

# Public Document Pack



To: All Members of the Council

Town House,  
ABERDEEN, 12 May 2022

## COUNCIL - STATUTORY MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 18 MAY 2022 at 10.30am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

- 1 Notice of Election (Pages 3 - 6)
- 2 Election and Installation of the Lord Provost
- 3 Determination of Urgent Business
- 4 Declarations of Interest and Transparency Statements
- 5 Appointment of Depute Provost
- 6 Appointment of Council Leader and Depute Leader or Co-Leaders
- 7 Appointment of Senior Councillors and Members to Committees - COM/22/079 - to follow
- 8 Appointment of Members to Sub Committees, Groups, Partnerships, Joint Boards and Outside Bodies - COM/22/080 - to follow

- 9 Appointment of Members to Aberdeen City Licensing Board - COM/22/074 (Pages 7 - 10)
- 10 School Placings and Exclusions Appeal Committee - Pool of Members - COM/22/071 (Pages 11 - 18)
- 11 Local Review Body (LRB) - Pool of Members - COM/22/070 (Pages 19 - 22)
- 12 Re-establishment of Local Licensing Forum - COM/22/078 (Pages 23 - 36)
- 13 Appointment of Baillies and Miscellaneous Council Appointments - COM/22/069 (Pages 37 - 42)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Martyn Orchard, tel 01224 523097 or [morchard@aberdeencity.gov.uk](mailto:morchard@aberdeencity.gov.uk)

# Agenda Item 1

## Aberdeen City Council Local Government Election - 5<sup>th</sup> May 2022

I, Fraser Bell, as Returning Officer for the Aberdeen City Council give notice that the successful candidates in this election are as follows:-

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
Dyce/Bucksburn/ Danestone	<b>AL-SAMARAI, Gill</b> – Scottish National Party (SNP)	1	6,766	168
	<b>CROCKETT, Barney</b> Aberdeen Labour	7		
	<b>MACGREGOR, Neil</b> – Scottish National Party (SNP)	2		
	<b>MACKENZIE, Avril</b> – Scottish Conservative and Unionist	1		
Bridge of Don	<b>ALI, Nurul Hoque</b> – Aberdeen Labour	8	6,930	137
	<b>ALPHONSE, Alison</b> – Scottish National Party (SNP)	1		
	<b>CROSS, Sarah</b> – Scottish Conservative and Unionist	1		
	<b>MENNIE, Jessica</b> – Scottish National Party (SNP)	5		
Kingswells/ Sheddocksley/ Summerhill	<b>BLAKE, Kate</b> – Scottish National Party (SNP)	7	4,834	82
	<b>CAMERON, David</b> – Scottish National Party (SNP)	1		
	<b>DELANEY, Steve</b> – Scottish Liberal Democrat Focus Team	1		
Northfield/Mastrick North	<b>CLARK, Donna</b> – Scottish National Party (SNP)	1	3,803	129

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
	<b>GRAHAM, Gordon</b> – Aberdeen Labour	5		
	<b>MCRAE, Ciarán</b> – Scottish National Party (SNP)	5		
Hilton/Woodside Stockethill	<b>CAMERON, Hazel</b> – Scottish National Party (SNP)	1	4,291	137
	<b>COPLAND, Neil</b> – Scottish National Party (SNP)	7		
	<b>TISSERA, Deena</b> – Aberdeen Labour	3		
Tillydrone/Seaton/Old Aberdeen	<b>GRANT, Ross James</b> – Aberdeen Labour	6	2,727	111
	<b>MCLELLAN, Alexander</b> – Scottish National Party (SNP)	1		
	<b>VAN SWEEDEN, Kairin</b> – Scottish National Party (SNP)	10		
Midsocket/Rosemount	<b>BONSELL, Jennifer</b> – Aberdeen Labour	5	4,774	85
	<b>CORMIE, Bill</b> – Scottish National Party (SNP)	1		
	<b>FARQUHAR, Emma</b> – Scottish Conservative and Unionist	3		
George Street/Harbour	<b>BOUSE, Desmond</b> – Scottish Liberal Democrats	7	3,505	78
	<b>HENRICKSON, Dell</b> – Scottish National Party (SNP)	2		
	<b>HUTCHISON, Michael</b> – Scottish National Party (SNP)	1		

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
	<b>MACDONALD, Sandra</b> – Aberdeen Labour	3		
Lower Deeside	<b>BOULTON, Marie Louise</b> – Independent	5	6,970	84
	<b>MALIK, M. Tauqeer</b> – Aberdeen Labour	3		
	<b>MASSEY, Duncan</b> – Scottish Conservative and Unionist	5		
Hazlehead/ Queens Cross/ Countesswells	<b>COOKE, John</b> – Scottish National Party (SNP)	4	7,808	72
	<b>GREIG, Martin</b> – Scottish Liberal Democrats	1		
	<b>MCLEOD, Ken</b> – Scottish Conservative and Unionist	7		
	<b>Jennifer Stewart</b> –	1		
Airyhall/Broomhill/ Garthdee	<b>DAVIDSON, Derek</b> – Scottish National Party (SNP)	1	5,927	55
	<b>HOUGHTON, Ryan</b> – Scottish Conservative and Unionist	4		
	<b>Ian Yuill</b> – Scottish Liberal Democrats	1		
Torry/Ferryhill	<b>ALLARD, Christian</b> – Scottish National Party (SNP)	1	5,120	123
	<b>FAIRFULL, Lee</b> – Scottish National Party (SNP)	10		
	<b>KUSZNIR, Michael</b> – Scottish Conservative and Unionist	6		
	<b>WATSON, Simon Peter</b> – Aberdeen Labour	8		

