

15 October 2014

Forum Annual meeting with Licensing Board members

Attendees:

Board: Cllrs Milligan, Booth, Redpath, Cook, Day, Work, Bridgman, Barrie

(Apologies received from Cllr Walker)

Forum: Ken Fairgrieve, Graeme Arnott, Marshall Bain, Rosaleen Harley, Dennis Williams, John Murphy, John Lee, Honor Flynn, Sam Piacentini, Peter Swanson, Barry Robertson, James Nicholson, Inspector Dianne Bruce, Nick Smith, Tasha Boardman, Chris Wigglesworth, Bridget Stevens, Len Havard, John Loudon, Norman Tinlin

(Apologies received from Jim Sherval, Robin Morris, Alison Magill, Jim Wilkie, Ian Lovie)

CEC: Morag Leck, Nick Fraser, Andrew Mitchell

Forum Convener thanked the Board for coming and asked if any attendees would like to ask questions or wait for information.

Cllr Milligan thanked Forum Convener and introduced the Board members. After last meeting with the Forum he explained that the Board had met to discuss the questions submitted by the Forum members, over provision was on agenda and confirmed that this had been discussed. Also the Board had taken legal advice from a QC re: areas of special concern

Forum posed the following to the Board:

1. Norman Tinlin: licence objections – is consideration taken of the licensing objectives? Cllr Milligan responded that Board members talk about each application and carry out a site visit if they feel it appropriate. They also give all objectors a chance to speak or put forward a point of view. He believes that the Board listens to all and takes all views into consideration. Unsure about whether webcast appropriate. Cllr Barrie explained that he is also chair of committees and thus realises that there would be practical difficulties if an objector does not want to be webcast. This could lead to longer meetings as the Board members are required to remain until all business is complete. Cllr Booth stated that a solution to this will need to be found
2. When Board are considering a new licence application do they look at the licensing objectives?
Morag: Police and LSOs look at these and any issues are brought to the Board's attention.
3. Nick Smith: policy statement uses the phrase "meantime". Is the Board in a position to account for over provision? Cllr Milligan - Cases going to court and

in the past Board has been told 'overprovision argument' does not make a strong case. If goes to Board and is refused, the next stage is court appeal – but not always. Each applicant has own opportunity to challenge in court. Nick Smith (EDAP) will still provide reports – all info is helpful. John Loudon - could it focus more on availability from off sales? Dianne Bruce - Would like the report to show both, then there would be more info to be taken into account when application considered. Nick Smith – Cllr Milligan has previously said he would welcome all info on application. Bars are going out of business and pub/restaurants are becoming a new type of alcohol provider. An application for a 'super pub' in Rose Street never came to the Board as it was stopped at Planning Committee. Nick Smith - would be happy to offer an assessment of the impact of pubs, restaurants etc. Cllr Day – never been clear on the areas of special concern, there are 7. Chris Wigglesworth - the NHS did offer to do more work for the Board along with the Police, as there is a connection between violence and alcohol. Cllr Milligan - reports on this are already brought to the Board and Jim Sherval (NHS) attends the Board meetings and has opportunity to speak.

4. John Lee: Over provision? Is this just a legal term? John Loudon – people probably “know what it means” but it is difficult to define and has to be evidenced. The reports supplied could help in getting to a decision on this.
5. John Loudon: are there any questions that the Board would like the Forum to consult on? Cllr Milligan - would like Forum members to attend the Licensing Board so that they can see how much time and consideration is taken into account on application. Board is committed to a responsible attitude on alcohol supply. John Loudon – agreed that this was a fair point and he will encourage Forum members to attend Board meetings.

Cllr Work asked how many Forum meetings and how formal they are.

John Loudon – Not formal at all and he encourages all to take part and to have open and frank debate.

When occasional applications are lodged late, what happens? Cllr Day had not seen any applications lodged late with no good reasons for lateness – arrangements now ensure these are brought to the attention of all involved.

6. Minutes – Board minutes are agreed a month behind (at the next meeting) – suggestion to put them online in draft form (marked as such) as this will speed up getting information out. Cllr Booth - only once has he required a correction to minutes, so happy to put them on but mark as draft.
7. Bridget Stevens – can objectors request that an application is heard first rather than them having to wait all day? Cllr Milligan - many items on agenda and we try as much as possible to pre-suggest an accurate time for the objector to arrive. This is however dependent on the preceding business and

how long it takes. Nick Fraser - most business for applications is in morning now and has been for a while. Reviews are in the afternoons. Cllr Work - you can send a substitute to put objection on your behalf – this is accepted.

8. Chris Wigglesworth: Policy decision was for 250m radius and this has been the figure used for the over provision representations – CW refers to recent academic work where 800m radius was used, the Act talks about capacity but Edinburgh Board uses linear metres. Morag Leck – Board is governed by legislation. In general 250m guide is for applicants and agents - Off sales, on sales or both. Board has to work within confines of legislation. Cllr Booth – linear metres are just now but it may be helpful to give a figure on sales rather than metres of the shelf. Cllr Milligan - off sales premises do at times give on and off sales figures. Cllr Barrie – we are no further forward on info on where alcohol is being bought. Chris Wigglesworth - figures for alcohol related harm is on the up. Roger Colkett (observer) - over provision of off licences - could the whole of Edinburgh be an area of concern? Cllr Bridgman - what are the statistics for people with alcohol related problems against population of Edinburgh? Cllr Milligan - don't want to put in a freeze - the market forces upgrades, as some premises do need upgraded. Not a ban but under control. Cllr Booth – there are areas of concern with not a lot of premises in them.

Forum Convener thanked members of the Board and of the Forum for attendance and discussion.