

LICENSING FORUM
13 OCTOBER 2015 1PM
DUNEDIN ROOM, CITY CHAMBERS

Present: Ken Fairgrieve, Dianne Bruce, Elizabeth Oldcorn, Rosaleen Harley, Marshall Bain, Alison Magill, John Murphy, Peter Swanson, Len Havard, Chris Wigglesworth, Robin Morris, John Loudon (Convener), Isla Burton, James Nicholson, Graeme Arnott, Nick Smith, Morag Leck

Apologies: Jim Sherval (substituted by Nick Smith), Bridget Stevens, Sam Piacentini, Norman Tinlin, John Lee and Dennis Williams

In attendance Penny Richardson (Stockbridge and Inverleith Community Council) who is replacing Len Havard who has moved to Glasgow and was attending his last meeting.

Agenda 1(a)

1. **Apologies** – please see above
2. **Minutes of Last Meeting** - Two points raised - Alcohol Focus Scotland follow-up report: Convener wishes to continue to the next meeting; Personal Licences: the Convener still to make a recommendation to the board regarding Personal Licences.
3. **The Edinburgh Evening Economy** report will be finalised and circulated after the meeting for information and if needed this can be discussed at the next Licensing Forum meeting. The ten points that had been raised had been responded to by Gareth Dixon and it was noted that all Forum members were satisfied with the response.
4. **Occasional licences issued during the Festival** - Morag Leck informed the Forum that during the festival period (1st – 31st August 2015) 146 occasional licences were granted and 22 (15 %) of these were received with less than 28 days notice. She explained that not all licences processed during this period would be directly related to festival events. The Clerk using delegated authority had considered whether the notification period should be reduced in relation to the 22 applications received with less than 28 days notice and agreed to reduce the timescales for 8 applications. ML explained that applicants were informed of the repercussions of submitting applications within 28 days – that there was a possibility that their applications may not be processed in time for events . John Murphy said he noted that it had been agreed that if an application was late it should go to the Board, but instead a 20% increase of fee was added? ML stated that the 20% increase was Civic licence applications only. JM then asked if an application can be refused if late without good cause. ML explained that the Board cannot refuse an application on such a basis but

applicants are advised there could be a delay in processing and that the duration of licence may be shortened if granted. The Convener agreed that this seemed reasonable.

Extra item - Penny Richardson asked to raise an issue regarding the Board Meetings – was agreed.

PR asked if the Forum would recommend that the Board should publish its procedures and a note on practical matters e.g. on website? Attending the Board can be intimidating and she explained it would be useful to have a guide setting out the format, expectations, acoustics and general things like location of toilets. Gemma Crompton (Alcohol Focus Scotland) said there is a generic version of this but it would not address several of the issues raised by PR. ML is keen for a leaflet of this kind to be *considered* for CEC Licensing Board. Noted this had the Forum's support.

5. **Evening Visit - 28 August 2015:** All Forum members read the report. Dianne Bruce gave the background and took the Forum through the report. Discussion of 'Safe Zone' bus – Forum members agreed to recommend to the Board that they support this initiative.
6. **Standing Item - Report from Licensing Inspector on relocation of police resource from the suburbs to the City Centre at weekends:** Convener stated that as there are no changes this item should to be taken off the next agenda unless there are any issues which arise in the meantime. Agreed.
7. **Standing Item – report from Licensing Inspector:** From July to date there have been 35 new licence applications. No objections to these were made by Police. There have been 16 representations made by the Police on things such as outwith Council policy, young persons' access and pubs requesting club hours. Dianne Bruce encourages the Board to stick with Council Policy regarding hours for pubs and clubs for consistency. Robin Morris asked if the Police scrutinise a renewal application as much as they do a new application. DB confirmed yes. RM then asked why many of the conditions set by the Police are the same as the ones set by the LSOs? DB stated that while a lot of the work is mirrored LSOs also focus on other areas such as compliance checks, irresponsible persons and noise. DB thinks duplication between Police and LSOs is a good thing as officers have different focuses. Roger Colkett (Tollcross Community Council) asked about major variations and in particular changes from a pub premises to a club premises and vice versa. RM stated that a change from club to pub might be detrimental to the public health objective, Chris Wigglesworth agreed. DB explained that a pub has a closing time of two hours before a club. Peter Swanson enquired about BYOB premises and whether there is

a licence requirement. DB explained they are not regulated as no alcohol is being sold and there is no need for a personal licence holder to be present. PS asked if the premises should have a responsible manager to control the alcohol? DB stated that as there is no licensing requirement, no. The powers of the Police are limited when not regulated but premises or patrons causing a nuisance would be investigated and dealt with. PS encouraged to report the problems to the police.

8. **To consider having a joint Forum/Board meeting to discuss “Encouraging Live Music in Edinburgh”** - Forum agreed this was a good idea. Meeting scheduled for Tuesday 1st December 2015 at 10am.

