

## ABERDEEN CITY LICENSING BOARD

### CITY CENTRE ALCOHOL ISSUES MEETING

Meeting held Monday, 16<sup>th</sup> November, 2009

Present: Councillor Muriel Jaffrey, Convener of Aberdeen City Licensing Board (Chair); Councillors Boulton, Clark, Cormie, Donnelly, Hunter, Penny, Robertson and Young (Aberdeen City Licensing Board); Councillors Corall, Kiddie, Leslie and John West; Nigel Don, MSP; Adrian Watson, John Souter, Ian MacLelland and Rebecca Ball, Grampian Police; Dr. Lesley Wilkie and Alexander Kelman, NHS Grampian; Fred McBride, Neil Carnegie, Brenda Flaherty and Eric Anderson, Aberdeen City Council; Edwin Grieve, John Irvine, Willie Jaffrey and Dennis Will (Community Council representatives), George Wyatt, Scottish Licensed Trade Association; Kenny Taylor and Graham Watson, Aberdeen Excise Licence Holders Association; Allan Rizio, Scottish Ambulance Service; Mike Hastie, Justice of the Peace; Russell McLeod, Aberdeen Taxi Group; Peter Medley, Aberdeen City and Shire Hotels Association; Peter Ewen; Mary Ellmers, Alcohol Focus Scotland; Bryony Chamberlain, Stagecoach; Stephen McGowan, Procurator Fiscal; Ken Eddie, Aberdeen Local Licensing Forum; Mark Donlevy, Arthur Musterd and Bob Westland, Unight; Jill Sandilands, Belhaven; Danny McKee, Tesco Stores Limited; Sally Hind, Evening Express; George Bell, Victim Support; Andy Willox, Federation of Small Businesses.

Apologies: Jennie Biggs, Aberdeen Local Licensing Forum; Richard Carey, NHS Grampian; Ross Grant, Civic Forum; and Senga MacDonald, Drugs Action.

## INTRODUCTION

Councillor Muriel Jaffrey, Convener of the Aberdeen City Licensing Board welcomed everyone to the meeting, reminded them of the terms of the Motion adopted by Aberdeen City Licensing Board as put forward by Councillor Comrie and invited Councillor Comrie to address the meeting.

Councillor Comrie stated that the level of interest in attending today's meeting was an illustration of a recognition of the scale of the problem and the need to work together to find a solution. There is widespread acceptance that problems created by the night time economy in the City Centre means it has become to some extent a no go area at the weekends. The negative perception of Aberdeen's City Centre is damaging the City's reputation as a safe destination for visitors, tourists and residents. A safe, welcoming and vibrant city centre is an essential component of a successful local economy. It is acknowledged that many worthwhile initiatives and measures are in place and planned to tackle the problem of excess alcohol consumption in the city centre at the weekends but more needs to be done to prevent further damage to the city's reputation.

Councillor Comrie reminded the meeting of the significant public sector costs incurred in clean up operations in the city centre. The City Council incurs annual expenditure of

approximately £600,000 on environmental clean up operations and NHS Grampian and Grampian Police incur additional costs.

Councillor Jaffrey thanked Councillor Comrie for his contribution and invited views from those in attendance on potential solutions. Constructive ideas would be welcomed and everyone was asked to co-operate in avoiding trying to allocate blame.

## **DISCUSSION**

The contributions from participants at the meeting have been divided into two broad categories relating to Elements of the Problem and Potential Solutions.

### **ELEMENTS OF THE PROBLEM**

There was broad agreement on the various elements of the problem of excessive consumption of alcohol in the city centre particularly at the weekends. Statistical information was provided by Grampian Police and Councillor Kiddie in his capacity as Convener of the City Council's Social Care and Wellbeing Committee and as one of the City Council's representatives on the Aberdeen Alcohol and Drugs Partnership (ADP).

During the period 1<sup>st</sup> August, 2009 to 31<sup>st</sup> October, 2009 57% of all persons accused of involvement in serious assault, petty assault, breach of the peace, disorder and vandalism were drunk or had been drinking at the time of the offences. In relation to specific offences such as being drunk and incapable, refusing to quit licensed premises when drunk and attempting to enter licensed premises when drunk, there were a total of 168 offences in the period compared to the same period in 2008 when there were 103 offences. This is partly accounted for by a Grampian Police initiative to bring charges under licensing legislation rather than under common law for example Breach of the Peace.

A serving Aberdeen Justice of the Peace indicated that between 30% and 35% of the cases dealt with were drink related.

Recent media publicity has indicated that in Scotland 75% of sales of alcohol are via large retailers and they are not subject to the same licensing regime. For example in relation to not serving alcohol to customers who are already intoxicated. As they are driven by commercial considerations there are examples of a lack of thought of social implications of marketing decisions. For example the collapse of an off licence chain recently has resulted in a well publicised campaign to heavily discount stocks in order to wind up the business.

