

ABERDEEN CITY COUNCIL
JOINT MEETING OF ABERDEEN CITY LICENSING BOARD
AND ABERDEEN LOCAL LICENSING FORUM

Friday, 23 April, 2010

Present: Councillors Jaffrey, Bolton, Clark, Cormie and Penny (Licensing Board); Allan McIntosh, Craig Adams, Ken Eddie, Sohail Faruqi, Sandy Kelman (substituting for Dr. Lesley Wilkie, and Alcohol and Drugs Partnership representative on the Forum), Diane Sande, Inspector John Soutar, Michelle Wall (substituting for Mark Donlevy), Bob Westland and George Wyatt (Local Licensing Forum).

In attendance: Brenda Flaherty, Legal Manager, Eric Anderson, Depute Clerk to the Licensing Board and Fiona Gardiner, Clerk to the Local Licensing Forum.

Apologies: Councillors Donnelly, Greig, Robertson, John West and Young, Mary Crawford, Mark Donlevy, Ian Donaldson, Conor McKay, Derek Murray, Gerard Rattray, Katherine Ross and Dr. Lesley Wilkie.

WELCOME AND APPOINTMENT OF CHAIRPERSON

Councillor Jaffrey as Convener of Aberdeen City Licensing Board welcomed everyone to the joint meeting and it was agreed that she should chair the meeting in accordance with the approved rota.

UPDATE ON IMPLEMENTATION OF THE LICENSING (SCOTLAND) ACT 2005

Eric Anderson, Depute Clerk to Aberdeen City Licensing Board addressed the meeting on the key aspects of implementation of the Licensing (Scotland) Act 2005 since the previous joint meeting between the Board and the Forum in August 2009. The Licensing Board at its meeting on 6th April, 2010 approved its Overprovision Assessment. It identified two localities: Justice Mill Area and the Belmont Street Area as having an overprovision of licensed premises. This was also the view taken by the Local Licensing Forum during the consultation process. The Licensing Board at its meeting on 1 June, 2010, will be requested to approve the Overprovision Assessment as part of the Board's Statement of Licensing Policy.

The Licensing Board at its meeting on 6 April, 2010, also resolved to revoke the local curfew condition having considered feedback on the trial of a six month operation of the condition. The next step is for the Board to hold review hearings for all affected premises as each premises licence will require to be amended in order to have the condition removed. It is anticipated that licence holders will accept the removal of the condition and, if this is the case, no personal appearances will be necessary at the hearings. The Board will be hosting a

meeting of interested parties into the operation of the night time economy in Aberdeen City Centre and the Local Licensing Forum will be invited. The Forum will be advised of the date and time of the meeting in due course.

The Board's Statement of Licensing Policy must be reviewed every three years. The first review of the Policy is currently being carried out and this must be concluded by the end of November, 2010. The Licensing Board has agreed to initiate a consultation process as part of the review. The Board would welcome information, concerns or suggestions for inclusion in the revised Policy. The Forum was informed of the opportunity to participate in the review process at its meeting on 22 April, 2010. Further information on the timescale of the review process will be issued shortly.

Councillor Jaffrey thanked Mr Anderson for his informative update on the successful implementation of the Licensing (Scotland) Act 2005 in Aberdeen.

UPDATE ON THE LICENSING FORUM'S WORK PLAN

The joint meeting considered the Work Plan and noted updates on actions / decisions taken by the Forum. Sharing information and statistics was identified as a useful two way process between the Board and the Forum. For example, it will be important to ensure that the Board and the Forum are informed of actions taken to implement the Aberdeen Alcohol Strategy and it may be useful to learn lessons from elsewhere. It is appreciated that other cities may have initiatives to tackle specific problems but there may be matters of common concern. For example, the outcomes of the Health Impact Assessment workshop held in Glasgow under the auspices of the Glasgow Licensing Forum may be of interest. The final report of that workshop should be available in June 2010 and the Forum will consider if any actions appear to be relevant to the situation in Aberdeen.