9. **AOCB** - None

10. **DONM – Tuesday 1st December 2015**

Minutes of statutory joint meeting between City of Edinburgh Licensing Forum and City of Edinburgh Licensing Board held on 13 October 2015

Present (Licensing Forum): Ken Fairgrieve, Dianne Bruce, Elizabeth Oldcorn, Rosaleen Harley, Marshall Bain, Alison Magill, John Murphy, Peter Swanson, Len Havard, Chris Wigglesworth, Robin Morris, John Loudon (Convener), Isla Burton, James Nicholson, Graeme Arnott, Nick Smith, Morag Leck

Present (Licensing Board): Cllr Milligan (Convener), Cllr Barries, Cllr Bridgeman, Cllr Booth, Cllr Day, Cllr Work

Apologies: Jim Sherval (substituted by Nick Smith), Bridget Stevens, Sam Piacentini, Norman Tinlin, John Lee and Dennis Williams

In attendance Penny Richardson (Stockbridge and Inverleith Community Council) who is replacing Len Havard who has moved to Glasgow and was attending his last meeting.

- 1. Apologies: (Licensing Forum)** Jim Sherval (substituted by Nick Smith), Bridget Stevens, Sam Piacentini, Norman Tinlin, John Lee and Dennis Williams; **(Licensing Board)** Cllrs. Walker , Redpath, Balfour and Cook
- 2. Evening Visit 28 August 2015 –** The Forum Convener’s report was discussed. The Safe Zone Bus was described as invaluable to the City and Police and the issue of funding was raised with a recommendation to the Board that part of the funding should be raised by the Council.

Cllr Eric Milligan (Board Convener) stated that the Board would not take issue in this regard but the Council’s budget would need to be taken into account and it is not best placed at the moment.

Cllr Milligan asked about the challenges faced by Police in the City Centre at weekends. Inspector Bruce explained there are 48 police officers in 4 areas in the City and the visibility of Police is important to the public. The Safe Zone bus relieves pressure on the Police as incidents are turned around more quickly and the staff are first aid trained. The view is that it would be beneficial to have three buses in 3 main beat areas and another vehicle on the road. Cllr Day said he totally supported the scheme as the benefits are huge and suggested that the question of funding might be raised as priority with the Council and others. Cllr Barrie also supported the scheme and asked if licensees would be interested in fundraising for additional vehicles. Peter Swanson asked if residual money from the licensing fees could be used to fund a Safe Zone bus? Morag Leck explained that licensing fees are for the administration of licensing system.

Cllr Milligan proposed that all Members of the Board would be given an opportunity to read the report and each political party should feed in to debate if the Safe Zone bus should be given priority. The Depute Clerk confirmed the Report would be circulated all Board members including those not in attendance .

The discussion moved on to the state of toilets in certain premises and the Forum Convener, having regard to the Brightcrew case and the terms of the Licensing Act suggested this issue was detrimental to the licensing objectives . He suggested the Board might consider amending their policy to address the concerns and improve housekeeping in licensed premises? Cllr Milligan explained when the application is for a new Premises Licence then it is for Council officers to consider these issues in terms of their statutory roles and the Board cannot go beyond its remit. Agreed that there needs to be some coordination amongst those with responsibility and a discussion between the Board and others may be helpful in this regard.

3. John Murphy (JM) – Is the running of ‘Booze tours’ in the city Centre detrimental to the types of visitors we are trying to attract?

JM suggested that booze tours which promote irresponsible drinking breach all five licensing objectives and do not fit with the profile of the Capital City.

Cllr Milligan responded that the City is not trying to attract one type of tourist, but has to accommodate all – he agreed that booze tours are generally inconsistent with the views of the Board. Ken Fairgrieve (LSO) explained that the tours are not covered by licensing legislation so are not regulated but LSOs do remind the organisers and the pubs visited of the licensing objectives. Up until now the LSOs have had no concerns. JM made reference to issues caused by these tours in Cockburn Street. Cllr Milligan stated that the position is clear: if pubs are serving alcohol to people who are already drunk then they are in breach of the legislation.

4. John Murphy – Late applications should generally be rejected by the Board:

This had been dealt with earlier at the Forum meeting by the Depute Clerk to the Board.

5. John Murphy – Sales figures from on sales are publicly available whereas off sales are regarded as commercially sensitive –

JM asks the Board to push for the Government to require alcohol turnover figures from off sales. Morag Leck responded that the figures were considered commercially sensitive information by supermarkets , off sales outlets etc . The primary responsibility of the Board

is to deal with licensing of premises. It was noted by the Forum Convener that pubs, restaurants, clubs etc. have to provide this commercially sensitive information as part of their rating returns. JM requests that the item remains on the agenda until provided with an answer. Cllr Day suggested the Board/Council could consider lobbying Scottish Government and asked if the Board was also lobbying SG on the fee for Occasional licences? Morag Leck confirmed this had been raised on several occasions with SG officials as the fee of £10 had not changed since 2009 when the Act was introduced.

6. **AOCB** - The Convener thanked everyone for attending and for their participation in the meetings

7. **DONM: Tuesday 1st December 2015** - The Board and others were invited to join the Forum meeting on 1st December to have an open discussion about “Encouraging Live Music in Edinburgh” and possibly to hear from someone in the “Music is Audible” group about the matter.