

## **ABERDEENSHIRE COUNCIL**

### **SOUTH ABERDEENSHIRE LICENSING FORUM**

**COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 13 OCTOBER, 2010**

**Present:** Mr John Kinsella, (Convener); Mr George Masson, Sergeant John Main, Grampian Police; Mr Carl Nelson; Mr Nicholas Robins and Mr Keith Simpson.

**Officers:** Jim Buchan, Acting Service Manager (Licensing and Governance); Caroline Tough, Senior Solicitor (Licensing) and Arlene Kelday, (Assistant Committee Officer).

The Convener welcomed all to the meeting of the South Aberdeenshire Licensing Forum. He explained that as the meeting was inquorate no formal business could be transacted but that informal discussions could still take place. The Assistant Committee Officer advised that, under the requirements of the Act, half of the total number of Forum members were required to make a quorum and in this case that meant seven members. She continued by advising that there was nothing to prevent informal discussions taking place and explained that any recommendations in the Minute would then require to be ratified at the next meeting. With reference to the application for membership, the Assistant Committee Officer advised that the Forum could neither approve nor reject the application whilst inquorate but explained that, following discussion of the application, the applicant could be advised if the Members present were minded to accept the application.

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Mr Chris Endersen, Mr Ewan Kirkpatrick, Mr Robert Lindsay, Ms Margaret Milton and Mrs Linda Watt.

#### **2. MINUTE OF MEETING OF 9 JUNE, 2010**

The Minute of the meeting of 9 June, 2010, had been circulated. Those members of the Forum who were present at the meeting confirmed that the Minute was an accurate record of the meeting.

#### **3. MINUTE OF ANNUAL JOINT MEETING WITH LICENSING BOARD OF 4 AUGUST, 2010**

The Minute of the annual joint meeting with the Licensing Board of 4 August, 2010, had been circulated. Those members of the Forum who were present at the meeting confirmed that the Minute was an accurate record of the meeting.

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

There were no matters arising.

#### **5. MEMBERSHIP**

The Forum had before it an application for membership for consideration and a letter from the Aberdeenshire Alcohol and Drugs Partnership detailing a change to its representation on the Forum.

## **5.1 APPLICATION FOR MEMBERSHIP – MR ROBERT MURRAY**

There had been circulated an application for membership from Mr Robert Murray, a person resident in the Forum area and the holder of a personal licence. It was highlighted that Mr Murray had a number of years experience as a licence holder and as an Office Bearer with the Royal British Legion.

On consideration of the applicant's background and experience, the Forum was minded to accept the application for membership. It was suggested that Mr Murray be invited to attend the next meeting of the Forum.

## **5.2 CHANGE TO MEMBERSHIP – ABERDEENSHIRE ALCOHOL AND DRUG PARTNERSHIP**

There had been circulated and **noted** a letter from Linda Watt, Health Improvement Officer, which advised that, following a review of the Aberdeenshire Alcohol and Drug Partnership (ADP) support team objectives, she would be replacing Elaine Lawson as the representative of the ADP on the Forum.

## **6. REVIEW OF ABERDEENSHIRE'S LICENSING STRUCTURE: DISCUSSION WITH ACTING SERVICE MANAGER (LICENSING AND GOVERNANCE)**

There had been circulated and **noted** a report by the Assistant Committee Officer which advised the Forum of a review of the Aberdeenshire licensing board structure which was being undertaken by the Clerk to the Aberdeenshire Licensing Board (North, Central and South). The Convener welcomed Jim Buchan, Acting Service Manager (Licensing and Governance) who provided the Forum with further information relating to the review.

Mr Buchan advised that Aberdeenshire Council agreed to conduct a wide ranging review of the current licensing board structure at its meeting in June, 2010, and explained that this process had now begun. Mr Buchan referred to the Forum's unique position under the Licensing (Scotland) Act 2005 in giving advice and making recommendations to the Licensing Board and invited the Forum to contribute to a discussion paper which would be put to public consultation in due course.

Mr Buchan outlined the options which had been developed through discussions with the Board Conveners and the three divisional Licensing Boards and asked the Forum to consider what a good licensing board should be like. He explained the statutory restrictions placed on Boards in terms of membership and highlighted the significance of local knowledge and representation of the geographical spread of the licensing area.

