

## ABERDEEN LOCAL LICENSING FORUM

Thursday, 25 February, 2010

Present: George Wyatt, Vice-Convener; Craig Adam, Mary Crawford, Mark Donlevy, Sohail Faruqi, Councillor Martin Greig, Sandy Kelman (as substitute for Dr. Lesley Wilkie), Raymond Morrison (as substitute for Diane Sande, Licensing Standards Officer), Derek Murray, Gerard Rattray, Katherine Ross, Inspector John Soutar, Sergeant Barry Skinner, Councillor John West and Bob Westland.

Apologies: Allan McIntosh, Connor McKay, David Pattinson, Diane Sande (Raymond Morrison substituting) and Dr. Lesley Wilkie (Sandy Kelman substituting).

In attendance: Neil Carnegie, Community Safety Manager, Aberdeen City Council.

### **WELCOME**

George Wyatt, Vice-Convener welcomed everyone to the meeting.

### **MINUTES**

The Forum had before it the Minutes of the meeting held on 12 November, 2009 and of the Forum Sub-Committee meeting held on 3<sup>rd</sup> February, 2010.

**The Forum resolved:-**  
to approve the Minutes.

### **MEETING TIMETABLE**

The Forum considered a request from Councillor John West to revise the timetable of Forum meetings to avoid clashes with Council Committees.

**The Forum resolved:-**  
to request the Clerk to revise the timetable in consultation with the members of the Forum providing meetings continue to be held on Thursdays.

### **OVERPROVISION ASSESSMENT**

The Forum considered a letter from the Depute Clerk to the Licensing Board requesting further observations on the draft overprovision assessment considered by the Licensing Board and reminding the Forum of the procedure and Scottish Government guidance on the approach to the assessment of overprovision.

**The Forum resolved:-**

to reaffirm its support for the proposal put forward by Grampian Police that two localities in the city in and around Belmont Street and Justice Mill Lane should be regarded as overprovided with licensed premises.

**LATE OPENING CONDITION (CURFEW) – CONSULTATION**

The Forum considered a letter and questionnaire received from the Depute Clerk to the Licensing Board requesting responses to three questions and any additional comments to inform the consideration by the Licensing Board of the impact of the Curfew which has been in place for almost six months. The Forum noted that the curfew is currently attached as a condition to late opening premises' licences and will continue in force until it is removed or amended by the Licensing Board. Therefore there is no automatic revocation of the condition after the six month period.

In addition to any comments individual members of the Forum may wish to submit in response to the consultation, the Forum agreed that a response should be sent by the Clerk on their behalf stating that the curfew has not been helpful in meeting the licensing objectives, that a longer period is not required to establish the impact of the curfew and that it should be revoked. The Forum also agreed to submit constructive suggestions to try to reduce anti social behaviour in the city centre by requesting the Depute Clerk to the Licensing Board to suggest that the Licensing Committee may wish to consider not granting Late Hours Catering Licences beyond 3.00am and he may wish to check whether current legislation would permit the imposition of staggered closing hours on different types of licensed premises. This could be taken forward either as a condition on premises licences or on permissions for Late Hours Extensions. The Forum understands that such a proposal was supported by the licensed trade several years ago and in fact reflects current practices with, for examples restaurants and public houses closing earlier than private members clubs. Licensees of premises which offer entertainment could be incentivised to supply food later in the evenings by including this as one of the criteria for assessing premises as part of the Best Bar None Scheme.

**The Forum resolved:-**

to request the Clerk to respond to the Depute Clerk to the Licensing Board on behalf of the Forum pointing out that the curfew appears to have had limited impact and that other options could be pursued to reduce the level of anti social behaviour in the city centre at the weekends.

**LATE NIGHT BUS SERVICES**

The Forum was informed that the Action Plan drawn up following a meeting between bus providers, Grampian Police, the Convener of the Licensing Board and City Council officers was being pursued. Information on demand for late night bus services and best practice in other cities was currently being collated and the participants in the meeting and those invited which included the Convener of the Licensing Forum will receive a copy of the collated information in March 2010. Further views and comments will be invited at that stage. Meantime Council officers continue to consider future options including funding.

**The Forum resolved:-**

to note that a further update on Late Night Bus Services will be submitted to the next Forum meeting.