<b>Ward</b>	<b>Candidate and Description</b>	<b>Stage at which elected</b>	<b>Number of valid votes</b>	<b>Number of votes rejected as void</b>
Kincorth/Nigg/Cove	<b>BROOKS, Richard</b> – Scottish Conservative and Unionist	1	4,879	82
	<b>NICOLL, Alex</b> – Scottish National Party (SNP)	1		
	<b>RADLEY, Miranda</b> – Scottish National Party (SNP)	2		
	<b>THOMSON, Lynn</b> – Aberdeen Labour	4		

**Fraser Bell**  
Returning Officer

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Full Council
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Appointment of Members to Aberdeen City Licensing Board
<b>REPORT NUMBER</b>	COM/22/074
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Sandy Munro
<b>TERMS OF REFERENCE</b>	8

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### 1. PURPOSE OF REPORT

- 1.1 To request the election of Members to the Aberdeen City Licensing Board in satisfaction of the Council's statutory duty.

### 2. RECOMMENDATIONS

That Council:-

- 2.1 Agree that the appropriate number of Members to be elected to the Licensing Board is nine; and
- 2.2 Elect nine Members to the Licensing Board.

### 3. CURRENT SITUATION

- 3.1 The Licensing (Scotland) Act 2005 (hereafter referred to as the 2005 Act) requires that a Licensing Board be established in each Local Authority area.
- 3.2 The 2005 Act provides that the Council must, at their first meeting after each ordinary election of the council, hold an election of Members to the Licensing Board. Such Members must be Councillors.
- 3.3 The 2005 Act provides that the Board should consist of such number, being not fewer than 5 and not more than 10, of elected Members as may be determined by the Council. A quorum for a meeting of a Licensing Board is one half of the number of Members, but in any case not fewer than 3.
- 3.4 The Board currently has 9 Members. This number reduces the likelihood of the Convener having to use a casting vote on applications.

- 3.5 The Members of the Licensing Board must, at their first meeting after the election of Members to the Board, elect one of their number as Convener.
- 3.6 The 2005 Act provides that a Councillor is disqualified from being a Member of the Licensing Board if the Councillor is –
- (a) a premises licence holder;
  - (b) an employee of a premises licence holder and works as such in a licensed premises;
  - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol;
  - (d) a director or other officer of a company so engaged; or
  - (e) an employee of any person so engaged and works as such in that business.
- 3.7 By statute, each Licensing Board Member must, within 3 months of being elected or re-elected, undertake training and produce to the Clerk to the Board their Scottish Licensing Board Members' Certificate (SCLBM) within 4 months and cannot take part in any Board proceedings until they have done so. Should a Member fail to successfully complete the training and produce their training certificate within the 4 month period, the Member ceases to hold office as a Member of the Board.
- 3.8 Officers have set aside Thursday 2 June as the date on which Board Members will undertake the statutory training. Training will be provided remotely by Alcohol Focus Scotland.
- 3.9 The Board meets approximately every 8 weeks. Additional meetings of the Board may be called by the Convener in certain circumstances.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of the training will be met from the Licensing budget.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council has a statutory duty to establish and elect Members to the Licensing Board. Failure to establish the Board would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no direct environmental implications arising from the recommendations of this report.



## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified.	N/A	N/A	N/A
<b>Compliance</b>	Statutory obligation	Recommendations are to comply with statutory obligations	L	Yes
<b>Operational</b>	No significant risks identified.	N/A	N/A	N/A
<b>Financial</b>	No significant risks identified.	N/A	N/A	N/A
<b>Reputational</b>	No significant risks identified.	N/A	N/A	N/A
<b>Environment / Climate</b>	No significant risks identified.	N/A	N/A	N/A

## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
	The proposals in this report have no impact on the Council Delivery Plan

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	Full impact assessment not required

<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

## 10. BACKGROUND PAPERS

10.1 None

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Sandy Munro
<b>Title</b>	Solicitor
<b>Email Address</b>	AleMunro@aberdeencity.gov.uk

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Statutory Council Meeting
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	School Placings and Exclusions Appeal Committee – Pool of Members
<b>REPORT NUMBER</b>	COM/22/071
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynsey McBain
<b>TERMS OF REFERENCE</b>	7

### 1. PURPOSE OF REPORT

- 1.1 This report seeks approval of the process for the appointment of a pool of Councillors and external members from which individuals will be drawn to form the membership of the School Placings and Exclusions Appeal Committee as required by section 28D(1) of the Education (Scotland) Act 1980 as amended.

