

ABERDEENSHIRE LICENSING BOARD NORTH DIVISION

Minutes of Meeting of the LICENSING BOARD for the NORTH DIVISION OF ABERDEENSHIRE held within the COUNCIL CHAMBER, BUCHAN HOUSE, ST PETER'S STREET, PETERHEAD On Friday 30 August, 2019 at 10:00 a.m.

Present: B. Topping, I. Taylor, A. Duncan, A. Forsyth, S. Calder, M. Roy, A. Stirling

In Attendance: Fiona M Stewart (Depute Clerk to the Licensing Board), Sergeant Gill Flett, and PC Downie, Police Scotland, Trevor Lackie, Licensing Standards Officer.

1. APOLOGIES FOR ABSENCE

G. Reynolds.

2. DECLARATIONS OF INTEREST

None

3. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Board AGREED, in terms of Section 149 of the Equality Act, 2010:-

- (1) The Board would have due regard to the need to:-
 - (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) Foster good relations between those who share a protected characteristic and persons who do not share it.

- (2) Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

4. MINUTES FOR APPROVAL - (COPY TO MEMBERS ONLY)

The Minutes of the Licensing Board Meetings on 26 June, 2019 were approved as correct.

5. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE – NON-CONTENTIOUS APPLICATIONS - HEARING

Following consideration of a Report by the Depute Clerk in relation to non-contentious Premises Licences lodged in terms of Section 17 Part 3 of the Licensing (Scotland) Act 2005 the Board decided the application as below.

<u>Name of Applicant</u>	<u>Name and Address of Premises</u>	<u>Remarks (if any)</u>
Yvonne Catherine Freeman	Pitsligo Arms Hotel 51 High Street New Pitsligo AB43 6NF	GRANTED

6. LICENSING (SCOTLAND) ACT 2005 – REVIEW OF PERSONAL LICENCE – PAUL McPHERSON - HEARING

1. The Licence Holder was present at the meeting
2. Sergeant Gill Flett represented the Chief Constable at the hearing
3. The Board heard the submissions of Sergeant Flett in relation to the Section 84(3)(b) Notice
4. The Board heard Mr. McPherson's submissions
5. The Board afforded Sergeant Flett an opportunity to respond to Mr. McPherson's submissions but she had nothing to add
6. An opportunity was afforded to Board Members to ask questions of either party
7. Sergeant Flett was afforded an opportunity to make concluding remarks but declined to do so
8. Mr McPherson was afforded an opportunity to make concluding remarks but declined to do so
9. Mr Forsyth, seconded by Mr Calder moved as a motion that, based on the submissions of the Licence Holder and the fact there was no recommendation from the Chief Constable, the Board take no further action on this matter
10. No amendment was proposed
11. The motion was passed unanimously on a show of hands
12. The Convenor accordingly confirmed that the decision of the Board was to take no further action on this matter.

7. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR REVIEW OF PERSONAL LICENCE – CARL MEALL – HEARING

1. The Licence Holder was neither present nor represented at the meeting
2. Sergeant Flett represented the Chief Constable at the meeting
3. As a preliminary matter, the Board agreed to conduct the hearing in the absence of the Licence Holder
4. The Board heard the submissions of Sergeant Flett in respect of the Section 83(4)(b) Notice
5. An opportunity was afforded to Board Members to ask questions
6. Sergeant Flett was afforded an opportunity to make concluding remarks but declined to do so.
7. Mr Forsyth, seconded by Mr Taylor, moved as a motion that the personal licence be revoked on the basis that the licence holder's actions were contrary to the licensing objectives of prevention of crime and disorder and securing public safety and that therefore the Licence Holder was no longer a fit and proper person to be the holder of a licence in terms of Section 83(9A) of the Licensing (Scotland) Act 2005.
8. Mrs Stirling, seconded by Mr Roy, moved as an amendment that the personal licence be suspended for a period of three months, on the basis that the licence holder's actions were contrary to the licensing objectives of prevention of crime and disorder in terms of Section 84(9)(b) of the Licensing (Scotland) Act 2005.
9. On a division there voted

For the Motion

A. Forsyth

I. Taylor

[2 votes]

For the Amendment

B. Topping

S. Calder

M. Roy

A. Stirling

A. Duncan

[5 votes]

10. The Chairman accordingly declared the amendment carried in terms and therefore the decision of the Board was that the personal licence be suspended for a period of three months.

8. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR GRANT OF PERSONAL LICENCE – KIRAN MANJUNATHA - HEARING

Withdrawn at the request of the applicant.

9. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR GRANT OF PERSONAL LICENCE – JILL MERRILEES - HEARING

Withdrawn at the request of the applicant.

10. ADDITIONAL REPORTS

(i) CHIEF CONSTABLE'S ANNUAL REPORT 2018-19

Following consideration of the Chief Constable's report to the Board for the period 1st April 2018 to 31st March 2019 and, having heard Sergeant Flett speak to the report, the Board commended the terms of the report.

