

ABERDEEN LOCAL LICENSING FORUM

12 November 2009

Present:- Allan McIntosh, Convener; Linda Alves (as substitute for Murray Leys), Jennie Biggs, Mark Donlevy, Ken Eddie, Councillor Martin Greig, Sandy Kelman (as substitute for Dr. Lesley Wilkie), Connor McKay, Gerrard Rattray, Katherine Ross, Diane Sande, Sergeant Barry Skinner (as substitute for Inspector John Soutar) and Bob Westland.

APOLOGIES

Apologies were intimated on behalf of Mary Crawford, Sohail Faruqi, Murray Leys (Linda Alves substituting), Derek Murray, David Pattinson, John Soutar (Sergeant Barry Skinner substituting), Councillor John West, Dr. Lesley Wilkie (Sandy Kelman substituting) and George Wyatt.

WELCOME

Allan McIntosh, Convener, welcomed everyone to the meeting in particular Katherine Ross who was attending her first Forum meeting.

MINUTES

The Forum had before it the Minutes of the Meeting held on 17th September, 2009 and of the Forum Sub-Committee meeting held on 26th October, 2009.

The Forum resolved:-
to approve the minutes.

APPLICATIONS FOR MEMBERSHIP OF THE LOCAL LICENSING FORUM

The Forum considered two applications from Mr. Elvis Presley and Mr. Craig Adams and noted the current balance of membership of the Forum.

The Forum resolved:-
to approve the application from Mr. Craig Adams to fill the one remaining vacancy on the Forum having noted that at present there are fewer representatives of Holders of Premises Licences/Personal Licences than representatives of residents within the Forum's Area at this time. It was agreed to thank Mr. Elvis Presley for his application and to invite him to continue to attend Forum meetings as an observer if he wishes to do so.

UPDATE ON OVERPROVISION ASSESSMENT

It was noted that the Depute Clerk to the Licensing Board had received very few responses by the deadline for consultation on the Overprovision Assessment which was 16th October, 2009. The Depute Clerk intends to ask the Licensing Board at its meeting on 15th December, 2009 to approve in principle a statement on Overprovision as an amendment to the current Policy Statement. The Forum will receive a copy of the amendment to the Policy Statement for its information.

The Forum resolved:-
to note the update.

UPDATE ON PROVISION OF LATE NIGHT BUS SERVICES

The Forum noted the briefing note on intentions to work on an Action Plan to take forward proposals discussed at a meeting held on 2nd October, 2009 with representatives from local bus companies together with representatives from NESTRANS, Grampian Police, the City Council and the Convener of the Licensing Board.

It was noted a number of initiatives are under consideration which should make it commercially viable for bus companies to operate late night bus services. It is understood members clubs and other licensed premises would be willing to assist in publicising services, selling tickets and giving advice on the timing of services. Councillor Martin Greig pointed out that the concept of Transport Marshalls established under the auspices of the Community Safety Partnership meant that they had a role to play in addition to assisting in the safe management of queues for taxis.

Experience during Fresher's Week showed that students used the bus services provided and it is considered that there would be sufficient demand to justify enhanced services.

The Forum resolved:-
to note that a further update on the provision of Late Night Bus Services would be submitted to the Forum meeting in February, 2010.

FEEDBACK FROM COMMUNITY COUNCILS

The Forum noted that the local concerns set out in letters received from Culter and Torry Community Councils were being investigated and that Torry Community Council had extended an invitation to the Forum to send a representative to talk about the work of the Forum.

The Forum resolved:-
to thank Culter and Torry Community Councils for contacting the Forum about local concerns and to invite the Secretary of Torry Community Council to contact Allan McIntosh to finalise arrangements to enable him to attend a future Community Council meeting to discuss the work of the Aberdeen Local Licensing Forum.

ALCOHOL AND DRUGS PARTNERSHIP

Jennie Biggs advised the Forum that the Aberdeen Alcohol and Drugs Partnership has established a Community Safety and Criminal Justice Sub-Group. At present the Sub-Group is undertaking work focusing on alcohol and drug related violence. The Sub-Group is at the stage of gathering evidence and examples of good practice in tackling this issue. The Sub-Group has established links with the Northern Criminal Justice Authority, SACRO, the Scottish Prison Service and with the local Procurator Fiscal and courts. Statistics show that alcohol and/or drugs are the main reasons why young men in particular are imprisoned and there is support for raising awareness of the risk of excessive alcohol consumption leading to violence.

