

## **ABERDEENSHIRE COUNCIL**

### **CENTRAL ABERDEENSHIRE LICENSING FORUM**

**GORDON HOUSE, INVERURIE, 31 OCTOBER, 2007**

**Present:** Ms Kim Shearer (Chair); Ms Jennie Biggs; Mr Neil Cable; Mr Kenneth Florence; Mrs Patricia Florence; Mr Paul MacLennan; Mr Paul Robinson; Mr Alistair Strachan, Ms Joanna Strathdee; Sergeant Andrew Todd, Grampian Police; Mr Graham Wild, Grampian Fire and Rescue Service.

**Officers:** Shirley Watt, Legal Manager; Alastair Nicol, Principal Committee Officer.

#### **1. APOLOGY FOR ABSENCE**

An apology for absence was received from Inspector Allan, Grampian Police.

#### **2. INTRODUCTION OF MEMBERS**

Members briefly outlined to those present who they were, what their background was and what they felt they would bring to the Forum.

#### **3. MINUTE OF MEETING OF 24 AUGUST, 2007**

The Minute of Meeting of 24 August, 2007, had been circulated and was approved.

#### **4. MATTERS ARISING**

Late Applications - Miss Watt advised that she had written to Inverurie Community Council and Registered Clubs seeking Forum representatives and that replies were awaited. There was an application pending from Derek Ritchie for Shopwatch and it was likely that further applications would come to the next meeting. Sergeant Todd stated that there had been no response so far from Young Farmers Organisations. The Forum agreed to consider placing an advertisement in the press in the New Year highlighting where the gaps in representation were once the position was clearer.

Administration of Forum - Mr Nicol advised that an officer from Committee Services would administer Licensing Forum meetings and that arrangements were in hand to recruit a new trainee Committee Officer who would have Licensing Forums as their main responsibility.

Licensing Conference - Ms Biggs advised that she had attended the Licensing Conference held in Aviemore on 5-6 September and had found it to be very useful with a number of worthwhile presentations. She had prepared a report on the conference which would be of interest to the Forum. It was agreed that the report should be circulated to Forum members and then included as an item for discussion at the next meeting.

#### **4. CONSIDERATION OF LICENSING BOARD POLICY STATEMENT**

There had been circulated for consideration and comment the draft Statement of Licensing Policy from Aberdeenshire Central Divisional Licensing Board.

The Chair invited comments from Forum members.

Introduction - The Forum agreed to commend the Licensing Board for having produced a policy statement which was well set out and easy to read.

### Appendix 3 - Consultation

There was discussion of the groups which had been included in consultation on the policy statement. Mr Robinson suggested that there needed to be two-way communication with the Anti-Social Behaviour Strategy Group. Ms Biggs suggested that representatives of the Aberdeenshire Youth Parliament could provide the views of young people. This prompted a debate about whether young people should be consulted on the policy statement. Some members felt it was inappropriate as the statement was about licensing policy and young people were not allowed to buy alcohol. Others pointed out that young people were already drinking so the Board had to take account of the reality of the situation. Young people over the age of 16 were being allocated housing tenancies and treated as adults, and it was possible that Community Councils could have members who were under 18. The Forum agreed that young people had a place on the Licensing Forum but not in relation to the policy statement which was for licensed premises and people over 18. It also agreed to stress to the Licensing Board the importance of making contact with the Youth Forums.

### Appendix 4 - Overprovision

The Chair asked if the level of overprovision would be determined according to a formula and if it would be based on the number of premises in a particular area or by population. Miss Watt responded that the policy on overprovision would not come into effect until 2009 and that information relating to overprovision would begin to be collected next year once the Licensing Standards Officers were appointed. There was also discussion of the need for premises to have a risk assessment carried out and whether the cost of this would be to the detriment of independent licensees as opposed to major chains.

