

**ABERDEENSHIRE LICENSING BOARD
NORTH DIVISION**

Minute of a Meeting of the **LICENSING BOARD** for the **NORTH DIVISION** of **ABERDEENSHIRE**, with the **Licensed Trade** held in the **COUNCIL CHAMBERS, ARBUTHNOT HOUSE, PETERHEAD** on **Wednesday 31st March 2010** at **10.00a.m.**

- Present -

- From the Board -

Mr. S. Pratt (Convener); Mrs A. Allan; Mr A. Duncan; Mr. R. Thomas; Mr. N. Smith

- From The Licensed Trade –

Vicki Lamb, Jane Coates, Bryan Buchan, Colin Norrie, A. McGoff, Margaret Buchan, Patricia Pedlow, D. Watt, Mark Forsyth, Cara MacDonald, Raymond Forsyth, Allan Masson, Peter McConachie, R. Sinclair, Terry Moran, Margaret Burnett, Judith Hay, M. Mumtaz, Angela Kemp, David Fusco (also from Forum), Rosie Keith, Stuart Walls, Roselyn Anderson, Tina Finnie, John Clark (also from Forum)

- From the Local Solicitors –

Rachael McLean from Masson & Glennie

- From the Licensing Forum –

Arlene Kelday, Stanley Green, Betty May, Linda Watt

- From the Statutory Consultees –

Chief Inspector Cronin and Sergeant Main, Grampian Police, Keith Simpson, Senior Licensing Standards Officer, Robin Currie and Andrew Sutherland, Licensing Standards Officers

- In Attendance –

Miss. F. M. Stewart, Depute Clerk to the Board, Sarah Ward Licensing Standards Officer

The Convener delayed the start of the meeting for 15 minutes, due to adverse weather conditions, to allow time for people to arrive safely

1. APOLOGIES FOR ABSENCE

- From the Board -

Apologies were received from Mr. Mair, Mr. J Duncan, Mr. Gray, Mrs Norrie

- From the Trade –

A large number of licensees had called in advance to indicate they would not be able to attend the meeting.

- From the Forum –

David Strachan, Norma Thomson (Convenor), David Dunn, Barry Gault, Lesley Muir, Douglas Driver

- From the Local Solicitors -

Alan Burns from Stewart & Watson, Graeme Walker from Brown & McRae

- From the Statutory Consultees –

Kate Rigby – Community Safety Partnership, Sarah Ward, Licensing Standards Officer, Gillian Milne Grampian Police, P.C. Andy Sawyers, Grampian Police

The Convenor welcomed everyone to the meeting, particularly given the weather conditions. He opened the meeting by congratulating those licence holders that had won awards in this year's Best Bar None Competition on behalf of the Licensing Board.

2. BEST BAR NONE

The Board invited Emma Birnie to speak about her experience in taking part in the Best Bar None Competition and what it could bring to the licensed trade.

There were 3 levels of award – Credit, Silver and Gold.

The competition was open to all premises selling alcohol. The criteria to be met were based on good practice, the licensing objectives and expanded on house policy and health and safety requirements.

The competition was sponsored by Diageo.

Entrants lodged an application form and an assessor makes an appointment to carry out an inspection of the premises. The inspection lasted 1-2 hours.

The application form itself was a small form. A larger form was completed by the assessor during the inspection interview.

Premises were judged on a list of essential, desirable and bonus criteria. There were 21 essential criteria. To qualify for Silver and Gold awards you also had to score highly in the desirable and bonus criteria. Not all criteria applied to every premises.

Document everything you do and look at your disabled accessibility. This wasn't just about wheel chair access. Consider having larger cups, menus and price lists printed on yellow backgrounds, ramps and so on.

It only cost £20 to enter the competition. If you win an award you get to go to a ceremony and a lunch. This year's winners got a goodie bag including a metal detector and a personal alarm, as well as other bits and pieces.

If licensees were complying with the 5 licensing objectives they could do this.

Emma finished by adding that she had application packs with her for those licence holders that were interested in applying.

Sergeant Main from Grampian Police advised that the Police welcomed any competition that enhanced safety and wellbeing within licensed premises and within the community.

The Convenor thanked Emma for her presentation and advised that the Board strongly recommended that licence holders take part in this competition as it directly linked into the 5 licensing objectives. The Board were including this recommendation in their Policy Statement. He looked forward to congratulating future winners and hoped that the trade within Aberdeenshire would continue to build on their current success.

3. Licensing Standards Officer's Report

Robin Currie advised those present of the inspections and issues arising since 1st September 2009, as outlined in his report attached as Appendix 1 to this Minute.

