

LOCAL LICENSING FORUMS
ABERDEEN AND ABERDEENSHIRE

Monday, 8 February, 2010

Present: Aberdeen Local Licensing Forum: Allan McIntosh (Chair), Craig Adams, Ken Eddie, Sandy Kelman, Raymond Morrison, Derek Murray, David Pattinson, Barry Skinner and Bob Westland. Aberdeenshire Council's Licensing Forums and Licensing Boards: Robin Currie, Chris Endersen, Stanley Green. John Main, Grampian Police, Keith Simpson, Fiona Stewart (Depute Clerk to North Licensing Board), Andrew Sutherland and Sarah Ward.

In Attendance: Linda Bowie, Acting National Licensing Development Officer, Alcohol Focus Scotland.

Officers: Fiona Gardiner, Senior Committee Services Officer (Aberdeen City Council) and Arlene Kelday, Assistant Committee Officer (Aberdeenshire Council).

WELCOME

Allan McIntosh, Chair of the Aberdeen Local Licensing Forum welcomed everyone to the meeting and introduced Linda Bowie, Acting National Licensing Development Officer who had requested an opportunity to meet representatives of the Forums in the North East to learn from experience to date with a view to assisting Forums elsewhere in Scotland and also to share information on planned developments in the support available to Forums.

NATIONAL LICENSING DEVELOPMENT OFFICER

Linda Bowie advised that she was currently undertaking the duties of Acting National Licensing Development Officer and that the funding for the post expires on 31st March, 2010. Linda explained that the future was not clear but there was a possibility that she would continue to discharge some of the duties in addition to her substantive post as ServeWise Training Manager with Alcohol Focus Scotland. Linda advised that the main areas of work for the National Licensing Development Officer were supporting Local Licensing Forums to become established and to offer basic training. Linda apologised for the fact that resource constraints meant that the free training courses being offered in Hamilton, Edinburgh and Inverness this month were not being offered in the North East. However she explained that a free DVD would be produced after the programme of training which would include input from the speakers who would each address one of the five licensing objectives. The DVD will be accompanied by a training pack comprising feedback from the workshops on the main issues discussed. It was explained that this would be a useful resource for Forums and for new members in particular. It was suggested that the DVD could help Forums consider the licensing objectives perhaps by including an opportunity to discuss them on the Forum agendas.

Linda also advised the meeting that Alcohol Focus Scotland was shortly launching a new website www.local-licensing-forums-org.uk which would contain sample Licensing Forum Constitutions and Work Plans, a checklist of best practice and basic legal information. She explained that an online discussion forum restricted to members of Licensing Forums would also be established. Linda explained that the existing website had proved of value to members of the public keen to learn about the new licensing legislation and therefore the new website will continue to be accessible.

Linda indicated she was aware that Licensing Standards Officers had formed Regional Groups in Scotland and that they had been developing a national structure. She asked the Forum Members present to think about whether or not it would be useful to try to establish a national forum for Local Licensing Forums. The absence of a national body or annual conference may make it difficult to establish common positions on issues on which to make representations to the Scottish Government or other national bodies. Alternatively a local perspective is one of the key strengths of the Forums and seeking a broad consensus on a particular issue may not be appropriate. There is also the issue of timing. For example there was no mechanism to collate views on the Alcohol, Etc. (Scotland) Bill between its publication in November, 2009 and the deadline for comments of 20th January, 2010.

The meeting proceeded to discuss operational aspects of Licensing Forums and opportunities to improve their effectiveness. The points made are summarised below –

