

Licensing Forum
10th September 2013 10am
Dunedin Room

Present: Ken Fairgrieve (City of Edinburgh Council), Bill Strachan (S.L.T.A), Sam Piacentini (Old Town CC), John Murphy (SPBA), Alison Magill (Licensee), Inspector Dianne Bruce (Police Scotland), John Loudon (Convenor), Eddie Thorn (North Rep), Robin Morris (Merchiston CC – South Rep) Bridget Stevens (Local Resident – Merchiston CC), Graeme Arnott (CHL – Licensee), Peter Swanson (Licensee), Leigh Henderson (City of Edinburgh Council – Minute Taker), Chas Booth (City of Edinburgh Council – Licensing Board), Donald MacLeod (City of Edinburgh Council)

Apologies: Isla Burton (Facilitator), Rosaleen Harley, Maria Kelly (South West Representative), Jim Sherval (Edinburgh Drugs and Alcohol Partnership), Terry Tweed (North Representative), Chris Wigglesworth, John Clark, Kirsten Haigh

Agenda

1. **Apologies:** Please see above

2. **Resignation of Dr. Fiona Watson:**

Dr Fiona Watson has resigned from the Forum.

Bridget Stevens has joined. Robert Millar [was not in a position to attend but one of his colleagues Donald Macleod attended as an observer and will report back on any issues arising..](#) Councillor Chas Booth from Licensing Board also attended.

3. **Minutes from last meeting:**

The minutes from last meeting 11th June 2013 were approved.

4. **Matters Arising from last meeting:**

The response from Robert Millar dated 28th August has been circulated and everyone agreed on this. Point 1.10 of minutes; replies from the board on advertising a new convenor. Glasgow, Dundee and Aberdeen are reviewing their policy statement. It was noted that on most Council websites they do not publish their minutes from review meetings and in order to retrieve these it would need to be applied for.

5. **Consultation on changes to the Licensing Board Policy**

There has been a lot of feedback on the topics regarding the changes taken place.

The following items were discussed:

5.1 Duty to Trade

It was noted that the term “Duty to Trade” is not in the Legislation. This does relate to the hours in which premises can open and close e.g. early closing. Inspector Dianne Bruce commented that there are no issues with premises closing early if there is no business happening. Eddie Thorn suggested that when a business is open it has a duty to provide the service to customers. Premises that have been closed for two years should be taken to the Board and asked for an explanation as to why and if a Transfer is needed. Robin Morris commented that two years seems to be too long without the

Board asking why? It was noted that some temporary licences had been issued to businesses which have been closed for a certain period of time. There is no current mechanism for going to the Board yearly to update the Board on the situation of said closure. Neither is there a remit for LSO's to monitor. Everyone was in agreement for the wording.

5.2 Overprovision

There are eight areas in Glasgow which have been classed as Overprovided. This is causing issues when making the decision to no longer have more licensed premises in that area. It is acceptable to have an overprovision policy which has been agreed on by the Board. The main feedback from everyone was aimed largely towards off-sales. Jim Sherval and Nicolas Smith are composing a report from EADP on this which will go to the Board and it is hoped this will be available for the next Forum meeting.

The main areas of concern in relation to overprovision and off-sales are Tollcross, Leith Walk, Lothian Road, Picardy Place and George Street. Inspector Dianne Bruce advised that Leith Walk is above average for overprovision and off-sales in Edinburgh and also for Crime and Anti-Social behaviour. It was noted that outdoor violence has decreased and domestic indoor violence has increased, which may be linked to the number of off-sales occurring. John Murphy passed over a response from Glasgow City Council on overprovision from their Forum. There is a large difference between Glasgow and Edinburgh in terms of city centre overprovision and how this is dealt with. If an area in Edinburgh is declared as overprovided this does not mean the Board will not grant a licence to a premises in that area, most licences are granted regardless of area. There is an up to date statistics on the website for people to view. Inspector Dianne Bruce recommended other members to look at report from EADP.