### 2. RECOMMENDATIONS

That Council:-

- 2.1 appoint all Elected Members on the Education Operational Delivery Committee, plus two Members per political group and one Independent Member to the School Placings and Exclusions Appeal Committee;
- 2.2 delegate authority to the Committee Lead to (i) reappoint all existing external members set out in Appendix A to this report; and (ii) appoint individuals who fall into the following categories, when necessary;:-
- (a) parents of children of school age;
  - (b) people who in the opinion of the authority have experience in education; or
  - (c) people who in the opinion of the authority are acquainted with the educational conditions in the area of the authority; subject to a training session being attended and a clear PVG check being returned (for a to c);
- 2.3 agree that ex-members of former School Boards/Parent Councils; ex-teachers and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980 for external members of the School Placings and Exclusions Appeal Committee and be appointed by the Committee Lead, accordingly; and

- 2.4 appoint the Committee Lead as the Clerk to the School Placings and Exclusions Appeal Committee and to authorise all Committee Officers to be Assistant Clerks in his name.

### **3. CURRENT SITUATION**

- 3.1 The Council is required to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980, as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend.
- 3.2 The statutory requirement contained in Schedule A1 of the Education (Scotland) Act 1980 is for an Appeals Committee to be drawn from a pool of individuals from the following categories:
- (a) members of the authority or of the education committee of the authority; and
  - (b) persons who are not members of the authority or of the education committee of the authority but are -
    - 1. parents of children of school age;
    - 2. persons who in the opinion of the authority have experience in education; or
    - 3. persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority.
- 3.3 Each Committee must comprise three, five or seven members from the above categories. Councillors cannot outnumber lay members by more than one and no Elected Member can chair a hearing.
- 3.4 To meet the requirement of the Act and to ensure a sufficient pool of members is available, it is recommended that Council appoint all Elected Members of the Education Operational Delivery Committee, as well as two Members from each political group and one Independent Member. All members appointed to the Committee who have not previously undertaken the training are required to attend the Committee's training session being held on Monday 23 May at 1.30pm, held remotely. Elected Member appointments are therefore required to be confirmed in advance of this date. Appeal hearings will commence from Tuesday 17 May 2022 and will continue throughout June.
- 3.5 With regards to the appointment of external members of the Committee, falling under category (b) above (section 3.2), it is recommended that the Committee Lead be granted delegated authority to:
- (i) reappoint all existing external members; and
  - (ii) appoint individuals who fall into one of the aforementioned three categories subject to a training session being attended and a clear PVG check being returned.
- 3.6 A list of existing external members is contained at Appendix A. These members have been vital to the process and have become experienced in their role and it is important that their services be retained. In making new external

appointments, it recommended that Council agree that ex-members of former School Boards/Parent Councils; ex-teachers; and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980.

- 3.7 The majority of appeals are submitted by parents who have not been successful in their requests to have their children placed in particular schools. These appeals begin to be submitted in early May and hearings can continue until the end of July. It is not unusual for the Committee to meet four or five times a week during this period, and occasionally twice a day. Given the frequency of meetings during this period, it is important to have a pool large enough to consider all appeals within 28 days of receipt of the appeal as required by statute. The number of appeals submitted varies from year to year and a lot of appeals don't proceed to require an appeal hearing. In 2019, 90 appeal hearings were required; 2020 there were 97 and 2021, 62 appeal hearings were required.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no significant additional costs, although external members are entitled to claim travel allowances and these would be met from existing budget. However hearings have been operating remotely since March 2020, and will continue to do so for the foreseeable future, therefore no travel expenses have been claimed in this period.
- 4.2 Each new member requires to undertake a PVG Scheme check. Checks for all members will be processed by the HR Service Centre in line with the procedure for dealing with PVG checks for Elected Members.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council has a statutory obligation to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980 as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend. If the Council fails to establish a Committee, it will be in breach of a statutory duty

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no environmental implications associated with this report.

#### **7. RISK**

- 7.1 Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint a School Placings and Exclusions Appeal Committee, it will be in breach of a statutory duty. The assessment of risk

contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

<b>Category</b>	<b>Risks</b>	<b>Primary Controls/Control Actions to achieve Target Risk Level</b>	<b>*Target Risk Level (L, M or H)  *taking into account controls/control actions</b>	<b>*Does Target Risk Level Match Appetite Set?</b>
<b>Strategic Risk</b>	If we do not have members trained there is a risk that appeals are not considered and heard within the 28 day time limit from when the appeal is submitted.	Ensure that members are given the necessary training.	L	Yes
<b>Compliance</b>	The Council must comply with its statutory obligations	To ensure compliance with the statutory obligations, the Council must ensure that members are trained to sit on a hearing.	L	Yes
<b>Operational</b>	No significant risk identified			Yes
<b>Financial</b>	No significant risk identified			Yes
<b>Reputational</b>	If we do not have members trained, there may be a risk to	Ensure there are various training sessions organised to allow members to be fully trained and	L	Yes

	the reputation of the Council as appeal hearings could be delayed and decisions not made within the 28 day limit of an appeal being submitted.	comfortable to sit on an appeal hearing.		
<b>Environment / Climate</b>	No significant risk identified			Yes

## 8. OUTCOMES

<u><a href="#">COUNCIL DELIVERY PLAN</a></u>	
<b>Impact of Report</b>	
	The proposals in this report have no impact on the Council Delivery Plan.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Not required.
<b>Data Protection Impact Assessment</b>	Not required.
<b>Other</b>	None.