The Licensing Forum may wish to contribute to the work of the Sub-Group in future.

The Forum resolved:-

to note that further updates on the work of the Community Safety Criminal Justice Sub-Group will be submitted to future Forum meetings.

STATISTICAL INFORMATION

Sergeant Skinner referred to statistics which have been submitted to the Aberdeen Alcohol and Drugs Partnership and to the Alcohol and Violence Sub-Group which show trends in alcohol related offences. Between the period 1/8/09 and 31/10/09 compared to the same period in 2008 there have been 26 recorded offences of refusing to quit licensed premises compared to 1 and 26 offences of disorderly conduct on licensed premises compared to 3. There has been a significant increase in alcohol related offences even taking into account the different approach by Police Officers to recording offences using licensing legislation as oppose to common law crime such as Breach of the Peace. Information on the sobriety of accused persons was given as follows:- 248 people accused of Breach of the Peace were classified as drunk and 108 people accused of minor assaults were classified as drunk. Accused persons who had been drinking amounted to 274 when accused of Breach of the Peace and 184 when accused of minor assaults.

It was considered too early to assess the impact of the curfew. The Licensing Board has advised that they intend to monitor the effectiveness of the curfew by noting any changes in trends of crime statistics. Lack of publicity has led to some confusion and the Forum noted that Unight has arranged to print and distribute 20,000 leaflets to help address this problem. It is understood the Community Safety Partnership will shortly be writing to the Licensing Board asking them to undertake an awareness raising campaign. Sergeant Skinner advised that Grampian Police has already asked the Licensing Board to undertake some media work in the run up to Christmas in relation to the curfew.

Katherine Ross confirmed that students could be kept advised of licensing related issues including the curfew via corridor TVs and video monitors on campus, the regular electronic newsletter and the students' website. Jennie Biggs referred to the potential to use the Healthy Working Lives newsletter.

Mark Donlevy advised that the Unight Scheme has resulted in seven patrons being banned to date and there has been less trouble than anticipated. Licensees are

assisting by being responsible in identifying troublemakers and identification card offences by underage drinkers are being dealt with appropriately. For example Sergeant Skinner advised that the message is getting across that anyone who had their passport outwith their control in this way will find the police have returned it to the passport office and that the passport owner will incur costs in securing its return. In relation to underage drinking there is early evidence of a change in culture as enforcement activity targets this offence.

The Forum resolved:-

to note the statistical information and feedback on the early success of the Unight Scheme.

UPDATE FROM THE LICENSING STANDARDS OFFICER

Diane Sande advised the Forum of a very successful meeting of the North Regional Licensing Standards Officers Group held in Aberdeen on 29th October, 2009. The meeting considered a presentation by the Street Pastors, experience to date in implementing the Licensing (Scotland) Act 2005, opportunities for links between Licensing Forums in the North and identified issues for consideration by their National Group. Examples of the latter being a possible need to amend the statutory form for applying for Occasional Licences as the current form does not prompt applicants to consider issues such as capacity of premises or any terms and conditions to apply to the admission of children. Licensing Standards Officers are addressing issues which arise where Operating Plans are inaccurate and legal advice is awaited on the appropriate way to treat discount cards in the context of the Act's provisions on irresponsible promotions.

Diane advised that her colleagues in the North Region are happy to circulate information on the dates and times of Licensing Forum meetings in 2010 and arrangements for visits by members of the Forum will be discussed by the Forum's Sub-Committee.

The Forum resolved:-

to thank Diane Sande for her informative update and to note that arrangements for future visits to other Local Licensing Forums would be discussed at the February 2010 meeting of the Forum's Sub-Committee.