**PUBLIC SAFETY IN THE CITY CENTRE**

Neil Carnegie, Community Safety Manager, Aberdeen City Council, assisted the Forum in considering the Action Plan which is currently being implemented to improve Public Safety in the City Centre. Neil advised that work is being taken forward in a more co-ordinated manner and to that end he will shortly be establishing a Safer Aberdeen Forum and all key stakeholders in the night time economy will be asked to be represented on the Forum. Sandy Kelman advised that a meeting would be arranged shortly between him and Neil to ensure there is no duplication of effort as actions contained in the Aberdeen Alcohol Strategy are taken forward. Mark Donlevy, Unight confirmed that his organisation welcomes the opportunity to participate in the work set out in the Action Plan.

**The Forum resolved:-**

to thank Neil Carnegie for the update and to note that the Forum has a part to play in delivering the Action Plan.

**STATISTICAL INFORMATION**

Inspector John Soutar was pleased to report that there had been a recent decrease in serious and violent crime in licensed premises and that together with licensees and door supervisors the police are trying to raise standards. George Wyatt confirmed that staff training has led employees to be more proactive in preventing potential disorder by refusing to serve alcohol where potential customers are already under the influence of alcohol. Inspector Soutar advised that officers entering licensed premises are encouraged to think automatically of specific licensing offences rather than common law offences and this is reflected in the continuing trend of increases in reports of licensing offences. Grampian Police have also developed more robust administrative processes.

Raymond Morrison on behalf of the Licensing Standards Officer advised that there had been a review of noise complaints. Four complaints related to licensed premises in the city two of which are currently subject to ongoing enquiries, one was resolved by agreement on setting noise limits and the other by the provision of advice and assistance.

It was confirmed that confirmation is awaited from the Scottish Government on the statistical information and frequency of reports they will require from the Licensing Board and this is an issue which will be discussed with the Board at the next Joint Meeting with the Forum.

**The Forum resolved:-**

to note the statistical information.

## **UPDATE FROM THE LICENSING STANDARDS OFFICER**

Raymond Morrison, on behalf of the Licensing Standards Officer, reported that the City Council's establishment for Licensing Standards Officers was 1.5 Full Time Equivalents and that he in fact undertook the LSO training prior to the appointment of Diane Sande. He is able to share the workload on a more regular basis this year than was the case in 2009. Over the last two months there have been regular meetings with Grampian Police to exchange information and undertake inspections. Unfortunately the winter weather prevented a planned programme of visits to licensed premises with Grampian Police at the weekend but the work will be rescheduled. The North Regional Licensing Standards Officers Group held its second meeting in January and this provided a useful mechanism to share best practice and check consistency of approaches across the North East and Highland. A useful meeting also took place with the local Licensed Trade Association. George Wyatt advised that the national and Aberdeen Licensed Trade Associations issue regular guidance to improve the level of knowledge and understanding of the legislation. For example George was aware that the National Association was working closely with the Scottish Government to try to agree on guidance to be issued later this year on irresponsible promotions which is open to wide interpretation and has led to some confusion. Inspector Soutar encouraged licensees to read the relevant part of the Licensing (Scotland) Act 2005 in the first instance although he would not discourage anyone from contacting the police if there is any uncertainty about a specific proposed promotion. He advised the Forum that there were regular phone calls to the police at the weekends from licensees on this issue alone which appears to be a matter of perception whereas in fact the criteria in the Act are quite straightforward.

The Forum considered whether it would be competent in terms of the legislation for the Licensing Board to require submission of an alcohol pricing plan perhaps as part of the Operating Plan from applicants for premises licences. It was considered this would assist transparency.

### **The Forum resolved:-**

to note the update on behalf of the Licensing Standards Officer and to request the Clerk to seek the views of the Depute Clerk to the Licensing Board on the legality and feasibility of requiring applicants for premises licenses to submit an alcohol pricing plan.

## **WORKPLAN**

The Forum noted progress on actions and decisions previously approved by the Forum. In particular the work by Alcohol Focus Scotland in conjunction with the Scottish Qualifications Authority was noted in relation to quality assurance of training courses.

In relation to staffing levels the Forum noted the response and that four additional staff in the service undertaken other licensing duties. The Forum recalled that the original staffing proposal was to have two full time Licensing Standards Officers rather than 1.5 Officers and that other Scottish cities employ more Licensing Standards Officers than is the case in Aberdeen. It was agreed it was appropriate

to write to the Chief Executive requesting her views given that the City Council has identified substance misuse as a corporate priority and in November, 2009 hosted a meeting on alcohol issues in the city centre.

