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To: Elaine Mottram, Convener; William Rae, Vice Convener; and Neil Carnegie, Finlay Cran, Ian Duthie, Louise Grant, Neil Grant, John McGivney, John Mooney, John Philip, Steve McConnachie, Diane Sande and Stephen Stewart.

Town House,
ABERDEEN 21 November 2023

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in **Council Chamber - Town House** on **TUESDAY, 29 NOVEMBER 2022 at 2.00 pm.**

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

BUSINESS

- 1 Welcome & Apologies
 - 1.1 Introduction of New Members & Visitors
 - 1.2 Membership Updates
- 2 Minute of Meeting - 30/08/2022 - For Approval (Pages 5 - 14)
- 3 Matters Arising
- 4 Bon Accord Residents Association (BARA)
- 5 Licensing Workshop Update/Feedback

6 Update from Forum Sub-group on Licensing Policy Review

7 Forum Survey Report 2022 (Pages 15 - 22)

8 2023 Meeting dates to be agreed

8.1 2023 AGM Meeting Date

8.2 Appointment of Convener & Vice Convener

8.3 Licensing Board & Licensing Local Forum Joint Meeting 2023

Tuesday 26th September

Time TBC

8.4 Timetable for submitting Reports to the Licensing Board

10 Days' Notice Required

Date of Licensing Board Meeting

Submit Report Deadline Date

Monday 6th February 2023

Friday 20th January 2023

Monday 3rd April 2023

Friday 17th March 2023

Monday 29th May 2023

Friday 12th May 2023

Monday 17th July 2023

Friday 30th June 2023

Tuesday 26th September 2023

Friday 8th September 2023

Monday 27 November 2023

Friday 10th November 2023

9 AOCB

10 Date of Next Meeting

EHRIA's related to reports on this agenda can be viewed at
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:
<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

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Masson, LocalLicensingForum@aberdeencity.gov.uk

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LOCAL LICENSING FORUM

Tuesday, 30 August 2022

Members present: Elaine Mottram, Convener; John Mooney and William Rae, Vice-Conveners; and Finlay Cran (Licensed Trade Association)

Also present: David Allan, (Scottish Community Development Centre), Shereen Balaban (Clerk), Marc Buchanan (Alcohol Focus Scotland), Niamh Fitzgerald (Stirling University), John McGivney (Night Club Manager), Sandy Munro (Solicitor, ACC).

Apologies: Neil Grant (Police Scotland), Steve McConnachie (Education and Children's Services), John Philip (LSO), Diane Sande (LSO), and Stephen Stewart (LSO).

	Item	Discussion	Action/Decision	To be actioned by
1	<u>Welcome and Apologies</u>	<p>The Convener welcomed all those in attendance. The Convener welcomed John McGivney as an on-trade sales representative and as a prospective new member of the Local Licensing Forum.</p> <p>The Convener informed the meeting that the Clerk, Shereen Balaban, would be leaving the Council shortly to take up a new position. The Convener thanked Shereen for her work with the Forum and for her support. The Forum members congratulated Shereen on her new role and intimated their very best wishes to her.</p> <p>The Clerk advised that apologies for absence had been intimated by the Licensing Standards Officers, Police Scotland, Ewan McLean and Steve McConnachie.</p> <p>Members were advised that due to the meeting being inquorate, any substantial</p>	<u>The Forum resolved:-</u> to note the apologies.	

	Item	Discussion	Action/Decision	To be actioned by
		decisions will be ratified at the next meeting.		
2	<u>Minute of Meeting of 29 March 2022 - for approval</u>	The Forum had before it the minute from the meeting on 29 March 2022. There were no matters arising from the minute.	<u>The Forum resolved:-</u> due to the meeting being inquorate, the minutes of the previous meetings will be approved at the next meeting.	
3	<u>Minute of Meeting of 24 May 2022 - Development Day - for approval</u>	The Forum had before it the minute of their development day meeting of 24 May 2022.	<u>The Forum resolved:-</u> that due to the meeting being inquorate, the minute of the development day meeting will be approved at the next meeting.	
4	<u>Matters Arising</u>	<p>The Forum discussed the matters arising from previous meetings as follows,</p> <p>Membership A potential replacement member representing the off-sale trade had been identified, and a potential representative from the Alcohol and Drug Partnership had been identified to enhance the membership of the Forum. The Convener would be meeting both soon and if appropriate would invite them to the next meeting. Members were encouraged through their respective contacts to promote the Forum and introduce the Forum to appropriate prospective members with a particular focus to recruit a young person to the Forum.</p> <p>John Mooney suggested that a representative from either RGU or the University of Aberdeen might be identified, and this might provide the link with young people that the Forum have tried to secure for some time.</p>	<u>The Forum resolved:-</u> to note the update on membership.	

