

Local Licensing Forum

ABERDEEN, 24 May 2022. Minute of Meeting of the LOCAL LICENSING FORUM. DEVELOPMENT DAY

In Attendance: Elaine Mottram, Convener; John Mooney, Vice-Convener; and Neil Carnegie, Finlay Cran, Steve McConnachie, Ewan Mclean, John Philip, and Diane Sande.
Also present: Shereen Balaban, Arlene Dunbar and Sandy Munro.
Apologies: Louise Grant and William Rae.

2PM - WELCOME, INTRODUCTIONS AND PLAN FOR THE SESSION - ELAINE MOTTRAM, CONVENER

1. The Convener welcomed all in attendance in the Town House Chamber for the annual development day session. Members were notified that the meeting was a hybrid meeting, and members were joining us via Microsoft Teams. The Clerk advised that William Rae and Louise Grant had intimated apologies. The Convener welcomed the members and outlined the agenda for the session. She provided a summary of her aims for the Forum for the year

- Completion of the actions agreed at the joint meeting with the Licensing Board in October 2021 i.e. development of the Annual Functions Report, development of community engagement and facilitating representations relating to licensing applications.
- Development of the Forum's understanding of licensing to enable the Forum to carry out its statutory role of providing advice and feedback to the Board and to be able to contribute to the new licensing policy as it is developed.

The Forum agreed: -

- (i) to note the apologies; and
- (ii) note the update from the Convener.

2:05PM - THE ROLE OF THE LICENSING STANDARDS OFFICERS - DIANE SANDE, JOHN PHILIP AND STEVE STEWART - LSOS

2. The role of the Licensing Standards Officer (LSO) was outlined by presentation by Diane Sande, John Philip and Steve Stewart. The three key functions of LSO as defined within the Licensing (Scotland) Act 2005 were outlined as to –

- Provide information and guidance regarding the operation of the Act.
- Supervise licence holders in the area to ensure compliance with the terms of their licences.
- Provide mediation to resolve disputes or disagreements between Licensed Premises and others, including members of the public.

The Presentation detailed key background information; the following was noted –

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- Each Local Authority must appoint an LSO for the area, reporting to the Licensing Board;
- The LSO is a statutory member of the LLF;
- An LSO must undertake prescribed training and obtain qualification, often this will include Personal Licensing Training;
- An LSO will provide information and guidance regarding the operations of the Act in the area but cannot give legal advice;

As part of the LSO role, an LSO –

- Responds to complaints;
- Liaise with partners, agents, solicitors;
- Liaise with Police Scotland in carrying out joint visits to licenced premises;
- Respond to queries in relation to the license applications process;
- Respond and make comment on applications before the Board;
- Visits Licensed Premises, carry out inspections relating to the premises license, staff training, and key vulnerability training.
- Assist with local policy implementation and local conditions upon licensed premises.

The Licensing (Mandatory Conditions) (Scotland) Regulations 2007 were touched upon and explained about compliance. The local conditions were discussed as specific to the Board.

The role of the LSO in supervising license holders in the area to ensure compliance with the terms of their licences in relation to the conditions was presented, with emphasis on a focus on assisting premises with the compliance with the vulnerability training and duty of care local condition.

The role of the LSO in providing mediation to resolve disputes or disagreements between Licensed Premises and others, including members of the public, was outlined. Disputes raised included music and people noise. An LSO will work in partnership with ACC officers in statutory nuisance disputes, engage with premises in complaints around music disturbance, people noise in a particular congregation of smokers outside the premises, delivery noise and provide advice on how to mitigate or diminish the issue. An LSO will engage with the residence and Community councils in any raised dispute and mediation.

Members had the opportunity to present questions to the LSOs. The following issues were raised for further discussion -

- As a statutory member of the LLF, what appropriate information can the LSOs bring to the LLF?
- How critical is the statement of licensing policy and does a change to the policy impact the remit of the LSO.
- Low compliance and awareness of licenced premises duty of care. How have the LSOs challenged low compliance/ knowledge that – recognises a responsibility to public safety.

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2:30PM - MAKING REPRESENTATION REGARDING LICENSING APPLICATION - ARLENE DUNBAR, PARALEGAL

3. Arlene Dunbar, Paralegal, ACC, presented to the members the ongoing work in improving community engagement and participation in licensing.

The Licensing (Scotland) Act 2005 provides that any person may make an objection or representation to the Board. It was noted that there was little guidance on how to object or make representation, and the difficulties experienced finding appropriate information within the Council pages.

The ACC licensing team presented and published a Guidance Note for Objections/Representations, Making an objection of representation to a Licence. The reviewed proforma for the Notice of Objection or Representation was presented for comment and feedback.

The Licensing team noted to have addressed feedback received on the information shared with Community Councils, and the information is now updated to provide current hours and proposed hours table in the letter provided to the Community Council.

Members had the opportunity to ask questions and comment on the draft proforma and were encouraged to consider the guidance notes.

3:15PM - PUBLIC HEALTH & ALCOHOL LICENSING: PROSPECTS FOR REDUCING ALCOHOL HARM - JOHN MOONEY, VICE CONVENER

4. John Mooney, Consultant in Public Health at NHS Grampian provided a brief overview (slides attached) of some issues related to reducing the risk of harm from alcohol. John highlighted one key difference between England and Scotland: Scotland has a 5th Licensing Objective related to protecting and improving public health.

John introduced the topics of cumulative impact and of place-based approaches to address harm reduction.

3:45PM - GENERAL DISCUSSION ABOUT THE LLF ROLE - ELAINE MOTTRAM, CONVENER

5. The Convener thanked everyone for attending and for contributing to the discussion. She urged the members to try to attend a meeting of the Licensing Board in order to gain more understanding of the licensing process.

The members were informed that the Forum's next meeting is scheduled for Tuesday, 30 August 2022, at 2pm.