

Licensing Forum
25 June 2014 10.00am
Diamond Jubilee Room City Chambers

Present: Morag Leck (City of Edinburgh Council Principal Solicitor), Ken Fairgrieve, John Murphy, Alison Magill, Dianne Bruce, Graeme Arnott (Convenor), Robin Morris, Tracey McLean (City of Edinburgh Council – Minute Taker), Isla Burton (City of Edinburgh Council - facilitator), Chris Wigglesworth, Norman Tinlin, Ian Lovie, Linda Williams (for Dennis Williams, James Nicholson, Rosaleen Harley, Len Havard (for Eddie Thorn, North), Peter Swanson, Norman Tinlin

Apologies: John Loudon, Bridget Stevens, Dennis Williams, Jim Sherval, Barry Robertson, Jim Wilkie, John Clark, Eddie Thorn, John Lee

Agenda

- 1. Apologies:** Please see above
- 2. Appointment of Convenor in the absence of John Loudon:** Graeme Arnott was elected.
- 3. Minutes of last meeting (1 April 2014):** The minutes were agreed and no changes requested. Morag Leck the new Principal Solicitor was introduced to the Licensing Forum
- 4. Death of Bill Strachan:** - Condolences were expressed for Bill and his family.
- 5. To Economic Development (David Rule) to give a broad overview of all aspects of the issue of licences in both the city centre and other and the other 'town' or local centres in Edinburgh, the importance of attracting visitors and of maintaining the diverse offer in Edinburgh etc.** Mr Rule was apparently not aware that he was to attend the meeting – he will be invited to attend the next meeting. John Murphy requested that the papers already printed for this subject are circulated in advance of the next meeting to get a change to read them.
- 6. Air Weapons and Licensing (Scotland) Bill**
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/76383.aspx>:
Dianne Bruce informed the Forum that the 'Fit and Proper' test may be introduced, but possibly not in the same form as it was under the 1976 Act, but that it was still taken into consideration for the Civic Government (Scotland) Act 1982. James Nicolson asked how it will work. Dianne explained that this could be measured on criminal background information. Peter Swanson asked about spent convictions being taken into account - again Dianne explained that for these to be taken into account it would have to be justified and relevant to the application applied for. Morag Leck explained that this was still at the Bill stage - details need to be finalised and new cases will 'pave the way' – we can only wait and see what will be introduced, and the resulting case law. Dianne stated that the Act's introduction may help the Police in combating organised crime and working towards the licensing objective of 'preventing crime and disorder'. 'Fit and proper' is still considered under the Civic Government (Scotland) Act 1982 and has helped with awareness of Metal

Dealers and people selling to them. The Licensing Objective 'Protecting Children from Harm' may be extended to include 'young persons'.

7. A web link from the Evening News had previously been circulated for consideration, and the following points were discussed:

7.1 The following web page was circulated for discussion

<http://www.nhs.uk/news/2014/03March/Pages/Alcohol-at-end-of-aisles-linked-to-boosted-sales.aspx> and <http://www.edinburghnews.scotsman.com/news/crime/council-fuelling-violent-disorder-1-3398973>

Chris Wigglesworth asked if the over provision policy was adequate, as there have been concerns raised by Tollcross Community Council, and if there was a case to ask the Board if the figures from the NHS are taken in account when drafting the Policy. Norman Tinlin asked if it was possible to ask the Board to justify some decisions.

7.2 Dianne Bruce said that the Police had a good working relationship with the Board but it did fall short of the policy at times, but that a new licence for a cafe or restaurant do not contribute to disturbance in areas. Two new premises in Tollcross area were objected to but granted, and Tollcross is an area of high criminality and noise disturbance. It is not easy for the Police to give evidence relating to off sales, as there are cases of pre-loading with alcohol before going into pubs. Nevertheless the Police will continue to give figures to the Board. Norman Tinlin enquired if any Board members went out on site with the Police or Licensing Standards Officers to see what happens. Dianne said that the offer was there, Ken Fairgrieve (LSO) said that one member had taken up the offer and had gone out with the LSOs.

