

Licensing Forum and Board Meeting
15th April 2013
Diamond Jubilee Room, City Chambers, Edinburgh

Present: Graeme Arnott, Linda Bowie (Alcohol Focus Scotland), Inspector Dianne Bruce (Lothian and Borders Police), Isla Burton (Facilitator), John Clark (East Representative), Maximillian Crema (Young Persons' Rep), Julie Dickson (Minute Taker), Kenneth Fairgrieve (Licensing Standards Officer), Rosaleen Harley, Maria Kelly (South West Representative), John Loudon (West Representative and Convener of Licensing Forum), Ian Lovie (Scotmid), Alison Magill, Robin Morris (South Representative), John Murphy, Samuel Piacentini (City Centre/ Leith Representative), William Strachan, Jim Sherval (NHS), Eddie Thorn (North Representative), Dr Fiona Watson (NHS), Chris Wigglesworth, Patrick Browne (substitute for Peter Swanson), Nicholas Fraser (Solicitor), Robert Millar (Clerk to the Licensing Board), James Wilkie

Board Members: Cllr Gavin Barrie, Cllr Eric Milligan (Convener of Licensing Board), Cllr Joanna Mowatt, Cllr Norman Wark,

Apologies: Peter Swanson, Dennis Williams

1 Agenda

1.1 Can the Board please put minutes of Board meetings on the web within two weeks of a Board meeting?

Cllr Eric Milligan responded by explaining that he did not foresee any of the agenda points 1-6 causing issue with the Board, providing that these were 'logistically possible'. With particular reference to point 1 he gave his assurance that if this could physically be done then it would be. The Forum Convener clarified that it had been requested that reasons were published as to why an application was or was not granted. Cllr Milligan confirmed that the minutes would show which applications had been granted or not, and the division if agreement was not unanimous.

1.2 Can the Board please provide the Forum with a summary of the applications it has granted/ refused under its overprovision policy over the past year?

Cllr Milligan advised that since the new Board had been appointed there had been no refusals under its overprovision policy.

1.3 Why is there a restriction (in breach of Act and regulations) on the public having reasonably free access to see applications for Premises licences, variations etc?

The Forum Convener raised an issue of not having been able to view a variation application, and having been told that this refusal was on the grounds of Data Protection. It was agreed that these applications should in fact be available in the public domain, and that this was most likely a training issue. Mr Kenneth Fairgrieve suggested that this was probably a training issue for staff, which could be dealt with by informing the Licensing Manager (Catherine Scanlin) of this problem. Cllr Milligan explained that the only decisions that the Board takes in private are those following a hearing where untoward dealings may have been identified, and penalties are discussed. All other Board business should be available in the public domain.

1.4 Can the Board ensure that the content of the brief description on all site notices is improved so that each notice gives a clear explanation of any proposals?

The Forum Convener advised that this would give people a better understanding of what is proposed for a site. Cllr Milligan commented that this could be looked into. He added that providing this information may help to reduce opposition to applications.

Mr Robert Millar joined the meeting. With regards to agenda points 1.1-1.6 he suggested that these would be taken on board, and that a written response would be provided in due course, in terms of what could be achieved.

1.5 Why can all applications not be put on the Boards web pages for everyone to see?

The Forum Convener suggested that if point 1.5 was agreed then the public would not be required to attend the City Chambers in order to view applications. He explained that at present only a summary of the application is produced on the council website, as opposed to a copy of the full application. Mr Millar advised that the option of scanning full applications could be explored and brought back to the table.

Cllr Joanna Mowatt suggested that this may reduce the number of objections to applications, as people would have greater understanding of what was being proposed.

1.6 May we please have a time frame for access to an electronic register of Premises Licences for both the Forum and the public?

Mr Millar explained that this facility had been available since August 2012 and could be found on the Boards web pages. The Forum Convener suggested that this be cross linked to the pages of the Forum. This was agreed.

1.7 Provision

The Forum Convener explained that the issue of 'capacity' can be difficult to understand, which has led to a situation in which it is difficult to get the relevant statistical information. He explained that the Forum needs to understand what the Board is looking for in terms of revision of the policy on over-provision.

