

Licensing Forum meeting 03/03/2023 - Dunedin Room, City Chambers

Attendance: Isla Burton, Veronica McMillan, Greig Stephen, Elizabeth Horsfall, Neil Logan, Andrew Mitchell, Avril McKay, Morag Leck, Paul Togneri, Annick Gaillard, Roger Colkett, Jane Corrigan, Angela Voulgari, Jamie Mackie, Ken Baird, Brian Dobie

Apologies: Hal Prescott, Louise MacLean, George Fyvie, Luke McGarty, Sam Piacentini

1. Introductions and welcome

2. Licensing Policy consultation

ML - Licensing Board keen for Forum to be involved at every stage of consultation. ML suggested that Forum members join online for Licensing Board meetings discussing policy. Friday 10th Feb meeting was dedicated to consultation responses. A report was submitted to the Board on Monday 27/02/23. Next stage is to have face to face sessions with those who submitted responses. ML confirmed that an invitation will be issued to groups who have not taken part and who will be interested in taking part. Draft policy document will go out to Forum for consultation.

ML mentioned lack of responses from some organisations which have not taken part in this consultation, who previously have taken part.

Board will be looking for responses from statutory consultees, namely Police Scotland and NHS Lothian to provide reports/data for the purposes of the draft policy.

AMcK - NHS Lothian awaiting publication of report from Edinburgh University as part of their consultation response.

GS - Police Scotland confirmed they will provide report/ response at end of March.

VM - Licensing Standards also confirmed their response is now also being drafted.

AV – Women against violence partnership – more responses and data needed and should form part of Forum response.

GS - Police Scotland – confirm Get Home Safe – similar programme is looking to introduce as compulsory scheme for licensed premises to join, for their staff. Police Scotland also offers bystander training to many companies connected to night-time economy. Also working with Street Assist.

ML has confirmed that they have already liaised with LSO, officers are out at premises and can have valuable observations/action. Mentioned 'Ask Angela' programme which is in place at many venues.

NTBCC (AG) mentioned categorisation of premises (restaurant, bar, coffee shop), overprovision – little impact, public venues with licence apply for planning permission, where PP is refused premises has 28 days grace period. Should become a condition for occasional licences that it is compulsory to obtain planning permission before applying. ML has given feedback on categorisation.

RC raised issue of temporary licences, confusion that premises operate whilst seeking premises licence, Community Councils are not notified of temporary licences. ML - watch Licensing Board meeting webcast. Board has set its position regarding occasional licences, policy will be enforced and occasional licence applicants who are seeking licences against policy will be called for a review.

South East CC – regarding occasional licence notification/site notice/licence display – this is often not the case. Licensing Standards VM – explained role of LSOs who carry out compliance inspections such as display of relevant documentation. Revisit will be carried out to confirm adherence to regulations.

3. Licensing Standards – Veronica Macmillan

Overview of LSO role. Statutory role, one LSO per area. In Edinburgh there are eight LSOs for over 2,000 licensed premises.

Part of role is promoting compliance by providing guidance and information in regard to Licensing Scotland Act 2005 and relevant regulations. Ensuring that premises are complying, and LSOs are carrying out visits to check premises and assist them to meet the standards.

LSOs also provide mediation to resolve disputes between licence holders and neighbours. Often this is in relation to amplified music. LSOs go out to neighbours' properties to witness the noise level and then once witnessed they will contact premises.

Noise issues can be reported on 0131 200 2000 – call will be directed to relevant team – if noise issue is not related to licensed premises. Antisocial behaviour will be referred to Police Scotland. LSOs can assist designated premises manager (DPM) to resolve any issues which could cause nuisance to neighbouring residential premises.

Licensing Standards provide information to Licensing Board - this is called a memo for Board consideration of premises licence application, as statutory consultee.

Statutory powers to: enter premises any time; carry out inspection; seize; require assistance from DPM; initiate premises licence review.

LSOs also work with premises licence holders on annual fee payments. They would advise the Board of premises which have not paid for Board to consider what action to take.

VC extended welcome to members of the Forum to come out with LSO on their visits. Premises Licence Holders would also be notified and must give consent prior to any such visit.

4. Police Scotland – Greig Stephen

Working closely with LSO. Police Licensing has a small team at St Leonard's station.

Working within licensing area if crime has been connected to licensed premises.

Split between applications and enforcement. Application will get representations as part of the statutory consultee requirement. View applications, compare to policy and provide relevant response such as representation or no objection letter. Police may highlight where application is seeking to go against policy.

Team conducts search of licensing incidents from the prior 24h. Police will visit any premises which has been a cause for concern. Police can also report this to Licensing Board.

Police carry out inspections whenever there is a concern that premises is in breach of conditions, carrying out illegal activities etc. Police will also view current documentation of premises. May lead to formal intervention agreement – up 12 weeks to improve. Continued breaches will be reported in form of premises licence review report to Licensing Board.

GS mentioned campaign 'It will cost you' – well received in Edinburgh. More work will be done, this is a scheme to prevent adult from purchasing alcohol for children and young persons.

Provide Board with annual report on activities related to licensed premises.

Police are also a consultee for other types of licences as often events are multi licensed and Police may present concerns about large scale events.

GS mentioned bystander training which may be posted publicly on website such as 'Eventbrite'.

Police also provide materials for other campaigns such as Ask for Angela.

Police use Inn Keeper system. Can only be used by Police. Contains information on Police visits to licensed premises.

5. Clerk of the Licensing Board – Morag Leck

Encouraged Forum members to read [statement of Licensing Policy](#). Council has a duty after every election to appoint members of the [Licensing Board](#). Board must elect a convener. Board members can resign or remove members. Board also must appoint Clerk of Licensing Board - at the moment this function is held by Nick Smith. Morag Leck is Principal Solicitor. Nick Fraser and Caitlin Allan both deputy Clerks.

Board cannot make a profit and also cannot operate at a loss. Andrew Mitchell reports on income expenditure to Board and there is duty of public notification.

Functions and activities must be published.

Licensing Board will also meet Licensing Forum.

Current convener of the Board is Cllr Louise Young, deputy convener is Cllr Jason Rust.

Support and carry out functions of the Board.

Clerks of the Board act as a link and liaison to other organisations and bodies, as well as providing clerical support and legal advice to Licensing Board.

Quasi-judicial Body, therefore decisions are open to public scrutiny.

Board members may decide to conduct a site visit if there is an application or premises licence review.

Encouragement to Forum to bring any issues or topics that they wish to discuss further outwith today's meeting.

6. Dates for meetings 2023

Fridays work best for all members of the Forum.

Isla to schedule meeting once policy statement is ready.

Looking for regular meetings, quarterly – there is not a statutory set amount/frequency for the meetings.

AOCB

RC – suggestion to schedule meeting somewhere with better acoustics and especially when members are on Teams – Isla will look into it.