MEMBERSHIP AND SUPPORT

Aberdeenshire Council embarked on a successful publicity campaign to encourage membership and devised a simple application form. Their Licensing Forums Clerk has been proactive in improving communication between the three Forums and Licensing Boards and there had been a lot of information sharing between the bodies. An online discussion forum has been established and any enquiries received through this will be responded to promptly. The Conveners of the three Licensing Boards in Aberdeenshire attend their respective Local Licensing Forum meetings as observers. They do offer information on the rationale behind Licensing Board policies, decisions, etc. However, they do not take a lead role at Forum meetings. Feedback suggests that there has been a good working relationship between the Forums and the Licensing Boards. Licensing Board agendas and minutes (once approved) are placed on the Council's website. Licensing Boards welcome issues being raised with them via Licensing Forums and would welcome potential solutions to issues, particularly if the Forums have explored aspects of a problem with other agencies and have evidence to support their proposals. An example of effective working was the recent research undertaken on behalf of Licensing Boards on overprovision. The bulk of the work was undertaken by Licensing Standards Officers on behalf of Forums it was a valuable experience which may serve as an example to be repeated when another policy issue arises.

Licensing Standards Officers attend Forum and Board meetings and have proved to be effective links and also additional links with the public. Licensing Boards appreciate the work of Licensing Standards Officers in mediation and, in investigating complaints and objections. Where possible Review Hearings and

other formal action can be avoided if voluntary co-operation to resolve difficulties is secured.

In Aberdeenshire in the past there has been a lack of items of business for the joint meetings between Licensing Boards and Licensing Forums and so far one joint meeting per year has been sufficient.

A membership problem currently being experienced in the Aberdeenshire Forums relates to a lack of Youth Representatives. It was suggested that they may wish to consider approaching the Aberdeenshire Youth Parliament Members and the Youth Council or equivalent body.

It was confirmed that the Forums in Aberdeenshire and in the City have constitutions but have not felt it necessary to adopt Codes of Conduct. The Aberdeen Forum currently has a waiting list for membership and the recruitment process used was a public advertisement supplemented by requests to organisations likely to be interested in joining. Securing good attendance and maintaining a balance of representation have been achieved by a review of membership and by a clause in the constitution which states that if any member fails to attend three consecutive meetings and does not arrange for a substitute to attend on their behalf they will cease to be members. Forum meetings are open to the press and public with the agendas and reports included on the City Council's website. The Licensing Standards Officer is a member of the Forum and she attends or sends a substitute. It was noted that Aberdeen City had one full time and one part time Licensing Standards Officer whereas Aberdeenshire had four.

Neither the City nor Aberdeenshire Forums have ringfenced budgets but both benefit from the resources of their respective Councils in terms of administrative support, funding for attendance at conferences, training and access to legal advice. The Licensing Board Clerks in Aberdeenshire consider that there would be an ethical difficulty in acting as legal advisers to both Licensing Boards and Licensing Forums. However they would assist colleagues in their Legal Service in offering specialist advice on licensing matters required by Forums. It is also understood that the practice in relation to this issue varies across the country. Licensing Board Clerks have assisted in training programmes for Forum members and produced basic guidelines on licensing legislation, etc. They have also spoken to the Community Council Forum in Aberdeenshire on their duties in respect of licensing.

TRAINING

Support was expressed for joint training between Licensing Board and Licensing Forum members. The Chair of the City Forum attends the annual meeting of Licensing Board Conveners and has found this to be a valuable experience. Networking also assists in breaking down barriers and recent experience of the joint meetings between the City Forum and the Licensing Board have been positive and productive. There was an uncertainty about the respective roles of Board members and Forum members at the first joint meeting.

The City Forum representatives expressed a preference for access to national training programmes and the assistance of Alcohol Focus Scotland in this regard is very much appreciated. Training needs were identified which include having information on how to undertake research and how to ensure the Work Plan is a valuable tool which includes monitoring progress in relation to the actions. It would

also be of assistance to Forum members to have an understanding of the decision-making processes of Licensing Boards and the procedure to raise issues with them.

Linda Bowie advised that from feedback she had received a number of Forums are unclear about the point at which issues become legitimate business for them and then in due course become of more relevance to Boards. An understanding of community planning structures and appropriate linkages to other bodies would also be of value to Forum members. This would ensure that issues considered by the Forum are referred to the appropriate body at the appropriate time.