The Depute Clerk to the Licensing Board confirmed that statutory information on liquor licensing will be shared with the Licensing Forum in accordance with the requirement of the Licensing (Scotland) Act 2005. He confirmed that the Board would scrutinise all relevant statistical information at the appropriate time when reviewing the impact of its policies and conditions. Within the necessary constraints imposed by discharging a quasi judicial function, the Board would welcome opportunities to become involved in work programmes designed to contribute to the achievement of the five licensing objectives.

The joint meeting considered the current position in relation to a Local Condition in respect of provision of Door Supervisors and it was confirmed that current legislation offers no guidance on the number of Supervisors which should be provided in relation to the capacity of the premises, the type of premises or customer base. It is understood no guidance is available from the Health and Safety Executive or the Security Industry Authority. It is accepted that provision of Door Supervisors is a matter for commercial judgement based on a risk assessment which should encompass considerations of safeguarding employees as well as of patrons within premises in addition to controlling entry to premises. The view was expressed that it would be in keeping with the intention of the Licensing (Scotland) Act 2005 for Licensing Boards not to impose detailed conditions on this matter. It is clearly the responsibility of licensees to prevent

crime and disorder and promote safety. In individual cases it would be a matter for the Police to submit a report to the Licensing Board if there were concerns about the effectiveness of the control exercised by the Personal Licence Holder. However it was agreed that this issue is worthy of consideration during review of the Board's Statement of Licensing Policy. Members of the Forum advised that they would formulate suggestions for consideration during the review process which would include this matter and also that the format of the Statement of Licensing Policy should reflect the five licensing objectives to help demonstrate the Board's commitment to them.

The Forum was invited to write to the Depute Clerk to the Licensing Board on the matter of free drinks offers appearing to fall within the statutory definition of Irresponsible Promotions and requesting that the Licensing Board consider endorsing an approach to the Scottish Government for clarification.

Michelle Wall of Unight referred to work in progress to reach agreement on a Charter for members of Unight which would contain a commitment to comply with a minimum price per unit of alcohol. At the forthcoming meeting between the Licensing Board and Unight the legality and feasibility of having a local condition requiring nightclubs to be members of Unight will be discussed. She referred to the alcohol pricing plan suggestion to tackle irresponsible promotions and agreed with the views already submitted to the Forum by the Depute Clerk to the Board that it would be administratively burdensome as applications for variations to licences would probably increase significantly. The Depute Clerk to the Licensing Board confirmed that in his opinion legislation did not permit the imposition of a requirement to submit a pricing plan as part of an Operating Plan. However if the Forum wished to clarify the proposal further he would be willing to reconsider the matter.

Members of the Licensing Board welcomed initiatives by the licensed trade to regulate their industry. If proposals worthy of support were brought before the Licensing Board careful consideration would be given to endorsing them and if appropriate making representations to the Scottish Government for amendments to legislation or for clarification of existing legislation to give effect to those proposals.

JOINT WORKING

The meeting considered that there were sufficient initiatives ongoing and approved Work Plans in place to deliver the objectives of the Aberdeen Alcohol Strategy. There are effective consultation and liaison mechanisms in place between the Licensing Board and the Licensing Committee. Therefore it was agreed that meantime it would not be necessary to arrange any formal liaison arrangements between the Conveners of the Licensing Board, Licensing Committee and the Local Licensing Forum.

NEXT MEETING

It was confirmed that the next joint meeting between the Licensing Board and the Licensing Forum would take place in approximately six months time and that the Forum would be consulted on a date and time in due course.

CONCLUSION

Councillor Jaffrey, Convener of the Licensing Board, thanked everyone for their attendance and contributions to the discussion at today's meeting. Allan McIntosh, Convener of the Local Licensing Forum, thanked members of the Board for their encouragement to the Forum to formally submit any proposals or issues requiring clarification for consideration at future meetings of the Licensing Board.