There followed a discussion on the review process and of the options highlighted to the Forum. With reference to an increased Board structure, the Forum identified logistical and administrative difficulties as well as the impact an increased structure would have on training costs. Although the Forum supported efficiency measures and the harmonisation of policies, the importance of Boards and Forums having local knowledge was emphasised and members questioned how this could be achieved in a reduced structure.

There being no further comments, Mr Buchan thanked the Forum for their input and advised that, following discussions with the North and Central Aberdeenshire Licensing Forums, a paper would be issued for public consultation and that a report with recommendations would be submitted to a meeting of Aberdeenshire Council in the early part of 2011.

## **7. FEEDBACK FROM ANNUAL NATIONAL LICENSING CONFERENCE**

There had been circulated and **noted** a report by the Assistant Committee Officer which provided the Forum with information about the Annual National Licensing Conference 2010, which took place on 8 and 9 September, 2010, in Aviemore. The theme of the Conference was "Review and Preview" and offered delegates the opportunity to review the Licensing (Scotland) Act 2005 and preview the changes to come. The report detailed the presentations which were given at the Conference and outlined information specific to Local Licensing Forums. This included (1) better information sharing between Forums; (2) the level of support offered to Forums by local authorities; (3) an analysis of the role of Local Licensing Forums being undertaken by the Scottish Centre for Social Research; and (4) the need for national guidance to be issued in relation to Forums.

The Convener commented that the Conference had been a successful event and that he had particularly enjoyed the presentation by the Youth Commissioner. Ms Tough advised that the discussion about licence reviews had got her thinking about the fact that there had been no reviews in the South Aberdeenshire area and questioned why this was the case. She explained that this could be attributed to the mediation role of the Licensing Standards Officer and the good working relationship with Grampian Police. Sergeant Main added that he also found the event interesting and very worthwhile.

## **8. FEEDBACK FROM ABERDEENSHIRE'S LICENSING FORUMS TRAINING EVENT**

There had been circulated and **noted** a report by the Assistant Committee Officer which provided the Forum with information relating to the training event which had been held on 20 September, 2010. It had been agreed at the training event that the discussion points and actions arising from those discussions would be collated and circulated to each Local Licensing Forum for further discussion. Appended to the report was an action sheet which detailed actions relating to the five licensing objectives.

There followed a discussion on better engagement with young people and how the views of local communities could be gathered. It was **agreed** that this matter would be discussed further at the next meeting of the Forum.

## **9. WORK PLANS**

The Forum discussed three areas of work which it had completed since the last meeting and considered areas of work for the future.

### **9.1 RENEWAL OF BOARD'S POLICY STATEMENT: CONSULTATION RESPONSE**

There had been circulated a work plan in relation to the renewal of the South Aberdeenshire Licensing Board's Policy Statement. The work plan detailed the actions which the Forum had undertaken to achieve its objective of discovering what the impact of the Board's Policy Statement was in the South Aberdeenshire area.

With reference to the minute of the meeting of 9 June, 2010, (Item 5.1), where it had been agreed that the Forum would consider the proposed changes of the Board's draft Policy Statement 2010 – 2013, it was advised that the draft Policy Statement had been made available via the Council's website in June, 2010 and that the Forum had considered the terms of this document since the last meeting. Appended to the work plan was a copy of the Forum's consultation response which had been submitted to the Depute Clerk to the Board.

The Depute Clerk advised that the Board had met to consider the responses which had been received during the public consultation and explained that the Forum would receive feedback on its response in due course.

## **9.2 DESIGN AND DELIVERY OF OCCASIONAL LICENCE POSTERS**

There had been circulated a work plan in relation to the design and delivery of posters to support the Board's guidance notes for the application of an Occasional Licence. The work plan detailed the actions which the Forum had undertaken to achieve its objective of incorporating relevant application information into a poster which would be displayed in popular venues for occasional licensed events.

With reference to the minute of the meeting 9 June, 2010, (Item 5.2), where it had been agreed that Forum members would deliver a small quantity of posters to venues in their area, it was advised that all of the posters had now been delivered to local venues. The Forum welcomed feedback from the Board as to how successful the posters have been in alleviating problems associated with applications not being received within specified timescales.

## **9.3 DEVELOPMENT OF AN ALTERNATIVE OCCASIONAL LICENCE FORM**

There had been circulated a work plan in relation to the development of an alternative occasional licence form which would be submitted to the Scottish Government for consideration. The work plan detailed the actions which the Forum had undertaken to achieve its objective of suggesting suitable alterations to the current Occasional Licence form to the Board.

