

ABERDEENSHIRE COUNCIL

SOUTH ABERDEENSHIRE LICENSING FORUM

VIEWMOUNT, STONEHAVEN, 12 MARCH, 2008

Present: Mr John Kinsella (Chair); Mr Graham Donald; Inspectors S Ednie and Jim Gordon, Grampian Police; Mr Bruce Luffman; Mr Sandy Wallace; Mr Grant Wiseman; Ms Elaine Youngman.

Officers: Michele Pittendreigh, Solicitor (Licensing); Alastair Nicol, Principal Committee Officer.

1. APOLOGY FOR ABSENCE

An apology for absence was received from Mr Keith Simpson.

2. MINUTE OF MEETING OF 9 JANUARY, 2008

The Minute of Meeting of 9 January, 2008, had been circulated and was approved.

3. MATTERS ARISING

Underage Drinking - Ms Youngman referred to the topic of ID cards for young people and advised that Ray Berry from Aberdeenshire Council's ICT service had offered to attend the next meeting to talk about recent developments in relation to entitlement cards. The Forum agreed to invite Mr Berry to speak at the next meeting.

4. ANNUAL GENERAL MEETING BUSINESS

There had been circulated a report dated 28 February, 2008, by the Principal Committee Officer stating that this was the Annual General Meeting of the Forum and advising members that the formal business which had to be transacted at this meeting was to receive an annual report from the Convener and appoint office bearers and members.

With regard to youth representation, the Chair advised that he was aware of a young person in Braemar who might be interested in joining the Forum. Inspector Gordon suggested that the youth workers for churches in Stonehaven and Portlethen could be approached. It was noted that the Forum's constitution required members to be aged 18 years or above, which could make it more difficult to attract young people. Varying the location and starting time of Forum meetings to make it easier for young people to attend was also raised.

The Forum agreed:-

- (1) to note the Convener's annual report 2007/08,
- (2) to reappoint Mr John Kinsella as Convener of the Forum for 2008/09,
- (3) that administrative support to the Forum in 2008/09 continue to be provided by Aberdeenshire Council Committee Services,
- (4) to confirm the appointment of members for 2008/09, and

- (5) to invite the youth worker in Portlethen to consider submitting an application for membership of the Forum.

5. LICENSING (SCOTLAND) ACT 2005 - LICENSING STANDARDS OFFICERS

There had been circulated and were noted the job descriptions and job specifications for one post of Senior Licensing Standards Officer (SLSO) and three posts of Licensing Standards Officer (LSOs) which had been advertised by Aberdeenshire Council with a closing date of 7 March 2008. Mrs Pittendreigh advised that a total of 71 applications had been received and that interviews would be held next week. Mr Wiseman asked what would be the early role of the LSOs before the Licensing Act was fully implemented in 2009 and Mrs Pittendreigh suggested that one main activity would be to scrutinise operating plans together with the police. She advised that not all licence holders whose current licence expired in March had submitted applications under the new regime to protect their grandfather rights, with 43 of the 51 expected applications having been received by the deadline. The Forum asked to see a list of the applications which had been received.

6. PROPOSED NATIONAL LICENSING FORUM AND NATIONAL ASSOCIATION OF LICENSING FORUMS

There had been circulated an e-mail dated 9 January, 2008, from the National Licensing Officer, Alcohol Focus Scotland, requesting the views of Licensing Forums on proposals (a) to reconvene the National Licensing Forum and (b) to establish a National Association of Licensing Forums. It was noted that the National Licensing Forum was a short life Ministerial advisory group which had been established on an interim basis for no more than two years to offer advice on aspects related to the new licensing regime, while the National Association of Licensing Forums was intended to give Forums a strong voice and provide an opportunity for them to train together and exchange good practice.

During discussion, questions were raised about whether there was a need to have another group for discussion and how representative it would be. The role of Alcohol Focus Scotland in relation to the Forums was also queried. Ms Youngman advised that it was the national charity for alcohol issues which was supported by the Scottish Government and with its main purpose being to improve the quality of people's lives by changing Scotland's drinking culture, promoting responsible drinking behaviour and discouraging drinking to excess. Their work involved providing information and training on alcohol issues, raising awareness of alcohol related problems, and working to influence national alcohol policy. The Principal Committee Officer advised that he had been contacted by John McFarlane, the National Licensing Officer, who was planning to visit a number of Forums across Scotland.

The Forum agreed to respond that they would be happy to meet Mr McFarlane at a future meeting to discuss any relevant issues and would be flexible about fixing a date to fit in with his arrangements.

