

# **JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD**

ABERDEEN, 2 July 2015. Minute of Meeting of the JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD. Present:- Councillors Boulton, , Convener; and Councillor Lawrence; Peter Benton, Ruary Campbell, Ken Eddie, Sergeant Gill Flett, Tara-Erin Gilchrist, Alexander Kelman , Sergeant Jonathan Lloyd and Diane Sande. Officers in attendance:- Arlene Dunbar, Lynn May, Ruth O'Hare and Iain Robertson

## **WELCOME AND INTRODUCTIONS**

1. Councillor Boulton took the chair and welcomed everyone to the annual joint meeting of the Licensing Board and the Local Licensing Forum.

## **MINUTE OF PREVIOUS MEETING**

2. The Joint Meeting had before it the minute of its previous meeting of 03 July 2014

### **The Joint Meeting resolved:-**

to approve the minute as a correct record.

## **MATTERS ARISING**

3. With reference to article 3 of the minute of the previous meeting (matters arising), it was noted that the Board had not received the presentation from Police Scotland and the Convener requested that the presentation be arranged for a future meeting of the Board.

With reference to article 5 of the minute of the previous meeting (observations on the use of the Policy in Practice) the Convener advised that the suggested amendment to the Statement of Licensing Policy could be considered at the review of the Policy Statement.

### **The Joint Meeting resolved:-**

- 1) to note that Police Scotland is to give a presentation to the Licensing Board at a date to be arranged and
- 2) to note the comments made in respect of the Statement of Licensing Policy.

## **UPDATE FROM DEPUTE CLERK TO LICENSING BOARD**

4. Ruth O'Hare, Depute Clerk to Aberdeen City Licensing Board addressed

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the meeting.

### Statement of Licensing Policy

Mrs O'Hare advised that the Licensing Policy requires to be reviewed every 3 years and that it was due to be reviewed and published by 30 November 2016. She advised that officers were looking at developing a timeline and putting procedures in place to work to that timeline and would welcome the Forum's input into that process.

### Personal Licences

Mrs O'Hare advised that one of the greatest challenges for the Board over the past year had been the revocation of personal licences due to many licence holders failing to complete refresher training. The terms of the Licensing (Scotland) Act 2005 were rigid and provided no discretion for the Board. The Act also placed a prohibition on re-applying for a further licence for a period of five years following revocation. This would however now be resolved by an amendment made by the Air Weapons and Licensing (Scotland) Act 2015.

### Air Weapons & Licensing (Scotland) Act 2014

Mrs O'Hare advised that the Air Weapon and Licensing (Scotland) Act was passed on 25 June 2005 and is another piece of licensing legislation which has an impact for the Board.

Mrs O'Hare went on to summarise the content of the new Act which related to liquor licensing. Some of the main relevant provisions are as follows: young persons are added to the objective protecting children from harm; and, a new offence of supplying alcohol to young persons is introduced, the fit and proper person test as a ground for review is reintroduced; new transfer provisions are introduced where the licence holder is absent; angostura bitters is now defined as alcohol; the Board will be under a duty to provide annual reports on its duties and finances; and the Board will have 9 months to determine applications.

The Act is not yet in force and is still to receive royal assent.

Sandy Kelman commented that the Act also allowed a Board to declare their whole area as an area of overprovision. Mrs O'Hare confirmed the position.

### **The Joint Meeting resolved:-**

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to note the update.

### **ASPIRATIONAL STATEMENT**

5. A copy of a draft Aspirational Statement was tabled at the meeting by officers. The Convener explained that the intention was to include a statement in the next Licensing Policy Statement. She advised that the draft Aspirational Statement was in its infancy and that the Board welcomed any feedback that the Forum may have.

Sandy Kelman commented that the issue of an aspirational statement had generated a lot of debate at the last meeting of the Forum. He added that he would place the Statement on the agendas of both the Forum and the ADP for discussion and would feedback any comments to the Board.

### **The Joint Meeting resolved:-**

- 1) to note that it was proposed that an Aspirational statement would be included in the Board's Statement of Licensing Policy and
- 2) that the Licensing Forum and ADP would discuss the Statement at their next meetings and provide any feedback to the Licensing Board.

### **STATEMENT OF LICENSING POLICY 2013-2016**

#### **OBSERVATIONS ON USE OF THE POLICY IN PRACTICE**

6. Sandy Kelman asked the Board if they had any comments on how the Policy operated in practice. The Convener commented that the Board had identified that there was overprovision of off-sale premises in the Board's area with the exception of two localities. Councillor Lawrence considered that the main benefit of the over provision policy was that it raised awareness of the health objective. He commented that every application was considered by the Board on its individual merits and applicants seeking new premises licences offering off-sales required to put forward their case to justify an exception to the policy.

The Convener added that the information presented by the Health Board was now much more specific and the Board was receiving area and postcode specific information which aided the Board in its decision making process.

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The Convener considered that the biggest challenge for the Board has been existing off-sale premises seeking increases to their capacity and relating that to the issue of overprovision. In such cases the Board has to carefully consider the individual circumstances of each application and the terms of its policy and whether to deviate from it.

Sandy Kelman asked whether the Board would consider providing a list of circumstances where the Board would deviate from the terms of their policy.

Mrs O'Hare considered that the Board would not wish to overly restrict itself in its decision making. The Convener commented that the Board needed to have flexibility in its decision making but that officers could look at other Board's Policies for guidance on the issue.

**The Joint Meeting resolved:-**  
to note the position.

## **CHALLENGES**

7. The Joint Meeting noted the challenges faced by the Board with the introduction of the new Policy which had already been discussed. Sandy Kelman noted that capacity figures are to be used for over provision purposes only. He commented that perhaps the amount of shelf space should be used as a measure for overprovision.