## 10. BACKGROUND PAPERS

10.1 Section 28 of the Education (Scotland) Act 1980.

## 11. APPENDICES

11.1 Appendix A – list of existing members.

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Lynsey McBain
<b>Title</b>	Committee Officer
<b>Email Address</b>	<a href="mailto:lymcbain@aberdeencity.gov.uk">lymcbain@aberdeencity.gov.uk</a>
<b>Tel</b>	01224 522123



## **APPENDIX A**

### **EXTERNAL MEMBERS FOR SCHOOL PLACINGS AND EXCLUSIONS APPEALS**

1. Yvonne Allan
2. Julie Anderson
3. Ian Beaton
4. Phillip Bell
5. Anna Bokedal
6. Abeer Eladany
7. Janice Esson
8. Catherine Findon
9. Bill Harrison
10. Tony Rafferty
11. Alasdair Stevenson
12. Helena Ziegler

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## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Statutory Council Meeting
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Local Review Body (LRB) – Pool of Members
<b>REPORT NUMBER</b>	COM/22/070
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynsey McBain
<b>TERMS OF REFERENCE</b>	7

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### 1. PURPOSE OF REPORT

- 1.1 This report seeks the Council’s approval to appoint all Councillors to form the pool of membership of the Local Review Body (LRB).

### 2. RECOMMENDATIONS

That Council:-

- 2.1 appoints all Councillors to be members of the statutory Local Review Body pool; and
- 2.2 notes that all members will be provided with the appropriate training.

### 3. CURRENT SITUATION

- 3.1 The Council is required to establish a Local Review Body in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland)n Regulations 2013.
- 3.2 Where an application in the category of local developments has been dealt with under the Scheme of Delegation to officers (powers given to Senior officers to make decisions), the applicant can request the LRB to review the case. The legislation requires review cases to be conducted by a committee of the planning authority or such other Members of the Council who are eligible to participate and will comprise at least 3 members of the authority. It is proposed that for future meetings of the LRB, where possible, the panel will have 5 members hearing each review. However the quorum will remain at 3 members in terms of the 2013 regulations.
- 3.3 Members participating in review cases will receive appropriate training in planning issues and in how to conduct the LRB. Training sessions for members

to the LRB have been organised. Dates will be circulated to members in due course. Members are not permitted to sit on a LRB unless they have completed the necessary training.

- 3.4 Councillors will not be allowed to sit on the LRB if the case to be determined is within that Councillor's ward in accordance with the decision of the Planning Committee on 18 March 2009.
- 3.5 The Council, in its previous term, agreed that all members form the pool for the LRB, however not all members undertook the necessary training and the pool consisted of 23 members. It is hoped that for this term all Councillors will be fully trained in order to sit on a LRB with various training sessions organised in order to prepare as many Councillors as possible.
- 3.6 In 2021, there were 12 meetings of the Local Review Body considering a total of 26 cases. Up to the end of April 2022 there have been 6 meetings of the LRB which considered 15 cases. There has been an increase in the amount of cases coming to the LRB in recent years and as a result it would be beneficial to have as many Councillors trained as possible to sit on the LRB.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council has a statutory duty to appoint members to the Local Review Body.

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no environmental implications associated with this report.

#### **7. RISK**

- 7.1 Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint members to the Local Review Body it will be in breach of a statutory duty. The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

<b>Category</b>	<b>Risks</b>	<b>Primary Controls/Control Actions to achieve Target Risk Level</b>	<b>*Target Risk Level (L, M or H)</b>  <small>*taking into account controls/control actions</small>	<b>*Does Target Risk Level Match Appetite Set?</b>
<b>Strategic Risk</b>	Failure to maximise the number of elected members trained and part of the pool would increase the risk of reviews not being heard in the 12 week time limit.	Ensure there are various training sessions organised to allow as many members as possible to become trained.	L	Yes
<b>Compliance</b>	The Council must comply with its statutory obligations	To ensure compliance with its statutory obligations, the Council must ensure that as many members are trained as possible.	L	Yes
<b>Operational</b>	No significant risk identified			Yes
<b>Financial</b>	No significant risk identified			Yes
<b>Reputational</b>	There may be a risk to the reputation of the Council as LRBs could be delayed and decisions not made within the 12 week	Approval of the report and the attendance of members at the relevant training will minimise this risk.	L	Yes

	limit of a review being submitted.			
<b>Environment / Climate</b>	No significant risk identified			Yes

## 8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	<b>Impact of Report</b>
	The proposals in this report have no impact on the Council Delivery Plan.