7.3 There was much discussion on "big boys" (i.e. superstores) being granted licences – Tesco and Sainsbury's. Ian Lovie said that Scotmid provide jobs for local people and there was competition from the large stores. Dianne spoke about the pricing - stacking high and selling low - some people are encouraged to buy. Chris Wigglesworth said that economics should not be taken into account on decisions but that the NHS figures and Police reports should be given consideration. Graeme Arnott stated that consumption of alcohol figures was down, Dianne agreed this but stated that there were still problems. Peter Swanson stated that some customers were pre-loading on alcohol as the prices are so low - he had seen beer being sold cheaper than water! If this was changed there would not be as much pre-loading.

7.4 Graeme Arnott suggested asking the Board about not taking the Police information into account when decisions are being made. Dianne Bruce replied that when reports/information are provided that this is taken into account, there are discussions and that the Police have a good working relationship with the Board. Chris Wigglesworth acknowledged that NHS figures and the report was not an 'easy read'. Robin Morris stated that locals are put under extra stress by the addition of further licensed premises and connected disorder..

7.5 Robin Morris said that Leven Street should not be removed from area of concern but that area should be expanded.

8. The following had been circulated for discussion

<http://www.edinburghnews.scotsman.com/news/licencing-chief-denies-disorder-linked-with-alcohol-1-3410453>

8.1 Linda stated that supermarkets build high and sell it cheap and that local shops and other businesses are being put out of business. Graeme Arnott informed the Forum that the Licensing Board had challenged a superstore and lost the case when one of supermarkets was refused a premises licence. Peter Swanston stated that smaller shops cannot compete with the larger stores. Dianne suggested that the Chair of the Licensing Board be invited to the Forum to discuss concerns. John Murphy agreed with this. Chris said that the NHS had offered to do more work but that the Licensing Board did not take up the offer. James Nicholson asked if it would be worthwhile putting the questions for the Board in writing in advance, rather than on the day at a meeting - this was agreed.

8.2 Norman Tinlin feels that the Board should explain some comments. Chris Wigglesworth enquired if the Board's policy could be amended or added to, and it was clarified that the Board can publish supplementary statements of policy [see Act para 6, (2)]. Peter Swanson asked if figures should be included regarding the style of the premises. Dianne confirmed that the Board did consider the style of the premises when being decisions were being made.

9.0 Work of other Forums: John Murphy stated that the Glasgow Forum has some good findings – the Police had produce a good report. Dianne informed the Forum that an annual report goes before the Board, but this could be introduced every six months. She gave an explanation of what the Chief Constable expect from the Police – any charges must have evidence, this is not always easy, when problems do arise licence holders will have a meeting with the Police in the first instance – some issues are resolved and don't make it to the Board for a review – there is a good working relationship with the trade. Robin Morris enquired about the National Conference and as to whether it was still going – this conference is still being held every year – Chris Wigglesworth will attend through his work on the Board of Alcohol Focus, Rosaleen Harley would also be prepared to attend to represent the Edinburgh Licensing Forum. Dianne said that the Highland Show went well with no trouble, and that the event organisers for the dance event on 4th July 2014 were working with the Police and LSOs and that all conditions will be complied with.

10. Legal highs: Dianne Bruce has spoken to a unit within the Police about this – this subject is being looked at but samples need to be taken and tested. Any premises wanting to sell will be looked at, but again a sample must be taken and tested. Ken Fairgrieve stated that Trading Standards may also have involvement.

11. AOCB – Len Havard was attending the Licensing Forum for the first time and expressed his concerns over premises in his area applying for variations to open until 1am – Graeme Arnott explained that the policy is 1am for most premises in Edinburgh and that although they have 1am the premises may not always use it. Alison Magill said that although she had applied for 1am daily for her premises it was only granted two nights.

John Murphy asked about the refresher training for personal licence holders and if anything has been put in place to deal with this, as Fife Licensing Board was returning amended licences quicker. Tracey McLean explained that there were approx. 400 in for personal licence holders who had already completed the training and that extra staff had been brought in to cover this task. Robin Morris asked if Board members had any training – Morag explained that before any Board member can take part in the consideration of an application they must have completed and passed the training course. For each new Board every elected member will be trained even if they had already completed the training for a previous Board.

Roger Colkett from Tollcross community council enquired about getting copies of the operating plans with the circulated lists - Edinburgh has never given copies in the past but Morag will look into this enquiry and get back to Mr Colkett.

12. DONM – 15 October 2014 –all day. Isla will book the venue and the lunch. Questions to be put to the Board will be welcomed and this list will be circulated before the meeting.