The Royal British Legion, Fraserburgh asked for clarification for occasional Licences for Registered Clubs. The Clerk advised that the primary function of a registered club was to cater for their members and for bona fide guests of members. 3 visitors could be signed in per member. If the Club were holding an event where there would be more members of the public than could be signed in by members, then an occasional licence could be applied for which would allow members of the public access for the duration of the event. Registered clubs (and voluntary organizations) could apply for 12 occasional licences of less than 4 days duration and 4 of more than 4 days duration in a calendar year, subject to the total number of days licensed not exceeding 56 days in a calendar year. These were restrictions within the legislation and could not be changed by the Licensing Board.

3. Grampian Police Report.

Chief Inspector Cronin advised that it had been a really challenging year, especially given the number of personal licences applied for and restrictions placed on the licensing unit.

The applications had been an unknown quantity. The Police were now looking at variations. Operating plans were really good, as they should be and there should hopefully be fewer applications coming through.

The officers didn't just police North Division but also Central and South and there were slight differences between the areas. They were trying to work to find common goals.

Robin had referred to galas in his talk. The conditions had been completely revised this year. Hopefully there would be an agreed list of conditions by the end of the day. Each event would be looked at on its own merits. He emphasized that it was up to the organizers to look at how premises and events were managed and look at safety measures etc. If the police felt that matters were not being considered they would be looking to add extra conditions which would be done in conjunction with the licence holder and Licensing Standards Officer.

The Police had been engaging more with the trade. There had been 2 operations where cocaine wipes were used with the co-operation of licensees. Metal detectors had been used in doorways within the last 3 weeks, again, with the co-operation of the trade.

Premises were being run well. There were far fewer incidents being brought to the attention of the police. Management of dispersal of patrons was a future issue that needed to be looked at.

The Police had an effective working relationship with the Licensing Standards officers and were looking at future joint inspections. These inspections were not about catching people out, they were about ensuring that premises were running effectively.

There had been a recent discussion on reset and stolen property in Peterhead recently. This had been well supported by the trade and the Police might run this again.

There was Police involvement with the Buchan Alcohol Project looking at the problems of alcohol as well.

The Police agreed with a question from the floor that the success of operations was largely down to the trade being members of pubwatch groups.

It was put to the Police that, as the trade were feeling a lot of pressure from the implementation of the 2005 Act that they would want to see any operations being intelligence led. The Chief Inspector advised that the Police carried out regular checks as a matter of course. These were not about catching people out. The Police were trying to get away from a system whereby everything was report to the Board or the Procurator Fiscal and were moving to a system where they worked with the Trade to resolve issues. For that a free-flow exchange of information was required.

The Board also acknowledged the good work of the pubwatch groups within Aberdeenshire.

4. Review of Licensing Board's Policy

The trade allowed John Clark to ask questions on their behalf.

The main issues arising related to local conditions for children and young persons, family-friendly premises, core hours, pubwatch groups, transport and curfews for nightclubs.

The Board advised that they were reviewing their local conditions in relation to children and young persons. That linked in to work they were doing in consulting young people on their policy and also into defining what family-friendly premises might be.

The Board reassured the trade that where there was a reasonable need to close premises early then the Board were not going to force them to stay open. There was a reasonable expectation however, on the part of the public that the core hours stipulated in the operating plan were those that would be regularly traded and the trade should not be seeking to apply for the maximum hours if they had no intention

of trading those hours. There was a requirement to comply with the operating plan in the mandatory conditions. The core hours formed part of the operating plan and so should be complied with wherever regularly possible to do so. The operating plan could allow for seasonal variations, different hours for functions or even for different activities if required.

The Board re-emphasised that while they strongly recommended that the trade actively participate in pubwatch groups, there was no legal requirement for the trade to join. The Board did receive the minutes of all the pubwatches and so knew who were and were not members and who regularly attended meetings. Participation directly related to complying with the 5 licensing objectives and was to be encouraged at all levels.

Transport was an area that the Board required to include in their Policy Statement. Further discussion would be taking place with the Public Transport Unit and also with taxi firms and local bus companies in this regard.

It was put to the Board that some nightclubs were setting their curfews at 11.30 which meant that the pubs were losing their trade too early in the evening. The Board asked if this could be resolved at local level as they were not of a mind to go down the route of stipulating a curfew. If, however, this was not possible, then responses should be submitted to the Board as part of the formal consultation exercise on the policy statement.

The Board asked that, in considering the policy statement, that the trade did not simply respond criticizing or disagreeing with the contents of the report. If there were areas that the trade felt needed to be altered then the Board were looking for alternative proposals. The Board cautioned that any alternative proposals needed to be evidence-based in order to be considered seriously by the Board.

The Clerk advised that the terms of the consultation policy statement would be finalized by the Board by the end of the day. Thereafter, an electronic version of the policy would be published online and the trade would receive letters advising them of where and how to access the document.

The Board also advised that they hoped to hold licensing roadshows within each of the 5 pubwatch areas as part of the consultation process and that they would be working with the pubwatches to ensure the success of these events. The Clerk would be in touch further in this regard.

There being no other business, the Convenor thanked everyone for their attendance and closed the meeting.

**STUART PRATT
CONVENER**