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required.
<b>Other</b>	None.

## 10. BACKGROUND PAPERS

10.1 Planning Committee – 19 March 2009 – report on the arrangements of Local Review Body – local members not permitted to sit on a case.

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Lynsey McBain
<b>Title</b>	Committee Officer
<b>Email Address</b>	<a href="mailto:lymcbain@aberdeencity.gov.uk">lymcbain@aberdeencity.gov.uk</a>
<b>Tel</b>	01224 522123

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Statutory Council
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Re-establishment of Local Licensing Forum
<b>REPORT NUMBER</b>	COM/22/078
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Shereen Balaban
<b>TERMS OF REFERENCE</b>	7

### 1. PURPOSE OF REPORT

- 1.1 To advise members on the Council's statutory duty to re-establish the Aberdeen City Local Licensing Forum and to present a list of persons who have been nominated to serve on the Forum for the duration of the next Council term.

### 2. RECOMMENDATIONS

That Council :-

- 2.1 Re-establish the Local Licensing Forum as per its statutory duty, and note the current membership listed in Appendix A and the Forum's Constitution attached as Appendix B; and
- 2.2 Determine whether Council wishes to appoint representatives to the Forum and, if so, to make such appointments.

### 3. CURRENT SITUATION

- 3.1 Under the Licensing (Scotland) Act 2005 (hereafter referred to as the Act), each Council is required to establish a Local Licensing Forum for their area. At its Statutory Meeting on 17 May 2017, Council re-established the Forum and it has continued to operate since that time.
- 3.2 By law the Forum must meet at least 4 times a year and hold a Joint Licensing Meeting with the Licensing Board each year. The Aberdeen Local Licensing Forum meets with the Licensing Board annually. Responsibility for chairing the Joint Licensing Meeting alternates between the Convener of the Licensing Board and Forum. The next joint meeting has been scheduled for October 2022 and is due to be chaired by the Convener of the Local Licensing Forum.
- 3.3 The Forum must consist of between 5 and 21 members. A list of those nominated to serve by the Local Licensing Forum is attached at Appendix A.

- 3.4 Members of the Forum should be representative of the key interest areas which are:
- the emergency services;
  - persons having functions relating to health;
  - education and social work;
  - holders of premises licences and personal licences;
  - persons resident within the Forum area; or
  - young people in the area of Aberdeen City
- 3.5 The Forum's role is to keep under review the operation of the Act in the local authority area and to give advice and make recommendations to the Board in relation to those matters as the Forum considers appropriate, particularly in relation to the five licensing objectives prescribed by the Act. These are:
- Licensing Objective 1: Preventing Crime and Disorder;
  - Licensing Objective 2: Securing Public Safety;
  - Licensing Objective 3: Preventing Public Nuisance;
  - Licensing Objective 4: Protecting and Improving Public Health; and
  - Licensing Objective 5: Protecting Children from Harm.
- 3.6 As per the requirements of the Act, the Forum cannot comment on individual licenses or cases and should restrict itself to consideration of strategic matters or the development of policy at a local and national level. The Constitution of the Forum, which contains the Forum's remit is attached at Appendix B.
- 3.7 Licensing Boards and local authorities are free to adopt their own individual working practices for Forums to carry out their work, provided they are consistent with the provisions of the Act. Licensing Forums are independent from the Licensing Board.
- 3.8 Council is asked whether it wishes to be represented on the Forum. Whilst the relevant legislation does not prevent elected members being appointed to the Forum, any members appointed could not also be members of the Licensing Board.
- 3.9 An effective Licensing Forum should be widely recognised as being both independent and expert. To ensure independence, the Forum has developed an identity that is clearly separate from the Licensing Board or any other interest group.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.



## 5. LEGAL IMPLICATIONS

- 5.1 The Council has a statutory duty to establish a Local Licensing Forum. Failure to establish a Forum would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

## 6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified against this category			
<b>Compliance</b>	Failure to re-establish the Local Licensing Forum would mean that Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.	The report recommendation provides additional controls to ensure compliance with legislation.	L	Yes
<b>Operational</b>	No significant risks identified			

	against this category			
<b>Financial</b>	No significant risks identified against this category			
<b>Reputational</b>	There may be reputational and public participation risks if the Forum is not re-established as it provides a platform for a number of licensing and community stakeholders to meet, discuss issues and provide advice and support to the Licensing Board. Failure to establish a Forum may have a negative impact on the Licensing Board's capacity to exercise its functions, particularly during the ongoing review of the Statement of	The report recommendation provides additional controls to mitigate reputational risk.	L	Yes

	Licensing Policy.			
<b>Environment / Climate</b>	No significant risks identified against this category			

## 8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

	<b>Impact of Report</b>
<a href="#"><u>Aberdeen City Local Outcome Improvement Plan</u></a>	
Prosperous People Stretch Outcomes	The Forum supports the achievement of the improvement projects under Stretch Outcome 12.

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	Full impact assessment not required.
<b>Data Protection Impact Assessment</b>	Not required.