While there is widespread support for the Scottish Government's intentions to introduce a minimum price per unit of alcohol there has also been lobbying against the proposal. Large retailers have the resources to challenge Licensing Board decisions across Scotland and it is anticipated they may try to challenge implementation of any policy to enforce a minimum price per unit of alcohol.

The publication by the Scottish Government of the Alcohol Bill is awaited therefore existing powers require to be used by Licensing Boards and the Police. It is understood

the Scottish Government has obtained legal advice that it is competent to introduce a minimum price per unit of alcohol and that the EU has in principle accepted the right of the Scottish Government to introduce such a measure. Legislation is also awaited on the introduction of a social responsibility fee which may be one source for funding initiatives to deal with the health and social consequences of excessive consumption of alcohol. The existing powers of Licensing Boards do not extend to levying such a charge and given the downturn in the economy the pressures on local businesses would make it unlikely that a voluntary levy would be welcomed. Such an approach would also require detailed consideration of criteria for implementation and consensus on what would be an equitable solution.

One element of the problem is the cultural acceptability of public displays of drunkenness. Compared to previous generations there is greater accessibility of alcohol and discounts and promotions have encouraged increased consumption of alcohol per head. There is increased evidence of binge drinking. The ambulance service has recorded an increase in the number of patients where excessive alcohol consumption has contributed to their need for medical assistance. People are often unaware of how vulnerable they are in a public place if they have been drinking to excess. Statistics show that liver damage and other conditions exacerbated by excessive alcohol consumption are affecting more people and at a younger age. Pressure on limited health service resources such as ambulances and accident and emergency services, support the need for a Designated Place and/or first aid facilities near the town centre.

Residents are becoming aware of overstretched resources in the police and medical services when there are slower response times to requests for assistance. At the weekend emergency response staff are almost fully engaged in dealing with drink related incidents in the city centre.

Residential areas are subjected to increases in vandalism and risks of personal injury as patrons of licensed premises disperse from the city centre.

Although nationally the police are examining ways to reduce the time police officers are off the streets completing paperwork at present there can be too few police officers on the streets. It can take up to one and a half hours to process someone who has been arrested. It has been suggested that some residents do not report damage to their property and vandalism as they have no confidence that the perpetrators will be identified. This is one aspect of the element of the problem of perception versus reality. While it is accepted that perceptions can do more damage to the reputation of the city than reality, police representatives are of a view that Aberdeen is a safe city in comparison to other Scottish cities. The majority of licence holders act responsibly and the majority of people who consume alcohol do so in a responsible manner. Most licensees recognise that their livelihoods would be in jeopardy if they failed to comply with conditions of their licences and many licensed premises in the City in fact close before 1.00 am.

It is considered that "pre loading" is an element of the problem. Young people in particular are accessing alcohol either at home or from off licences and coming to the City Centre already intoxicated. There is some evidence that they often do not attempt to enter licensed premises but hang about the streets creating an intimidating atmosphere.

It was suggested that elements of the problem relate to the increase in approval of applications for extension of hours and overprovision. It is acknowledged that the new

Act will take time to bed in and the impact of the curfew and the forthcoming policy statement on overprovision are not yet known.

Lack of transport and differing opinions about the impact of having late night catering establishments open after licensed clubs close are elements of the problem. Opinions also differ on the benefits and disbenefits of staggered closing times. Taxi drivers, bus drivers and emergency services workers are all subjected to abuse from intoxicated persons. Vandalism to buses can mean that they are not available for use the next day. Currently the late night bus services run at a loss. However there is a view that the services are poorly publicised and there are no incentives. For example purchase of return tickets in licensed premises, displays of timetables, etc.

Although there is some support for the moving of the taxi rank to Union Street at the weekends it does have the effect of concentrating a large crowd in one area and may contribute to tensions and violent incidents. Taxi Marshals, Street Pastors and the police cannot cope effectively for long periods of time with large crowds of frustrated and/or intoxicated would be travellers.

Better and more regular liaison between Grampian Police and licensees is perhaps prevented by anxieties about the standards to which licensees should conform and the consequences for licensees of revealing problems or identifying members of the trade they believe are not abiding by the conditions of their licences.

## **POTENTIAL SOLUTIONS**

Solutions to the problem of excessive consumption of alcohol in the City Centre particularly at the weekends need to get the balance right in terms of pricing and access and enforcement activity. The city's aspirations include securing community safety without jeopardising income and employment particularly where there is an element of dependence on visitors and the conference/business trade in general.

Some elements of solutions are already in place or at an advanced stage of planning. For example improved lighting and CCTV provision, the Union Street taxi rank, Taxi Marshals, Street Pastors and the use of a Designated Place for those the police might otherwise take into custody following alcohol related incidents. The launch of the Aberdeen City Alcohol Strategy on 14<sup>th</sup> December, 2009 which contains detailed actions and clearly assigned responsibilities for delivery of those actions, is a significant milestone. The themes within the strategy offer a framework for planning and assessing the feasibility of potential solutions. The themes are (1) Reducing Consumption, (2) Supporting Families and Communities, (3) Developing Positive Attitudes, Positive Choices, and (4) Improving Support and Treatment.