### Appendix 5 - Operating Hours

Mrs Florence sought clarification on a point relating to on sales operating hours. Miss Watt explained that licensees would have to apply for operating hours and could put into the operating plan what they wanted. The Licensing Board wanted premises to continue to have what they had before. Mrs Florence stated that sometimes licensees made a decision to close early some evenings if there were no customers. Sergeant Todd commented that if licensees were consistently not adhering to their opening hours and closing early this could have implications in relation to overprovision and transport and would have to be raised with the Licensing Board. In relation to the two paragraphs under the sub-heading "Lack of Demand and the Duty to Trade", the Forum agreed to recommend that the words "obliged to remain open" in the first paragraph should not be in italics and the second paragraph should begin with the word "However". Mr MacLennan commented that the cost of preparing an operating plan could be significant and there was nothing on the Aberdeenshire Council website to give guidance about how this should be done or to provide a template document. He also suggested that the Council could run a training course for licensees on how to fulfil their responsibilities in respect of the new Licensing Act. Miss Watt responded that the regulations relating to operating plans had not yet been published but that their content would be prescribed by parliament. The Chair commented that there should be some support available for licensees and that this might act as a boost to Licensed Trade Associations. It was suggested that Community Safety Groups and Alcohol and Drug Action Teams could also be used to carry out that role.

### Appendix 7 - Transport

The Forum noted that lack of public transport was a problem in rural areas and asked when the detailed information would be available. It was suggested that bus forums should be involved in preparing this part of the statement.

#### Appendix 9 - Discretionary Conditions

Noise - Mr Florence suggested that the first paragraph under the sub-heading "Noise" should be removed. Miss Watt commented that it was merely a statement of the existing position but the Licensing Board would look at any comments. Sergeant Todd stated that the police had other legislation which could be used to deal with noise problems. This had always been the case and the police would take action. The Forum agreed that their majority view, noting the concerns of the police, was to recommend that the paragraph should be removed.

Irresponsible Drinks Promotions - Ms Biggs pointed out that the section on irresponsible drinks promotions related mostly to on sales and did not cover off sales. Miss Watt replied that there would be regulations issued in due course relating to off sales. The Forum agreed to recommend that this should be mentioned in the policy statement.

#### Appendix 10 - Licence Types

Personal Licences - There was discussion of what the policy required in relation to personal licence holders. Sergeant Todd advised that the Chief Constable would prefer if all premises had a personal licence holder on the premises at all times but the compromise position was for this to be applied to night clubs offering significant entertainment facilities. In relation to the first paragraph under the sub-heading "Personal Licences", the Forum agreed to recommend that there should be no underlining and that it should read "Every premises will require at least one personal licence holder".

Operating Plans - Ms Biggs asked how operating plans would be publicised so that members of the public could object to licence applications. Miss Watt replied that it was intended for them to be available to view on line.

Layout Plan - Mr MacLennan asked why it was necessary for layout plans to include the location of where alcohol was stored within premises. Sergeant Todd replied that it would be useful to have this information if there was any evidence of stealing from premises.

#### Appendix 11 - Members' Clubs

Ms Biggs commented that there was no mention of children and young people in the section on members' clubs and that some reference should be included.

The Forum agreed that the comments set out in the minute of this meeting be forwarded to the Aberdeenshire Central Divisional Licensing Board as their response to the first draft Statement of Licensing Policy.

### **5. ANY OTHER COMPETENT BUSINESS**

Test Purchasing of Alcohol - There was circulated and noted a letter dated 8 October, 2007, from Grampian Police providing information on the proposed use of young persons to carry out a programme of test purchasing of alcohol at licensed premises in the Grampian Police area. This would involve the Police using the services of young people aged 16, from outwith the locality, to enter licensed premises and attempt to purchase alcohol under the direct observation of at least one plain clothes police officer. Should the premises pass the test, i.e. should the young person be refused, a police officer would inform the licence

holder or employee that the premises had been tested, thank them and encourage them to continue to be vigilant regarding the sale of alcohol to persons under 18. Should the licence holder or the employee fail the test by supplying alcohol to the test purchaser, the police officers would charge them with the relevant offence(s), submit a report to the Procurator Fiscal and also advise the Area Licensing Board.

## **6. FUTURE AGENDA ITEMS**

The Forum agreed to consider the following issues at their next meeting:-

- Report from Ms Biggs on the Licensing Conference in Aviemore
- Membership of the Forum
- Update on progress of appointing Licensing Standards Officers
- Future areas of interest
- Timeline of milestone dates which need to be met for the new Licensing Act

## **7. DATE, TIME AND PLACE OF NEXT MEETING**

It was agreed that the next meeting would be held in Gordon House, Inverurie, on Thursday, 10 January, 2008, at 10.30 a.m.

**Kim Shearer**

**Convener**