Separately, the Board asked the Depute Clerk to work with the Licensing Team, Police and Licensing Standards Officers to consider doing formal, or informal briefing sessions about the work of the North Board with the Banff and Buchan, Buchan and Formartine Area Committees, to raise the profile of the Board with the Council Committees, to highlight the partnership and proactive approach taken by the Licensing Team, Police and LSOs and to profile risk areas and commend good practice within the local community.

(ii) CONSULTATION ON LOIP ANNUAL REPORT

Following consideration of a report from the Aberdeenshire Community Planning Partnership on the Aberdeenshire Local Outcomes Improvement Plan (LOIP) and Locality Planning Annual Report, dated 3rd July 2019, copies of which had been circulated to members in advance, and consideration of the Alcohol Action Plan for the LOIP, the Board –

- welcomed the fact that the CPP is consulting the Boards on the Annual Report.
- asked if consultation could be extended to include the Boards in preparing the next LOIP and action plan. The Board are very much of the view that partnership working enhances the work of all partner agencies and see this as a very positive step.
- thanked the CPP for including them as a consultee in relation to the document.
- made the following comments in respect of the draft Annual Report:
 - The overarching report is light on actual outcomes and lacks evidence as to how the activities/actions are actually making a difference in our communities. There are a lot of gaps and the information doesn't help us to understand how actions are making differences to peoples' lifestyles.
 - There is no connection between the LOIP, the Action Plans and the Locality Plans in the Annual Report.
 - Looking at the Alcohol Action Plan, a lot of these actions are marked red. A lot of the Actions are statements and a lot of the outputs are statements, it is not outcome focussed which leads to a lack of information. There is a disconnect between the Actions in the Action Plan and performance in the Annual Report.
 - What service plans does this relate to, how does it tie up together and what evidence of how outcomes are being delivered.
 - There is very little information on the first priority relating to Alcohol contained within the Annual report.
 - The annual report is a public facing document - there are a lot of acronyms throughout the document. This is not helpful when trying to go through the document. It does not present as an effective means of reporting the work being undertaken and it is not clear to the reader what the purpose of the document is. There are bits and pieces of useful information scattered through the document but an ordinary person reading it will really struggle to understand what it is about.

(iii) REPORT ON LICENSING FEES

Following consideration of a report by the Clerk relating to a review of Licensing Fees, dated July 2019, copies of which had been circulated to members in advance, the Board

1. Agreed to a formal consultation on proposed changes to certain Licensing Board fees from 30th August to 20th September 2019;
2. Agreed that the results of the consultation exercise be reported back to the Licensing Boards in October with a view to introducing any changes to the fees from 1st November 2019; and
3. Commended officers for the work done in reviewing the fees and preparing the report for the Board.

(iv) EQUALITIES – MAINSTREAMING PROGRESS REPORT

Following consideration of a report by the Clerk in relation to the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012 – Equalities Mainstreaming & Outcomes Progress Report 2019, dated 14th August 2019, copies of which had been circulated in advance, the Board:

1. Considered the progress made towards meeting the public sector equality duty and specific duties in terms of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012;
2. Approved for publication the joint Aberdeenshire Council, Aberdeenshire Education Authority and Aberdeenshire Licensing Boards' Equality Mainstreaming & Outcomes Progress Report 2017-2019;
3. Agreed the terms of the updated Equalities Policy for the Boards and authorised the Depute Clerk to publish the updated Policy on the Boards' website; and
4. Asked that the following be considered moving forward:

The Board

- commended the amount of work carried out by officers both in respect of the mainstreaming report and the updating of the Boards' Policy.
- acknowledged the seriousness of the issues related to equalities and the importance of imbedding equalities into the work the Boards do.
- commended the fact that there were Board Members who were equalities champions but were of the view that it would be useful for the Equalities Champions to have a framework in which they could consider this role in relation to the Boards' Equality outcomes so that they can be seen to be driving forward equalities and that the evidence of the positive impact of these can be more relevant to the Licensing Boards. Currently, the role of Equalities Service Champion is complex and ill-defined.
- acknowledged the amount of work that had gone into the mainstreaming report and in evidencing the outcomes listed in the Boards' Equality Policy. However, both documents contain a lot of information and a lot of statements but there is a lack of outcome reporting particularly a lack of evidence of a positive impact on our local communities.
- asked the Clerk to consider how we engage with the Equalities Team and how the Board engages with the Scottish Government on delivering what is required so that the Boards can better comply moving forward in a more meaningful and transparent way."

11. DATE OF NEXT MEETING - FRIDAY, 1 NOVEMBER 2019

Noted.

Board Member Presiding over meeting

Brian Topping

Print Name

Signature

01/11/2019

Date