WORK PLAN

It was noted that in relation to the licensing objectives of the 2005 Licensing (Scotland) Act it is a matter for each Licensing Board to interpret the legislation and draw up its own policies. However a variety of interpretations of the legality or otherwise of discount/loyalty cards would be confusing to the trade and customers. Sergeant Skinner confirmed that Grampian Police had had a lot of enquiries to deal with in relation to loyalty cards and it is hoped that there will be clarity for the Grampian area prior to Christmas. The main problem is that loyalty cards as such are not mentioned in the Licensing (Scotland) Act 2005 and they do not fit any of the criteria in relation to irresponsible promotions. In relation to some matters of interpretation of the Act it was noted that court cases may be required to clarify the way forward.

The Forum noted that one way forward in relation to obtaining information from the Licensing Board on their methods of monitoring achievement of the licensing objectives in particular Protecting Children from Harm, would be to discuss this again with them at the next joint meeting. One option might be to encourage full participation in the Best Bar None Scheme and to confirm that the level of scrutiny of applications undertaken by the Board includes using the licensing objectives as assessment criteria.

The Forum resolved:-

to note the Work Plan update and to request the Clerk to write to the Scottish Government asking for clarification on the statistics they will require from Licensing Board in 2010 as Local Licensing Forums would benefit from access to statistical information in discharging their own responsibilities.

LICENSING BOARD POLICY FRAMEWORKS

The Forum considered a note on work on scrutinising the policy frameworks of other Licensing Boards in Scotland as requested by The Aberdeen City Alliance. The Forum's Sub-Committee will continue to work on this task during 2010 and in due course a response will be submitted to the Alliance. In the meantime it was noted the Depute Clerk to the Aberdeen City Licensing Board had supplied a copy of the Licence Conditions which are the equivalent of some of the details noted in the Policy Statements of other Licensing Boards. Actions to address alcohol related disorder are due to be considered by the Alliance at its meeting on 25 November, 2009 and a copy of the report will be submitted to the first meeting of Forum in 2010.

The Forum resolved:-

to note the update, request the Clerk to circulate the list of Licence Conditions as supplied by the Depute Clerk to Aberdeen Licensing Board and note that the February 2010 meeting of the Forum will have an opportunity to consider the "Alcohol Related Disorder Profile – Aberdeen City Centre" report update.

"LICENSING FOR PUBLIC HEALTH" PUBLICATION

The Forum considered the statistical and other useful information contained in the "Licensing for Public Health" publication recommended to the Forum by Dr. Lesley Wilkie. The publication contains very useful information for reference purposes which will be of assistance to the Forum as it undertakes its work in 2010.

The Forum resolved:-

to note the "Licensing for Public Health" publication.

Jennie Biggs confirmed that all members of the Forum would be welcome to attend the launch event for the Aberdeen Alcohol Strategy being held on Monday, 14 December, 2009 at 10.00am in the Citadel in Aberdeen. The Forum was reminded that they had contributed to the draft Strategy and that in common with a number of agencies, the Forum has the responsibility to contribute to the achievement of the Actions identified in the Strategy. For example in relation to Reducing Consumption Action 2 refers to the Licensing Board consulting widely on specific measures to deliver and enhance policy including receiving advice from the Licensing Forum and public sector representatives in line with the Forum's Action Plan. Reference was made to the role of the universities, Aberdeen College and the student body in respect of one action under Supporting Families and Communities "The safety and wellbeing of students within a culture of alcohol will be investigated and supported".

The Forum resolved:-

to note the contributions the Forum will make to the achievement of the Actions set out in the Alcohol Strategy and to request the Clerk to issue the invitation to the Aberdeen Alcohol Strategy launch event to members of the Forum.

LIAISON WITH GRAMPIAN POLICE

The five members of the Forum who had expressed an interest in accompanying the police during late night weekend patrols were reminded to contact Inspector John Soutar to finalise the arrangements.

JENNIE BIGGS

Jennie advised the Forum that she was retiring and this would be the last meeting of the Aberdeen Local Licensing Forum that she would attend.

On behalf of the Forum, Allan McIntosh, Convener, thanked Jennie for her contributions to the work of the Forum since its inception and wished her well for the future.

NEXT MEETING

It was confirmed that the next meeting of the Forum would be on Thursday, 25 February, 2010 at 2.00pm in Committee Room 5 in the Town House.

- **ALLAN McINTOSH, Convener**