Inspector Soutar suggested that there should be an addition to the Work Plan to devise a rota for members of the Forum to attend Licensing Board meetings and to undertake to report back on their experience to the next available Forum meeting. In addition the Clerk would ensure that the latest Licensing Board minutes are included on the agenda of Forum Meetings and this would provide some useful information ahead of the submission of statistical information by the Board. The Forum would gain valuable information on the work of the Board without exceeding its remit as there would be no intention to make recommendations or offer advice in connection with any particular case.

**The Forum resolved:-**

to request the Clerk to write to the Chief Executive seeking her views on increasing the establishment of Licensing Standards Officers even on a temporary basis in light of experience of implementation of the Licensing (Scotland) Act 2005. The Clerk will contact members of the Forum to take forward the suggestion regarding a rota of attendance at future Licensing Board meetings and ensure that future agendas include an item on the latest Licensing Board minute.

**LINKS WITH OTHER LOCAL LICENSING FORUMS**

The Forum considered the minute of the meeting with representatives from the Aberdeenshire Local Licensing Forums and Linda Bowie, Acting National Licensing Development Officer and that the issue of training events being held in the North East was discussed together with the potential to use a DVD for information and training purposes.

**The Forum resolved:-**

to note the minute of the meeting and that further opportunities to liaise with Aberdeenshire Licensing Forums will be identified.

**LOCAL LICENCE CONDITIONS, SUPPLEMENTARY STATEMENT OF LICENSING POLICY AND CITY CENTRE ALCOHOL ISSUES MEETING NOTE**

The Forum considered the information it had requested on Local Licence Conditions which should be read in conjunction with the Licensing Board's Statement of Licensing Policy and noted the Supplementary Statement of Licensing Policy in respect of delegation and the minute of the discussion on city centre alcohol issues which took place on 16<sup>th</sup> November, 2009.

In relation to Local Licence Conditions, it was noted that the Licensing Standards Officer would be raising with the Clerk to the Licensing Board the issue of the qualification required to be held by First Aiders. The Forum discussed the valuable role played by Door Supervisors in working with the Police in preventing crime and disorder, securing public safety and protecting children from harm. Therefore it would be useful to know the assessment criteria applied by the Licensing Board in deciding on the number of Door Supervisors required for each premises and the times within which they should be on duty.

**The Forum resolved:-**

to include the issue of conditions in respect of provision of Door Supervisors in the discussion at the next joint meeting with the Licensing Board.

**ALCOHOL ETC (SCOTLAND) BILL**

The Forum received a short briefing note on the main provisions of the Alcohol etc (Scotland) Bill.

**The Forum resolved:-**

to note the information.

**WEEKEND VISIT WITH GRAMPIAN POLICE**

A number of members of the Forum have taken up the offer of patrolling with Grampian Police at the weekends in the city centre to gain some first hand experience of the issues dealt with by officers. It was explained that visits were unannounced and members of the Forum were accompanied by plain clothes officers. A large variation in standards of operation of clubs was noted. Inspector John Soutar clarified that the number of police cells available within the city was 31 and not the higher figure stated in the briefing paper.

**The Forum resolved:-**

to note that the visits were extremely worthwhile and to thank Inspector John Soutar and his colleagues for all their assistance in arranging for the visits to take place.

**ANNUAL CONFERENCE OF LICENSING BOARD CONVENERS**

The Forum noted the invitation to attend the annual conference of Licensing Board Conveners "Tackling Alcohol Misuse" on 23<sup>rd</sup> March, 2010.

**The Forum resolved:-**

to request the Convener of the Forum to attend the conference.

**JOINT MEETING WITH THE LICENSING BOARD**

The Forum was advised that the Licensing Board had suggested that the next Joint Meeting with the Forum take place on Friday 23<sup>rd</sup> April, 2010 at 10.00am in the Town House.

**The Forum resolved:-**

to accept the invitation from the Licensing Board.

**CONSULTATION ON LABELLING OF ALCOHOLIC DRINKS**

Sandy Kelman advised the Forum that there was an opportunity to put forward observations on how best to improve alcohol unit and health information for consumers on alcohol labels as part of a consultation process launched by the Department of Health, the Scottish Government, the Welsh Assembly Government and the Northern Ireland Department of Health, Social Services and Public Safety.

**The Forum resolved:-**

to request the Clerk to include an item on the consultation exercise on the agenda for the next Forum meeting on Thursday 22<sup>nd</sup> April, 2010.

**NEXT MEETING**

It was confirmed that the next meeting of the Forum would be on Thursday 22<sup>nd</sup> April, 2010 at 5.00pm in the Town House.

- **ALLAN MCINTOSH, Convener**