute of Meeting of the JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD. Present:- Alexander Kelman, Convener; Councillors Boulton, Carle, Lawrence and Townson; and Ruary Campbell, Ken Eddie, Tara-Erin Gilchrist, Inspector Jim Hume, Shamini Omnes (as substitute for Linda Smith), Emily Queen and Diane Sande. Officers in attendance:- Eric Anderson, Lynn May and Stephanie Dunsmuir.

WELCOME AND INTRODUCTIONS

1. The Convener welcomed everyone to the annual joint meeting of the Licensing Board and the Local Licensing Forum. He advised that as the Convener of the Licensing Board had chaired the previous year's meeting, it was the turn of the Local Licensing Forum Convener to chair today's meeting.

MINUTE OF PREVIOUS MEETING

2. The Joint Meeting had before it the minute of its previous meeting of 27 June 2013.

In relation to article 5(2) - Equalities Act 2010, it was noted that the text should read 'the Board has replaced three policies (**race**, disability and gender)' and not 'the Board has replaced three policies (**rule**, disability and gender) as set out in the minute.

The Joint Meeting resolved:-

subject to the amendment of article 5(2) as outlined above, to approve the minute as a correct record.

MATTERS ARISING

3. The Convener referred to article 8 of the minute of the previous meeting (Door Supervisors' Working Group) and asked if there was any update. Eric Anderson advised that the Working Group had held several meetings, but there had been difficulty getting the necessary information from the licensed trade in relation to the number of door supervisors employed at each premises. He added that imposing a condition in relation to the number of door supervisors would also have involved review hearings for the particular premises involved. The Working Group had therefore considered that the issue had been investigated as far as possible. Councillor Boulton added that the licensed trade had given the impression that they felt it was an operational matter for them to take forward, and that they recognised that if a problem arose as a result of a lack of door supervisors, may have a detrimental impact on their licence. Inspector Hume agreed, and advised that national advice had been sought, however there was no onus on the Licensing Board to dictate the number of

**JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD
3 JULY 2014**

supervisors employed. The Security Industry Authority (SIA) was looking nationally to develop a policy in relation to risk assessment for premises. The Police were in contact with the National Licensing Policy Unit to see how they could assist, and Inspector Hume advised that this this could be reported back to either the Licensing Board or the Local Licensing Forum in due course.

Finally, Inspector Hume advised that the Police had recently given a presentation to both the licensed trade and the Local Licensing Forum on how Police Scotland was operating with licensed premises, and suggested that the Licensing Board might also find the presentation to be of interest, as it gave clarity on how the Police took decisions.

The Joint Meeting resolved:-

- (i) to note the update in relation to the Door Stewards' Working Group, and the fact that the issue had been taken as far as it could be at present; and
- (ii) to note the Police suggestion to give a presentation to the Licensing Board, at a date to be arranged.

STATEMENT OF LICENSING POLICY 2013-2016

GENERAL OBSERVATIONS

4. The Convener began by welcoming the finalised Statement of Licensing Policy, particularly the sections on over-provision and off-sales, as he noted that few Licensing Boards had included this in their policies. He added that the Forum had felt that the Policy could have been more aspirational, and not simply tied to legislation. The Forum had recognised the time pressures involved in preparing the new Policy but had felt that much of the Policy had been lifted from the last document, as opposed to taking a fresh look at how it could operate. The Convener suggested that the Board and the Forum work together over the next couple of years on the next version of the Policy, particularly as there would be new legislation coming forward. Finally, the Convener advised that the Forum had noted some inaccuracies and layout errors.

Councillor Townson expressed a view that the Policy could potentially be more aspirational, particularly in relation to off-sales. Councillor Boulton added that the Policy was in a 'bedding-in' period and that was important to strike the right balance with the licensed trade. She hoped that the Policy came across as constructive, and noted that it would evolve through legislation and input from the Local Licensing Forum. Councillor Boulton suggested that the inclusion of an aspirational statement could be considered by the Board and officers.

JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD 3 JULY 2014

The Convener agreed with the importance of working with the licensed trade, and added that he was delighted that the Forum had recently appointed Ruary Campbell of UNIGHT as its Vice Convener. He added that it was still difficult to establish links with supermarkets.

The Joint Meeting resolved:-

to note the comments made in respect of the Statement of Licensing Policy.

OBSERVATIONS ON USE OF THE POLICY IN PRACTICE

5. The Convener asked the Board if they had any comments on how the Policy operated in practice. Councillor Boulton commented that there were occasions when applications which appeared on the surface to elicit straightforward decisions proved to be more complicated upon consideration. She advised that the Board frequently referred to the Policy as their starting point for many decisions. Further training was to be given to members of the Licensing Board later in the year.

Councillor Boulton referred to the objections made to applications by the Police and the NHS, and suggested that the Board would find it particularly helpful if the submissions contained more area-specific information – for example, the number of incidents in that area, or the number of admissions to Accident and Emergency which were alcohol related. The Convener added that although the submissions could include more local information, evidence showed that people would often travel several miles to purchase alcohol, for example, at a supermarket, so this would also need to be taken into consideration. Shamini Omnes advised that the NHS was starting to work with local communities to discuss where alcohol purchases were being made. Councillor Carle agreed that it was helpful to receive localised data which would back up the Policy and link to the Licensing Objectives.