## 10. BACKGROUND PAPERS

- 10.1 CG/12/048: Membership of Local Licensing Forum, Statutory Council Meeting, 16 May 2012, CG/17/051: Re-establishment of Local Licensing Forum, Statutory Council Meeting, 17 May 2017.

## 11. APPENDICES

- 11.1 Appendix A - Members nominated to serve on the Aberdeen City Local Licensing Forum

Appendix B - Aberdeen City Local Licensing Forum Constitution

## 12. REPORT AUTHOR CONTACT DETAILS

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## Appendix A

Elaine Mottram (Convener)	Community
John Mooney (Vice Convener)	NHS Grampian
William Rae (Vice Convener)	Community Council
Neil Carnegie	Community Safety
Finlay Cran	Licensing Trade Association
Ewan Mclean	Aberdeen Inspired
Neil Grant	Police Scotland
Louise Grant	Fierce Beer
Steve McConnachie	Education and Children's Services
John Philip, Diane Sande and Stephen Stewart	Licensing Standards Officer

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## **ABERDEEN LOCAL LICENSING FORUM**

### **Constitution**

#### **1. NAME**

1.1. The name of the Forum shall be the ABERDEEN CITY LOCAL LICENSING FORUM.

#### **2. GEOGRAPHICAL BOUNDARY OF FORUM**

2.1. The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of Aberdeen City.

#### **3. TERMS OF REFERENCE**

3.1 The terms of reference of the Forum are as follows:-

a) To keep under review –

- (i) The operation of the 2005 Act in Aberdeen City, and
- (ii) In particular, the exercise by the Aberdeen City Licensing Board of its functions, and
- (iii) Give such advice and make such recommendation to the Board in relation to those matters as the Forum considers appropriate.

b) To consider the implications of relevant local data and statistics provided to the Forum by Police Scotland, the local Health Board, and local drugs and alcohol groups;

c) To have a joint meeting with the Licensing Board at least once per year; and

d) To advise the Licensing Board on any matters of policy and other areas of concern.

3.2 The Forum is not permitted to advise the Licensing Board on individual licensing applications.

#### **4 MEMBERSHIP**

4.1 In terms of the Licensing (Scotland) Act 2005 (“the Act”), the Forum shall consist of not fewer than five and not more than twenty-one members from the various representative groups specified in the Act.

The following are required members of the Forum:

- a) At least one person must be employed as a Licensing Standards Officer for the council's area.
- b) At least one must be a person nominated by the Health Board of the Forum's area.

4.2 The Forum may also invite/co-opt additional representatives to join as member to enable it to fulfil its function.

4.2.1 In order to be eligible for membership of the Forum, a person must be:-

a) aged 16 years or above;

b) able to demonstrate an interest in the licensing system; and

c) currently employed in or be a duly appointed representative of one or more of the following groups, namely:-

- the emergency services;
- persons having functions relating to health;
- education and social work;
- holders of premises licences and personal licences;
- persons resident within the Forum area; or
- young people in the area of Aberdeen City;

4.3 Any member who no longer meets the eligibility criteria for the Forum set out in section 4.2 above is no longer eligible to be a member of the Forum.

4.4 Members of the Forum will initially be appointed by the Local Licensing Forum.

4.5 Once established, the Forum itself may appoint new members to the Forum subject to the maximum number set out at paragraph 4.1 above. New members must meet the criteria set out at paragraph 4.2 above. Applications to become a member shall be submitted in writing to the Clerk of the Forum least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.

4.6 Any vacancy in membership shall be filled at the next meeting of the Forum occurring thereafter. Applications for membership shall be submitted in writing to the Clerk of the Forum at least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.

4.7 If any co-opted member of the Forum fails to attend three successive Forum meetings, with or without submitting apologies, the Forum may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried by a majority vote of those present and voting. A period of leave of absence of up to six months for the Forum Member may be granted and minuted at any meeting of the Forum. This period may be reviewed by the Forum.

4.8 All changes in membership and all details of additional members appointed to the Forum shall be forwarded to the Clerk of the Forum.

4.9 All Licensing Standards Officers are appointed as members of the Forum and may rotate attendance.

4.10 Other interested parties, as invited by the Forum, shall be entitled to participate actively in the meetings of the Forum and present the Forum with information as required. No voting rights shall apply to such invited parties.

## **5. OFFICE BEARERS**

5.1 A Convener and Vice Convener shall initially be appointed at the first meeting of the Forum.



5.2 Officers of the Forum shall retire annually and are eligible for re-election for the following year. The maximum length of service for Office Bearers will be three years in any one position.

5.3 In the event that an Office Bearer is unable to fulfil the role, the Forum will be given at least 7 days' notice of the intention to remove the Officer Bearer from their position and may reappoint a replacement Office Bearer from the membership.

## **6. MEETINGS**

6.1 The Forum shall meet quarterly at a date and time appointed at the previous meeting.

6.2 The Clerk of the Forum will provide an agenda 7 days in advance of the meeting.

6.3 Forum Members who are not able to attend a meeting shall submit apologies to the Clerk in advance of the meeting.

6.5 Members of the press and public are entitled to attend Forum meetings. Members of the public and press may speak and participate in discussion at the discretion of the Convener or whoever is chairing the meeting.