Sandy Kelman felt that it would be helpful if a list detailing the capacity of all the off-sale premises in the Board's area could be supplied to the NHS and the Forum

**The Joint Meeting resolved:-**

- 1) that Officers provide a list of off sale capacities to the NHS and Forum

## **GENERAL REASONS FOR ANY DECISIONS BEING MADE CONTRARY TO POLICY**

8. Sandy Kelman asked if the Board felt it has had to deviate from its Licensing Policy often.

The Convener commented that the Board considers each individual application on its own merit, considers the issue in the round and fully questions the applicant. Peter Benton asked if the Board could provide figures relating to how many new off-sale

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licences had been granted since the policy had been in force and if these figures could be provided to the Forum.

Ruth O'Hare advised that she didn't have the figures at hand and would look into whether the figures could be obtained.

### **The Joint Meeting resolved:-**

- 1) To note the position and
- 2) That Licensing Officers should determine whether figures could be provided to the Forum which indicated the number of new off-sale premises licence which had been granted since the 2013-2016 Licensing Policy Statement has been in force.

### **EVALUATION OF IMPACT ON POLICY**

9. Sandy Kelman asked the Board how it measured the performance of the Licensing Policy in delivering the 5 licensing objectives.

The Convener commented that it is difficult to look at the objectives in isolation and while statistics can be useful they are not the only tool for measuring success. She referred to the examples including the Purple Flag accreditation Scheme, that overall the city centre is safer and interventions by the Licensing Standards Officers. Councillor Boulton commented that one question that it may be useful to pose is where would the city be without the Licensing Policy?

Peter Benton commented that just because it was difficult to measure the impact of the policy didn't mean it wasn't worthwhile attempting to do it.

Ruth O'Hare commented that the upcoming review of the Statement of Policy provided an opportunity to obtain a marker of the impact of the policy to date.

Sandy Kelman considered that it may be useful to use a red/amber/green score against each of the objectives to evaluate the impact of the policy on them.

Sergeant Flett considered that statistics had to be applied with caution, for example a 100% increase in a particular crime could be recorded but in reality this could represent an increase from 1 to 2 crimes recorded.

Ruary Campbell commented that it was interesting that statistics were produced to conclude that there was overprovision and now statistics are being quoted to say there are improvements in the city. He commented that there was a fall in football in the city

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centre and that the night time economy in the city was stale, with some venues only trading 1 day week.

The Convener commented that perhaps it was time to consider a change to the offering in the night time economy and to the mix of venues that was available to customers and possibly re-examine the overprovision areas with regard to on-sales.

**The Joint Meeting resolved:-**  
to note the position

**DEVELOPMENT OF STATEMENT OF LICENSING POLICY 2016-19**

**10.** Ruth O'Hare advised that an extensive consultation process would be carried out in relation to the Statement of Licensing Policy for 2016 -2019. The Board would also be requesting evidence and statistics from various organisations and, as advised earlier, officers are developing a timeline for preparing the policy. It was hoped that a proposed timeline would be put to the Board at its meeting in August.

Sandy Kelman requested that the Forum were advised of the timeline as soon as possible. He considered that it would be useful if partners were made aware of what type of evidence and statistics was required by the Board.

Lynn May commented that it would be helpful if the Board were to receive relevant detailed information from their partner agencies such as the NHS, Police Scotland and the Forum at an early stage in the process.

The Convener added that the information needed to be area specific, up to date and relevant to alcohol. She added that Board would look to other Board's policies for guidance as part of the review.

**The Joint Meeting resolved:-**  
To note the position

**IMPACT OF NEW DRINK DRIVING LIMIT ON LICENSED TRADE**

**11.** The Convener asked if there was anything the Board could do to assist the trade since the introduction of the new drink driving limit and enquired if premises were stocking non-alcoholic drinks such as non-alcoholic wines.

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Ken Eddie advised that the impact on Sports Clubs had led to many having to shut by 9pm most evenings. Tara-Erin Gilchrist considered that the members clubs would also benefit from the promotion of non-alcoholic products.

Ruary Campbell advised that it has had more of an impact in country pubs. He further advised that there had been a lot of work done promoting non-alcoholic drinks to the trade and that this would be further promoted through Best Bar None scheme.

### **The Joint Meeting resolved:-**

To note the position

## **COMMUNITY ENGAGEMENT**

**12.** Sandy Kelman made reference to the report from Glasgow in relation to Community Engagement which formed item 8 on the Agenda and asked the Board if it was committed to engaging with Community Councils.

Tara-Erin Gilchrist advised that the LSO had invited 10 community councils to attend a meeting with the LSO's although only 3 community councils attended. The LSOs have also attended at a number of community council meetings. It is planned to have a further meeting between the LSOs and Community Councils in the near future

Arlene Dunbar advised that the appropriate community council is consulted on individual applications and that some community councils have appointed licensing officers. Board officers liaise with the Community Council Liaison Officer to ensure that the contacts are up to date. She further advised that as well as applications being published on the Board's website, notices for application are also published on the PINs Portal. (**[www.tellmesotland.gov.uk](http://www.tellmesotland.gov.uk)** is Scotland's national public information notices (PINs) portal, allowing public notices across Scotland to be published in a single online location for the first time.)

Sandy Kelman advised that the Forum had submitted a series of questions into City Voice asking for feedback on public awareness of the Board's policy. He added that the Board could consider using the City voice as a method of measuring the impact of the policy.

The Convener said that there would be a media campaign when the review of the policy is put out to consultation to make the public aware of it and where to access it and to ensure that they can feed into the process.

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**The Joint Meeting resolved:-**

To note the position

**- Councillor Boulton, Convener**