With reference to the minute of the meeting 9 June, 2010, (Item 5.3), where it had been agreed that a sub-group of the Forum would draft a revised Occasional Licence application form, and the minute of the annual joint meeting of the Board and Forum of 4 August, 2010, (Item 4), where it had been agreed that a number of amendments would be made to that draft form, it was advised that the finalised version of the form had been sent to Fiona Stewart, Depute Clerk of the North Aberdeenshire Divisional Licensing Board to forward to the Scottish Government's Regulatory Review Group, of which she is a member.

Ms Tough advised that Miss Stewart had been tasked with reviewing a number of forms on behalf of the Regulatory Review Group and that she was awaiting feedback on the proposed amendments. It was advised that any comments received from the Scottish Government would be passed to the Forum.

Future Areas of Work - The Assistant Committee Officer advised that all of the work plans were now complete and asked the Forum to consider what areas of work it would like to undertake in the future. She reminded the Forum of an area of work in relation to engaging with young people which the Board had asked the Forum to undertake. In connection with this, there was circulated the recommendations from the Scottish Youth Commission Report on Alcohol which stated that, amongst other things, young people should influence licensing decisions. Mr Simpson added that it was important that the Forum was clear on what information it would like to gain from engaging with young people in the area. It was suggested that members find out what groups existed for young people in the area and the Convener agreed to make contact with a group which dealt with young people and alcohol issues in Banchory.

Thereafter, it was **agreed** that this work plan would be discussed further at the next meeting of the Forum.

The Assistant Committee Officer also advised the Forum of an email which had been sent to the Licensing Forum email address in relation to reducing alcohol abuse in Aberdeen and Aberdeenshire. The proposal related to the introduction of a requirement that small portions of food should be made available, free of charge, with each alcoholic drink sold between the hours of 4.30 pm and 7.30 pm. Having considered the content of the proposal, it was suggested that it would not be possible for the Board to introduce this requirement as a local condition as it was more onerous than a mandatory condition and could therefore not further this suggestion. However, the Forum welcomed the suggestion and was encouraged to see its email address being utilised by a member of the public in this way.

#### **10. LICENSING BOARD UPDATE**

Ms Tough advised that the Board was up to date with processing licence applications and that an increasing number of club applications were being granted. She also advised that the licensing team were currently involved in eleven projects being undertaken by the Legal & Governance department. With reference to the minute of the annual joint meeting of the Board and Forum of 4 August, 2010, (Item 3), Ms Tough also confirmed that the Forum's information poster had been circulated to all licensed premises in the area to display.

#### **11. LICENSING STANDARDS OFFICER UPDATE**

Mr Simpson advised that he had been continuing with scheduled visits to premises and explained that there had been good levels of compliance. He added that there remained some issues with premises who had not yet trained their staff but that there was only a small number of premises which fell into this category. Mr Simpson also advised that as well as responding to applications of which he was a statutory consultee, he was also in the process of mediating a number of disputes between licence holders and complainants.

#### **12. POLICE UPDATE**

Sergeant Main advised that there had been test purchase operations in the division since the last meeting and indicated that Grampian Police had adopted the position that, where a premises fails a test purchase operation on the first occasion, a report would be sent to the Procurator Fiscal and a premises review hearing would be called for. He explained that this would bring the Grampian Police in line with procedures carried out by other Forces in Scotland. Sergeant Main advised that there had not been any test purchase operations in the South area but that there would be further operations carried out across the division.

In relation to other matters, Sergeant Main advised that (1) the gala events which had been held over the summer months had been a success, although there had been some issues associated with pre-loading; (2) a Safer Streets campaign would take place from 6 November, 2010 until 8 January, 2011 and would promote safe and sensible drinking and the promotion of the responsibilities of the licensed trade through high visibility patrols; and (3) a mandatory condition had been introduced in the Strathclyde area for the use of toughened glass in some licensed premises. He added that the use of such glass may be of benefit in premises where glass attacks had occurred but emphasised that the number of such attacks in Aberdeenshire was low.

#### **13. ANY OTHER COMPETENT BUSINESS**

There was no other business.

#### **14. DATE AND TIME OF NEXT MEETING**

It was agreed that the South Aberdeenshire Licensing Forum would meet on the following dates:-

Wednesday, 12 January, 2011;  
Wednesday, 9 March, 2011;  
Wednesday, 8 June, 2011; and  
Wednesday, 12 October, 2011.

**John Kinsella**  
**Convener**