6.6 Meetings of the Forum are to be chaired by the Convener.

6.7 In the event that the Convener and Vice Convener are unable to attend a meeting, the Forum may appoint an acting Convener to chair the meeting who would be classed as an Office Bearer in terms of section 7 for the purpose of that meeting.

## **7. QUORUM**

7.1 The quorum for a meeting shall be one half of the number of the members (but in any case not fewer than 3). No business can be determined at a meeting unless a quorum is present.

7.2 One Office Bearer must be present at any meeting where a vote is to take place.

7.3 Each member present at a meeting will be entitled to one vote. In the event of an equality of votes, the Convener (or Vice Convener if chairing the meeting or any member Chairing the meeting) will be entitled to cast a casting vote.

7.4 If after 10 minutes from the appointed start time for a meeting, a quorum is not present, the Convener shall adjourn the meeting. It shall be recorded that, owing to a lack of the necessary quorum, no business could be transacted.

## **8. CONDUCT OF MEETINGS**

### *8.1 Convener's Duties*

8.1.1 To preserve order and ensure that every Forum Member has a fair hearing.

8.1.2 To decide on all matters of competency and relevancy.

8.1.3 To decide between two or more members of the Forum indicating a wish to speak by calling on the member who has first caught his or her eye.

8.1.4 The Convener will attempt to reach agreement among Forum members but if this is not possible the Convener's decision will be final.

## *8.2 Conduct of Forum Members*

8.2.1 There will be at least one meeting each year which will focus on the review and development of the Forum in order to enhance the Forum's ability to fulfil its function.

8.2.2 Every member of the Forum shall have the opportunity to participate and be heard. Members of the press and public are entitled to attend Forum meetings. When a member is speaking, he or she shall be heard without interruption; all other members shall give way.

8.2.3 In the event of any Forum Member disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a recommendation may be moved and seconded to suspend such member for the remainder of the sitting. The recommendation shall be put without discussion and, if carried on a two-thirds majority, such a member shall leave the meeting forthwith. This recommendation shall take immediate precedence over any business which is taking place.

## *8.3 Agendas and Minutes*

8.3.1 Any items to be included in the agenda for meetings of the Forum shall first be submitted to the Clerk of the Forum no later than 14 days prior to the date of any scheduled meeting.

- a) Other items may be included in the agenda at the discretion of the Convener.
- b) The agenda for each meeting will be circulated to members no less than 7 days in advance of the meeting.

8.3.2 The Clerk of the Forum, shall take a Minute of every meeting of the Forum, the draft shall be circulated to the members. The minutes will include:-

- a) the names of those present at each meeting, as well as those who have submitted apologies; and
- b) brief notes of topics dealt with, but not the details of discussions.

8.3.3 Minutes shall be approved at the next meeting and before concluding the agenda discussed for the next meeting. Approved minutes shall be published on Council's website.

## *8. Adjournment of Meeting*

8.6.1 The Forum may adjourn any meeting to such time as the Convener may then or otherwise fix.

8.6.2 When an adjourned meeting is resumed, proceedings commence at the point at which they were broken off at the adjournment.

## *8.7 Sub-Committees*

8.7.1 The Forum may establish working groups comprising members of the Forum and such other persons with particular expertise as may be appropriate, to undertake specific pieces of work to support in carrying out any of its functions.

8.7.2 The quorum of all Sub-Committees and working groups will be half of its total membership.

## **9. ANNUAL GENERAL MEETING**

9.1 The Annual General Meeting of the Forum shall take place in January each year.

9.2 The business of the Annual General Meeting shall include:-

- a) an annual report from the Convener;
- b) the appointment of the office bearers; and

c) the appointment of members.

## **10. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES**

10.1 The Forum shall have the power to alter the Constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting. All such alterations require to be approved by a majority of those present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Statutory Council Meeting
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Appointment of Baillies and Miscellaneous Council Appointments
<b>REPORT NUMBER</b>	COM/22/069
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Mark Masson
<b>TERMS OF REFERENCE</b>	7

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider appointing Baillies to assist the Lord Provost in the performance of his/her duties and provide information on historical offices of the Council requesting that elected members make miscellaneous appointments.

### 2. RECOMMENDATIONS

That Council:-

- 2.1 Determine whether or not the office of Baillies should continue;

If Council determines that the office of Baillies should continue, it is further recommended that Council:-

- (1) Appoint such number of Baillies as it deems appropriate;
- (2) Note the decision of Council of 16 May 2007 whereby it was agreed that any serving former Lord Provost would automatically become a Baillie;
- (3) Agree that the allocation of robes and chains be at the discretion of the Lord Provost;
- (4) Agree that the Baillies will receive no remuneration; and
- (5) Note that those undertaking civic duties on behalf of the Lord Provost are entitled to claim reimbursement from the Council's Civic Head Allowance; and

- 2.2 Appoint members to the following historical offices:-

- (1) Master of Shore Works;
- (2) Master of Kirk and Bridge Works;
- (3) Master of Mortifications; and
- (4) Master of the Guild Brethren's Hospital.