KEY ISSUES AND ACHIEVEMENTS

The main achievements of the Aberdeenshire Forums include their successful publicity and promotional work including the Discussion Board on the Council website. Joint working between Licensing Boards and Licensing Forums on overprovision statements and the research underpinning them were significant achievements and provided a valuable learning experience for future joint working. Effective working relationships had been developed between Boards and Forums. Conveners and Licensing Standards Officers have played significant roles in that respect. Aberdeen City Forum was in a position to make helpful comments to the Licensing Board on its curfew experiment. Members of the Forum are involved in a working group involving other agencies and transport providers in trying to improve Late Night Bus Services. The members of the Forum have equipped themselves with valuable background information having examined Policy Statements from a number of Licensing Boards in Scotland and a presentation on Street Pastors. A few members intend to go on patrol with Grampian Police in the city centre at the weekends to see the issues the police deal with at first hand. An issue for both Aberdeenshire and City Forum members was access to robust data on a regular basis. While acknowledging that there may be data sharing protocol issues to agree, it was recognised that there was information which was publicly available which would assist in identifying problems and in developing a better understanding of the volume of work undertaken by Licensing Boards. Police representatives who attended the meeting confirmed that Grampian Police were happy to provide statistical information which is crime related and explained that general and community intelligence was being recorded on a more regular basis. In consultation with Forums an appropriate format could be agreed for the submission of statistics, etc. to assist the work of Forums. Alcohol and Drugs Partnership representatives try to attend meetings of all the Forums given their other workload commitments. Health, Efficiency, Access and Treatment (HEAT) targets and information systems to report on them are currently being developed and therefore hopefully statistical information will be made available to Forums later this year.

A current issue of concern in Aberdeenshire relates to the impact on communities and licensed premises of “booze cruises” where buses are hired to tour licensed premises with the participants becoming more under the influence of alcohol as the tour continues. One option might be to suggest a meeting between Grampian Police, Licensing Standards Officers, Pub Watch Members and Forums to discuss the problem with trade representatives. This is an area in which it was not clear that the Licensing Board can intervene.

In the city the problem of large crowds in the city centre at the weekends was well documented and was the subject of a meeting in November, 2009 with a wide range of organisations in attendance to try to devise actions including improving transport, looking at the opening hours of catering establishments, the impact of the curfew and the efforts being made by licence holders to maintain order by having well trained staff, employ door stewards, etc. An issue recently noted by a member of the Forum patrolling with Grampian Police in the city centre at the weekend was the friction caused in queues to enter clubs prior to the curfew where they perceive queue jumping as happening when in fact smokers have been coming in and out of the premises. A current issue is the review by the Licensing Board of the curfew at the expiry of the six month trial period.

The meeting shared the issues that can arise from the practicalities of having a limited number of meetings per year when reported concerns could be resolved by agencies such as the Police before they can be discussed at Forum meetings. Therefore Forums may find themselves considering out of date information. However on a positive note, the fact that problems have been resolved informally is encouraging in relation to achieving licensing objectives. For example the Licensing Board for the North of Aberdeenshire has noted that the licensed trade has become more proactive in discharging their responsibilities to the community to address problems and share information with Pub Watch members. An issue which has come to the attention of the Licensing Board (North) relates to the reluctance by some Personal Licence Holders to hand over training records for employees who were leaving or to hand over Personal Licences in the same circumstances. Some employers do not appear to realise that they have no right to retain these documents and due to the recent introduction of the Licensing legislation the documents are not yet referred to in standard contracts of employment.

In relation to training of staff working in licensed premises it was explained that when employees move on their new employer would probably wish to retrain them because of uncertainty about the quality of the previous training they undertook. For example there are only two accredited courses and one online course which leaves the majority of employees having been trained by Personal Licence Holders themselves and perhaps only receiving the minimum of two hours training. Unless the new employer was familiar with the quality of training offered by the former employer it is understandable they would consider it prudent to undertake refresher training.

FUTURE JOINT MEETINGS

It was agreed it would be worthwhile for representatives of the City Forum and Aberdeenshire Forums to meet again to explore common issues.

CONCLUSION

In conclusion Allan McIntosh thanked everyone for attending and for their interesting contributions to today's discussion.