Ruary Campbell suggested that the data should already have been used to determine where there was over-provision. It was explained that occasions might arise where additional data could be relevant.

Inspector Hume highlighted recent decisions of the Board, where two premises in the same street had applied for a licence and one had been granted, while the other had not due to over-provision. He advised that the Police had the capacity to break down the number of crimes in a particular area which were alcohol related, however there was a risk that perhaps only one or two premises were affecting the statistics in that area, rather than off-sales. He also asked how 'locality' would be defined – for example, if the locality was defined as the city centre, it would in his view be very unlikely for anyone to be granted a licence based on statistics. Where there were incidents, the alcohol might not have been sourced in that area, and Inspector Hume

**JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD
3 JULY 2014**

highlighted the issue of ‘pre-loading’, where people would consume alcohol at home prior to going out for the evening. He added that the Licensing Board would require to give clear direction on the information they required for any particular area. It was suggested that a session could be arranged to discuss the type of information the Board would find useful.

It was also agreed that the input of Community Councils was very useful to obtaining more information about the impact of decisions on local areas. The Convener suggested that input could also come from local GP practices.

The Convener referred to section 1.4 of the Statement of Licensing Policy and suggested that the wording “...The pursuit of these five objectives is a principal feature of the Board’s policy. The objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence....” could be amended as follows:-

“The pursuit of these five objectives is a principal feature of the Board’s policy. The objectives provide a basis **for assessment for determination** of an application for the grant of a premises licence or of an occasional licence...”

Councillor Boulton noted what the Convener had said and indicated that she could discuss this with Mr Anderson outwith the meeting.

Councillor Townson referred to alcohol displays in supermarkets, and added that in certain other cities, the displays were closed off to the public. He asked if the Police had undertaken any discussions with supermarkets around their displays. Inspector Hume advised that the Police would have input to supermarket designs from a security perspective, but the manner in which alcohol was displayed seemed to be more an issue for the Licensing Board when they consider the licence application. He added that if there was a specific problem at particular premises, the Police would work with that premises. It was noted that one suggestion was for the purchasing of alcohol in a separately closed off area in supermarkets, however such a scheme would need to be implemented through a change in legislation. Mr Anderson added that this had been one of the matters under consideration by the Government, but had not been carried forward into the new Bill. The Convener advised that the Alcohol and Drugs Partnership would support this approach, as alcohol should not be seen as an ordinary grocery item, and paying for it separately might change the public’s perception of this.

The Joint Meeting resolved:-

- (i) to note the request that the Police and the NHS provide more area-specific information for the Licensing Board, and to note that a session could be arranged to enable the Board to provide guidance to partners on the type of information it would find useful; and

**JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD
3 JULY 2014**

- (ii) to note the suggestion in relation to changing the wording of 1.4 of the Statement of Licensing Policy (as set out above) and to note that Councillor Boulton and the Clerk to the Licensing Board would discuss this outwith the meeting.

CHALLENGES

6. The Joint Meeting noted the challenges faced by the Board with the introduction of the new Policy which had already been discussed. Councillor Boulton highlighted the challenges for the Board in applying the Policy and asked that the Forum allow time for the Policy to bed in, noting that it was a new document and that it worked in a different way to the previous Policy. She added that it was important for there to be trust between the Board, the licensed trade and the consultees.

GENERAL REASONS FOR ANY DECISIONS BEING MADE CONTRARY TO POLICY

7. The Convener referred to recent Licensing Board meetings and suggested that it seemed that high volume, low cost sales were the main problem and as a result, high cost, low volume sales would be granted a licence against the policy of over-provision. Mr Anderson advised that there may be occasions when the Board decided that the Policy could be relaxed, or that a licence could be granted with conditions, and that the Board had to assess the evidence before it on a case by case basis. Each application had to be judged on its own merits, against the backdrop of the Policy. Councillor Carle highlighted some positive aspects of the new Policy, noting that agents appearing before the Board more often had to address how the application would promote the Licensing Objectives. The Board had also been imposing more conditions when granting or varying licences.

EVALUATION OF IMPACT ON POLICY

8. The Convener referred to the letter sent by the Forum to the Board in April 2013 which suggested how the Policy could be measured and evaluated. He asked how the Board would evaluate the Policy in 2016 against the Licensing Objectives to know if it had been successful. He advised that he and the Clerk to the Licensing Forum had attended a meeting with a representative from Alcohol Focus Scotland where it had become apparent that the Aberdeen policy and the Local Licensing Forum were seen as being good examples in comparison to some of the other Scottish areas. He added that the Forum had recently considered how to measure the impact of the statistics reported to each meeting, as well as the type of information that the Forum should be receiving on a regular basis, and advised that the Forum was to hold a workshop

**JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD
3 JULY 2014**

session later in the year to discuss this in more detail. Given the earlier discussions, he added that members of the Board were welcome to attend that workshop.