### **3. CURRENT SITUATION**

#### **Baillies**

- 3.1 The role of Baillie was reintroduced at the meeting of Council of 25 June 2003 in order that a small number of named Councillors could deputise for the Lord Provost at civic occasions, enabling a sense of tradition to be brought to these events, and reduce the demands made on the Lord Provost.
- 3.2 At the meeting of Council of 16 May 2007, members further agreed that any serving former Lord Provost would automatically become a Baillie. This has been agreed at all subsequent Statutory Council meetings.
- 3.3 In 2003, four Baillies were appointed (one from each political group). In 2007, 2012 and 2017 five Baillies were appointed (one from each political group). Councillor Reynolds was also automatically appointed as a Baillie due to him being a serving former Lord Provost.
- 3.4 The robes and chains which Councillors can be invited to wear on formal occasions are those of former Baillies (pre 1975). It is proposed as per the recommendations that robes and chains should continue to be allocated to Councillors by invitation by the Lord Provost on specific occasions such as graduation ceremonies, Remembrance Sunday and civic funerals.
- 3.5 In 2003, it was agreed that Baillies would not receive remuneration, and the same decision was taken by members in 2007, 2012 and 2017. However those undertaking civic duties on behalf of the Lord Provost are entitled to claim reimbursement from the Council's Civic Head Allowance.

#### **Historical Office Bearers**

- 3.6 Originally, office bearers of the Council were members of the Council delegated to carry out particular tasks on behalf of the community. Generally they had access to communal funds to carry out these tasks or were empowered to raise money for specific purposes, consequentially part of their responsibility was to furnish an annual account of their expenditure. These roles are entirely ceremonial in nature and no longer hold any responsibilities or carry any additional remuneration.

#### The Master of Shore Works

- 3.7 The office bearer upheld the harbour and its approaches and was empowered to levy a tax on cargo to pay for harbour works. His office was created in 1596 and his accounting responsibilities ceased in 1810, when the new body of Harbour Trustees took over the running of the Harbour. The office bearer remained however the Town's principal representative (after the Provost) on the Harbour Trustees and later the Harbour Commissioners.

### Master of Kirk and Bridge Works

- 3.8 The office bearer was responsible for the upkeep of St Nicholas Kirk, for the Bridge of Don and from 1527 for the newly built Bridge of Dee.

### Master of Mortifications

- 3.9 A Mortification was land that was given over to the Burgh of Aberdeen for charitable purposes and for the good of the Burgh. Aberdeen established the position of Master of Mortifications in 1632 following an influx of numerous donations attributed to Aberdeen's prosperity in the early 1630s. The Master of Mortifications was responsible for seeing that the land or money given over was used for its intended purpose. It is worth noting that on 22 December 1996, the Guildry and Mortifications Funds Board (now named Guildry and Mortification Funds Committee) agreed that the Master of Mortifications be appointed as its Chairperson. This arrangement has continued to the present day.

### Master of Guild Brethren's Hospital

- 3.10 Founded by the Town Council in 1607, using the property of the pre-Reformation Poors Hospital. The office bearer was responsible for administering its funds and the hospital, essentially an old people's home for impoverished members of the guildry with (at least to begin with) religious overtones. Increasingly the beneficiaries preferred to remain in more congenial surroundings outside the hospital, which was eventually sold in 1770. The hospital property lay within the triangle bound by Correction Wynd, St Nicholas Lane and the west side of the St Nicholas Centre. All the office bearers were responsible for keeping the accounts of their particular office until the mid-18<sup>th</sup> century, when in the interests of uniformity, it became the responsibility of the Town Clerk Depute and after 1812 of the City Chamberlain (who was also the Town Clerk Depute for most of the 19<sup>th</sup> century).

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report, (other than those outlined at 3.5 of this report) as it is recommended that the Baillies would not receive remuneration for their duties.

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from this report.

## **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no environmental implications arising from this report.

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No risks identified		L	<b>Yes</b>
<b>Compliance</b>	No risks identified		L	<b>Yes</b>
<b>Operational</b>	No risks identified		L	<b>Yes</b>
<b>Financial</b>	No risks identified		L	<b>Yes</b>
<b>Reputational</b>	The implementation of the recommendations would enable a sense of tradition to be brought to civic occasions in circumstances when the Lord Provost may not be able to attend.	If Baillies are appointed, they would carry out ceremonial duties on behalf of the Lord Provost if he/she could not attend a civic event.	L	<b>Yes</b>
<b>Environment / Climate</b>	No risks identified		L	<b>Yes</b>

## 8. OUTCOMES

- 8.1 The proposals in this report have no impact on the Council Delivery Plan and Local Outcome Improvement Plan

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	Not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	Not required

## 10. BACKGROUND PAPERS

- 10.1 Reports to statutory meeting of Council on 17 May 2017 (Appointment of Baillies and Miscellaneous Historical Council Appointments).



## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

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