5.3 Occasional/Extended Hours Licences

Numerous points and comments were made on premises applying for Occasional/Extended Hours Licences and assuming they will be granted it. These will be brought to the Board and decided very carefully if a premises will be granted a licence. It was suggested that the current Board policy on Occasional and Extended Hours Licences is not strong enough and needs to be changed. The Board is asking for suggested recommendations on changing the policy. Graeme Arnott suggested that the cost for Occasional Licences should be looked at as it is his opinion that premises are making a substantial amount of money from this but not contributing back e.g. Christmas Market having 50+ stalls and selling alcohol but only paying for 2-3 Occasional Licences. Concerns on the fairness of this will be raised at the next Board Meeting in October. Services for Communities will be carrying out a review on Market Operators and Street Trading licensing. The Forum heard that Convenor Councillor Barry is very keen to set this up.

Bridget Stevens brought attention to the relaxed attitude temporary pubs have on toilet access. It was commented that customers of temporary pubs are using public toilets; if a pub would like to provide provisional facilities for the public that provisional toilets should also be provided. This will be recommended to the Board for Councillor Barry to look into.

5.4 Adult Entertainment

It was asked if Adult Entertainment should be regulated through sub-committee? Dual Licences was discussed. Agreed that if the Board were given permission to add conditions to Adult Entertainment licence this could solve the issue; currently the Board does not have approval to add conditions but the law should be adjusted for this.

5.5 Outside Drinking

Robin Morris commented that areas with outside drinking should not be permitted after the hours of 10pm. Crime statistics show that crime increases after the hours of 9pm and 10pm if outside drinking e.g. beer gardens is permitted. The policy on this should be enforced more rigorously.

Inspector Dianne Bruce stated that 10pm is an adequate time and if a premises wishes to extend the hours there should reasonably be able to explain why and that it will not affect the community; all agreed on this. There was discussion and it was noted that to change the hours of outside tables and chairs to midnight will require a major variation application and cost. Community Safety Manager Andrew Mitchell is preparing a report to present to the Committee.

Table and Chairs permit is separate to outside drinking and does not go to the Board; Road Services would control the allocation of tables and chairs outside a premises. It was agreed that someone needs to take an overview on what is happening in the city. Outside drinking areas is on the premises Operating Plan. The whole Edinburgh area is covered by By-Law of drinking in public and Police cover areas for Anti-Social Behaviour.

5.6 Late Hours Catering/Take Away

It was noted that alternative wording is necessary. If a premises has an Occasional or Premises Licence then no other licence is required. It was brought to attention that some premises are applying for a Late Hours Catering licence when they already have a licence – some use this as a safety approach in the event they lose their first licence. John Loudon will discuss with Inspector Dianne Bruce the wording of Late Hours Catering.

6. Occupant Capacity

It was noted that even if the agreed capacity for a large pub is 1,000; in reality the amount a pub can take may be 750. Peter Swanson commented that premises should be looked at regarding how they operate and their facilities.

7. Site Notices

This will be looked at by the Board and looking to improve.

8. Bar Lock-Outs

Note from Nick Smith was passed round the Forum. Inverclyde, Inverness and Aberdeen and other areas have all had a Bar Lock-Out. The end result proved unsuccessful and caused more problems which had different impacts on businesses.

9. Any Other Competent Business

It was suggested that a presentation from CARDS should take place at next Forum meeting to which Board members shall be invited. All Forum members were in favour of this.

Inspector Dianne Bruce will ask the Chief Inspector of Anti-Violence Unit to provide a presentation on Sexual Assault. The DVD "Who are you? Engaging bystanders in the prevention of sexual violence" should last 15 minutes.

10. Date of Next Meeting

Tuesday 8th October 2013 at 2pm – Midlothian Suite, Lothian Chambers, George IV bridge.
(1.30pm for tea/coffee)