Cllr Milligan advised that there are different opinions on the revision of the policy. He added that it has not yet been articulated what the Board would like put in place with regards to amendments and refinements to the inherited policy. However, he explained that the Board would be looking to the Forum to put together a study/working group in order to provide a general view on the issue.

Mr Millar commented that a meeting had taken place on 11/03/2013 regarding policy. He explained that the current policy would expire on 22/11/2013. Mr Millar stated that the Forum and the Edinburgh Drugs and Alcohol Partnership were currently carrying out work and that the intention was to have a 12 week consultation period once the proposals of the Board were published.

Cllr Gavin Barrie stressed that the Board are bound by the CEC Code of Conduct which requires each application to be reviewed on its own merit, he advised that this meant no policy could be steadfast, as this could result in contradiction between Code of Conduct and Policy.

Cllr Mowatt suggested that there was frustration in relation to the inherited policy. She explained that she was keen to see something which would

work better for communities and felt that guidance from the Forum would be useful in producing this. Cllr Mowatt recognised that there would not be one policy which would fit all, but she was optimistic that a policy could be produced which would reflect different needs of a variety of parties.

Ms Maria Kelly, representative from Gorgie/Dalry Community Council suggested that lessons could be learned from other Licensing Boards across Scotland in terms of policy. Cllr Milligan stated that even in areas in which strict constraints and controls had been administered in relation to alcohol they had not managed to eliminate alcohol related problems. He commented that traditionally Edinburgh had taken a more liberal approach than other Boards, and had traditionally experienced fewer problems.

Mr Millar advised that the current policy in relation to over-provision had been thought to be appropriate for the City, but it had proved to be inadequate. He explained that the Board is aware of other over-provision policies, and added that these are monitored on an ongoing basis. He commented that the situation in Edinburgh at present is fluid and there is now an opportunity to re-address the issue.

The Forum Convener explained that the sub-group would convene and would endeavour to put forward suggestions regarding the over-provision policy.

1.8 Children and Young Persons

The Forum Convener advised that this point had been discussed during the meeting of the Forum earlier in the day. Cllr Milligan informed the meeting that when Board members agree that a visit should take place, they strive to accommodate all members in terms of a mutually suitable time. Cllr Norman Wark confirmed that site visits are primarily in relation to permission to allow children on the premises.

Cllr Barrie explained that many traders want to change the environment of the establishment by altering the demographic profile. However, they cannot do so unless this condition is granted. Cllr Milligan confirmed that he would be happy to take this point to the Board.

1.9 Sunday Opening

Cllr Milligan was aware of the unanimous decision of the Forum regarding point 1.9 and was pleased to accept this. He explained that the Board was clear that a change was necessary and that the current 12:30 opening was

untenable. However, it had not wanted to initiate a change until a clear view had been gained from the Forum. Cllr Milligan advised that this would now be taken forward by the Board. Cllr Milligan highlighted that each case would continue to be considered on its own merits.

Mr Samuel Piacentini asked whether or not the Board would be robust with regard to any operation which may pose problems to the community due to a change in opening hours. Cllr Milligan stated that it would be incumbent upon the Board to monitor the consequences of its actions.

1.10 What statistical Information is available to the Board?

Mr Millar advised that the following information is readily available to the Board –

- Information regarding antisocial behaviour is available from Police.
- The Board has access to database systems containing all licences. These can be used to map an area and identify number of premises and their capacity.

He explained that the Board provides information to the Scottish Government, but there is not a great demand for data other than with regard to over-provision.

Mr Millar advised that in future there may also be reporting on financial information.

1.11 LSO Visits

This point had been dealt with.

1.12 AOCB

The Forum Convener thanked the members for attending and for their input. Cllr Milligan thanked the members of the Forum who were in attendance, and stated that the numbers were very encouraging. He was of the opinion that no date of next joint meeting should be set, but that it should be convened when it was felt that there was meaningful business to discuss.