Councillor Boulton noted that simply measuring the number of refusals would not necessarily show the impact of the Policy, and added that the context of a decision may not be adequately reflected by simply looking at statistics, or the conditions imposed. She suggested that the Policy could be measured through other means, such as the retention of the Purple Flag, the relationship between partners, an improved relationship with the media, and the public perception in relation to alcohol. She referred to the previous City Voice questionnaire and suggested this could be run again in future. It was suggested that a measure of the Policy's success could be as straightforward as any adjustments made as a result of the Policy. Councillor Boulton added that input from Community Councils could also contribute to measuring the effect of the Policy.

The Convener referred to the Scottish Government request for statistical information from ADP on "legal highs", and advised that this was set out in a red, amber and green format. He suggested that this might be useful to illustrate statistical information against the five Licensing Objectives. He added that it would be useful to have a snapshot of the current status against the Objectives and then this could be compared against where things were at the end of the Policy's lifespan. He stated that he felt that ADP and the Licensing Forum could support the Board through provision of information and performance data, and suggested that this could be discussed at the workshop to be arranged for later in the year.

The Joint Meeting resolved:-

- (i) to note the suggestions around how performance could be measured and evaluated; and
- (ii) to note that the Local Licensing Forum was to hold a workshop session on this topic later in the year and that the date would be conveyed to the Licensing Board.

AOCB

9. UNIGHT

Ruary Campbell advised that while the media occasionally reported on decisions of the Licensing Board, it was difficult to obtain media interest on positive issues such as the Purple Flag and the work being done by ADP in relation to educational material, and suggested that this could be something for the Board and Forum to look at in future.

JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD 3 JULY 2014

He also asked for an update on the refresher certificates. Mr Anderson advised that all the procedures were in place, and it was now up to licence holders to submit their paperwork for processing. He added that it provided a significant workload for the service and asked that if there were any comments on the process, that these be raised with the team. The general message was that licence holders should communicate with officers and not leave the organisation of their training until nearer the statutory deadlines.

Mr Campbell added that the training had not been updated in the last five years, and suggested that this could be looked at in future. He also added that there were potential issues with the role of premises manager, and that there was no criteria which stipulated any special qualification for premises managers. He had been advised that although some premises had submitted their paperwork, they had yet to receive their certificates.

Mr Anderson advised that although there might be delays in the certificates being received due to the volume of paperwork to be processed, the important factor was for the training to have been undertaken prior to the deadline, so as long as this had been done, licence holders should not be concerned if they did not receive their certificate before the deadline had passed.

Councillor Boulton advised that any special qualification for premises managers would have to be progressed via national legislation. She added that the Licensing Standards Officers could also highlight any concerns to the Board. Inspector Hume noted that there had been issues with the level of management at some premises, and suggested that the Police presentation could be given to a wider audience, through UNIGHT.

BEST BAR NONE

Emily Queen took the opportunity to remind the Joint Meeting of the Best Bar None scheme, highlighting that it showed willingness on the part of premises to work towards best practice. She suggested that the Board could be mindful of this where applications were received from premises who had membership of either UNIGHT or Best Bar None.

AIR WEAPONS AND LICENSING BILL

Eric Anderson updated the Joint Meeting on the above Bill which was proposed to take effect from 2015. He highlighted particular changes to the legislation, including:-

- the creation of a new offence for supplying alcohol to children and young people for consumption in a public place

JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD 3 JULY 2014

- the amendment of Licensing Objective: Protecting Children From Harm to include 'young people'
- a change to the duration of the Statement of Licensing Policy to better align with the term of the Licensing Board
- changes to the "fit and proper person" test
- the removal of the automatic requirement for a hearing
- spent convictions would no longer be disregarded
- it would be the duty of the Licensing Board to prepare an annual financial report
- the removal of the five year restriction in relation to refresher training

Mr Anderson advised that officers would look at the impact of the Bill and identify if any further response was required.

MEMBERSHIP OF LICENSING FORUM

Councillor Lawrence asked about the off-sales representation on the Local Licensing Forum and suggested that it would be useful if more members of the Forum represented the off sales trade. The Convener advised that it had proved difficult in the past to engage with off-sales retailers.

ACTIVITIES FOR YOUNG PEOPLE

Ken Eddie suggested that the Council could look to open up venues such as the Beach Ballroom for young people who might not want to go to a liquor licensed premises. The Convener suggested that this proposal would probably be better directed to youth workers, and Councillor Lawrence advised that with the recent changes to community centres, although there were many youth workers who were keen to set up activities for young people, at the moment, the staff and volunteer levels were such that this was proving to be difficult. The Convener thanked Mr Eddie for the contribution and observed that there was evidence that diversionary activities were a contributing factor to avoiding the intake of alcohol.

Finally, the Convener thanked all members for their attendance, and advised that the Clerk to the Licensing Forum would liaise with the Clerk to the Licensing Board about the date of the next annual meeting.

- **ALEXANDER KELMAN, Convener**