Lessons can be learned from elsewhere to gain from experience of cities who appear to have successfully achieved the correct balance. Sources of information are plentiful including Alcohol Focus Scotland and the National Licensing Standards Officer. Within the community planning partnership for Aberdeen, partner organisations are contributing to solutions and are willing to continue to do so. For example the Aberdeen City Alliance at its meeting on 25<sup>th</sup> November, 2009 will receive a report and proposed actions to address some of the issues in the city centre profile document which was considered by the Licensing Board and the Licensing Forum in 2008. The Community Safety Partnership is reviewing its priorities for action for the coming years. It is understood

lessons can be learned from Glasgow in relation to a number of initiatives to tackle vandalism. They have effectively used a Taxi Marshal Scheme and have street workers and Licensing Standards Officers assisting with enforcement of the Licensing (Scotland) Act 2005. A number of solutions are within the control of the City Council and its partners and/or the Licensing Board. Others will require changes in legislation or clarification via court action of the extent of powers. If the future funding of the Designated Place is in doubt then representations could be made in support of its contribution to addressing the problems in the City Centre. NHS Grampian and Grampian Police have both funded the Designated Place and have evidence of its effectiveness. It is understood the commissioning process which will decide the long term future of the Designated Place is almost concluded. Other cities in Scotland employ more than one Licensing Standards Officer. If considered appropriate, representations could be made to the service which employs the Licensing Standards Officer in Aberdeen to examine opportunities to redeploy existing resources to enhance the service as it is understood part of the time of an Environmental Health Officer should be set aside for work in connection with the Licensing (Scotland) Act 2005.

The training requirements of the new Act are already having a positive impact on practices within licensed premises. A number of participants in the meeting from the licensed trade attested to the fact that their staff were being more proactive in refusing to serve customers who were already intoxicated. The Unight Scheme has had some early success in circulating information on undesirable patrons and bans are in force for a number of customers across the 18 venues participating in the scheme at present. Electronic messages via the Unight Scheme and Safer Aberdeen are reaching a vast number of customers and potential customers. The message is getting across about responsible drinking and the consequences of non-compliance with the law, for example, the impact on family and friends of fraudulent use of passports for identification purposes.

The Licensing Board was assured of the support of the Scottish and Aberdeen Licensed Trade Associations in dealing with irresponsible licensees.

Aberdeen has a strong and effective Local Licensing Forum. It is understood that elsewhere in Scotland Forums are not always fully operational. The Forum could be asked to assist the Licensing Board by undertaking research and it has contributed observations on Licensing Board proposals in relation to the curfew, overprovision and door supervisors. Elected Members have a role in implementing solutions to the problem by making representations on behalf of residents and investigating complaints and in assisting services such as the Education Service to undertake work under the theme of Developing Positive Attitudes, Positive Choices. Surveys have shown that nationally most young people by the age of 15 have drunk alcohol and a minority of 13 year olds have admitted to consuming excessive amounts of alcohol. Parents and grandparents have a role to play in helping young people develop responsible attitudes to alcohol by setting good examples. Teenagers are taking part in initiatives to think of alternative programmes of activities they would enjoy which would not involve exposure to alcohol. For example discussions are at an early stage with Aberdeen Performing Arts to put on an entertainment show which would be of interest to the 14+ age group at the Lemon Tree. This would provide an option other than licensed premises/clubs for young people. In relation to Child Protection, Grampian Police liaise with the City Council's Social Work Service in relation to underage drinking and arrange for letters to be sent to the homes of parents/guardians of young people found to be under the influence of alcohol.

An Action Plan is being drawn up as a result of a meeting in October with representatives from bus companies to address the cost and other implications of running late night bus services. For example research is being undertaken to assess likely demand.

Potential solutions considered included greater scrutiny of applications for extension of hours, more restricted hours of opening for off-sales, public houses and clubs, and encouraging more participation in the Best Bar None Scheme. One option would be to make this Scheme compulsory as it represents best practice in relation to policies, training, etc. Lessons can be learned from other countries including Norway which operates a system of very restricted access to alcohol and alcohol attracts relatively high prices. There could be more opportunities for informal communication between the licensed trade and Grampian Police. Constructive feedback would be welcomed and lessons learned from each other for example through the Pubwatch Scheme. More national and local guidance would be of assistance to reduce uncertainty. One option would be for the Scottish Government to impose a standard licensing policy on particular issues to eliminate local discretion and the potential for some legal challenges.

Licensees could be subject to a points system on a similar basis to car licence endorsements. This would encourage licensees to address elements of mismanagement and avoid loss of their licences by being aware of the consequences of the point system and the totting up procedure.

## **NEXT STEPS**

Councillor Jaffrey, Chair, thanked everyone for attending and for their useful contributions to the meeting. She advised that the Licensing Board would have an opportunity to consider the outcomes of today's meeting and indicated that it was likely that a further meeting with stakeholders to take some initiatives forward will be arranged in the Spring of 2010.