7. TOPIC FOR DISCUSSION - OCCASIONAL LICENCES

With reference to the Minute of Meeting of 9 January, 2008 (Item 6), the Chair explained that the Forum had agreed to have a discussion of issues relating to occasional licences and invited comments on the subject. Mr Luffman expressed concern that occasional licence holders were not trained and Mrs Pittendreigh referred to the condition in the Board's policy allowing the Board to require applicants to have undertaken relevant training depending on the nature of the event and frequency of applications. Inspector Gordon commented that applications were considered on a case by case basis and the police had the opportunity to comment on each of them. He believed that existing powers were

sufficient to ensure public safety at events held with an occasional licence if they were policed properly. Ms Youngman suggested that there should be an opportunity to educate the public on sensible drinking at such events. The Forum agreed to ask the Board to take a robust approach to occasional licence applications and consider whether it was in the public interest to grant them.

8. ANY OTHER COMPETENT BUSINESS

Joint Meeting with Licensing Board - Mrs Pittendreigh referred to the requirement in Section 10(3) of the Licensing (Scotland) Act 2005 to have an annual joint meeting of the Forum and the South Aberdeenshire Licensing Board and advised that the Board had invited members of the Forum to attend its next meeting which would be held in the Council Chamber, Viewmount, Stonehaven, on Wednesday, 26 March, 2008. After a short Board meeting to deal with any urgent business, Forum members would be welcome to attend from 10.15 a.m.

Sunday Morning Opening - Mrs Pittendreigh referred to a discrepancy between the current regulations and the new Licensing Act in respect of grandfather rights relating to Sunday morning opening for premises currently holding an off sales licence or a public house or refreshment licence.

(a) Off Sales Premises - Mrs Pittendreigh explained that currently under the 1976 Act an off sales premises could sell alcohol before 12.30 p.m. on a Sunday, while the permitted hours for off sales in the new Act were 10 a.m. to 10 p.m. each day, which allowed earlier opening on a Sunday morning. The Board had therefore discussed whether in view of the removal of the statutory restriction of 12.30 p.m., it would consider an application from 10 a.m. on a Sunday morning under grandfather rights. Strictly in terms of the regulations such an application would not be considered under grandfather rights, but it was now possible for these hours to be applied for under the new Act and they were not in breach of the Board's Policy Statement. After noting that the Central, North, Aberdeen City and Moray Boards had taken a pragmatic approach to the issue and did not regard this as affecting grandfather rights, the South Board agreed to follow the same approach.

(b) Public House and Refreshment Premises - Mrs Pittendreigh explained that at present Public House and Refreshment Premises could not open before 12.30 p.m. on a Sunday. The same considerations came into play with their applications if they wished to apply from 11 a.m. which was not in breach of the Board's Policy Statement. Premises could apply for the additional hours by way of a variation to their licence once the new Act came into force. However, the question was whether applications would be considered under grandfather rights if lodged now. It was noted that the Central Board had followed the approach taken by the North and Aberdeen City Boards that if the hours were not in conflict with their Policy Statement, they would regard this as not affecting grandfather rights. However, the Moray Board was not following this approach. Although it was noted that there would be a benefit from the public perception if all three Boards in Aberdeenshire took the same approach on an issue, after discussion it was agreed that the Regulations should be applied strictly and that such applications should not be considered under grandfather rights.

Licensing Event - Inspector Gordon referred to a licensing event which had been organised at the Royal British Legion premises in Stonehaven where some 30 licensees were present. He had used the event to pass on information about various police procedures including those relating to drugs and stop and search. Mrs Pittendreigh had also attended to advise licensees of their obligations under the old and new Licensing Acts. It was hoped to put on similar events elsewhere in the area.

Test Purchasing of Alcohol - Inspector Gordon advised that a programme of test purchasing of alcohol by young people aged 16 had taken place in South Aberdeenshire in February. Two young people supported by community police officers had attempted to purchase alcohol in off sales premises and two out of nine premises tested had failed. Follow-up tests had been carried out two weeks later and all premises had passed. A further operation had taken place last week in three communities and there had been one failure. As yet there was no pattern of who was selling the alcohol. The initiative appeared to be working well.

9. DATE, TIME AND PLACE OF NEXT MEETING

It was agreed that the next meeting would be held in the Council Chamber, Viewmount, Stonehaven, on Wednesday, 11 June, 2008, at 10.30 a.m.

John Kinsella

Convener