	Item	Discussion	Action/Decision	To be actioned by
5	<p><u>LLF Update / Joint Meeting Actions - Elaine Mottram</u></p>	<p>The Convener provided an update to the three key areas of work that were outlined by the joint meeting of the Local Licensing Forum and Licensing Board on 5 October 2021.</p> <p>During discussion, the following updates were noted:</p> <p>Community Engagement An update on the joint work to identify and implement ways of increasing engagement with the community and Community Councils in relation to licensing matters was provided. The Convener noted that most of the engagement had been facilitated through the Community Councils and sought input on how to engage with the community in general on Licensing matters.</p> <p>Community Participation in Licensing / Making Representations An update on Community participation in Licensing and making representation regarding licensing applications was provided by the Convener. With support and thanks from the Forum, Karen Finch, Community Council Liaison Officer, Arlene Dunbar, Paralegal and the Licensing Standards Officers, the Forum facilitated three meetings with the Community Councils which informed the published Guidance Note for Objections/ Representations and the review of the proforma. The Convener welcomed the Forums' feedback and comment on both. The members welcomed a further 6-month review of community participation in licensing and the</p>	<p><u>The Forum resolved:-</u></p> <p>(i) to note the update to the three key areas of work which were outlined by the joint meeting of the Local Licensing Forum and Licensing Board;</p> <p>(ii) to consider ways to promote licensing to the community;</p> <p>(iii) to review in 6 months; following the implementation of the Guidance Note and Licensing Representations and the proforma, Community Council's participation in licensing; and</p> <p>(iv) to create a subgroup of the Forum, with the aim of the Subgroup to focus on progressing the work around the Annual Functions Report.</p>	

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		<p>documents once they have been in use.</p> <p>Annual Functions Report (AFR) Sandy Munro, Solicitor provided an overview of the AFR and its purpose. The Convener provided an update on this action from the joint meeting. The Forum heard that suggestions on the scope of how the AFR could be amended to become another route to build on connecting with the community and engagement with licensing were welcomed by the Licensing Team and was an action that required further development. The Convener encouraged members to become involved and to establish a subgroup focused on the AFR, with the purpose to explore the AFR and presenting recommendations to the Forum meeting in November.</p>		
6	<p><u>Joint Meeting - Local Licensing Forum and Licensing Board - Tuesday 4 October - Member Input</u></p>	<p>The Forum had before it a reminder of the date of the forthcoming Local Licensing Forum and Licensing Board Joint Meeting and was asked to consider recommendations to the Board. The Convener welcomed discussions around licence conditions, extended hours, and general extensions. The Convener reported that she had already met the Convener of the Licensing Board and that he was very keen to increase dialogue between the Board and the Forum. She highlighted her intention to have an initial discussion with the newly appointed Convener of the Licensing Board Councillor Neil Copland to set the agenda for the Joint meeting.</p> <p>Forum/Board Engagement was highlighted as a point to be raised with the Board at the joint</p>	<p><u>The Forum resolved:-</u> to include Forum/Board engagement and the Statement of Licensing Policy as two points of discussion at the forthcoming Local Licensing Forum and Licensing Board joint meeting in addition to the update on actions agreed at last years meeting.</p>	

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		<p>meeting. Members highlighted the need for a mechanism of dialogue with the Board, its members, and officials. More regular informal meetings with the Board in addition to the annual meeting were warranted.</p> <p>Members considered the Forum's input to the development and review of the Statement of Licensing Policy. Members were keen to have an open dialogue on the development of the Licensing Policy to ensure early contribution to the consultation.</p>		
7	<p><u>The Licensing Policy Statement - Member Input</u></p>	<p>Sandy Munro, Solicitor, ACC outlined the review of the Statement of Licensing Policy process. The review process was subject to further discussion and agreement with the Board Convener; however, the envisaged process would likely include an initial short consultation. This would look to identify key areas within the policy, which would be reviewed further and would be followed by a workshop with various topics for discussion. This would generate further discussion and feedback to form a draft policy for the Boards approval in September 2023 with a view for the final policy to be approved and implemented in November 2023.</p> <p>Sandy provided reassurance that the Forum would have the opportunity to submit feedback and input to the review. The Convener welcomed discussion surrounding the Statement of Licensing Policy and addressing the balance between off sales and on sales. Sandy provided an overview of the remit of the board in response and the limitation to policy</p>	<p><u>The Forum resolved:-</u></p> <ul style="list-style-type: none"> (i) to note the update on the review of the Statement of Licensing Policy; (ii) to engage in the review through consultation; and (iii) to form a sub-group focused on the review. 	

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		<p>at a local level in addressing and evidencing local public health concerns. The Convener suggested to the Forum to form a sub-group focusing on the review of the Statement of Licensing Policy. Members nominated included Ewen McLean, Steve McConnachie, John Mooney, Finlay Cran, and the possibility of a representative for off sales.</p>		
8	<p><u>Community Action Research Project - Marc Buchanan (Alcohol Focus Scotland) and Andrew Paterson (Scottish Community Development Centre)</u></p>	<p>Marc Buchanan, Engagement and Partnership Co-ordinator, Alcohol Focus Scotland (AFS), and David Allan, Scottish Community Development Centre (SCDC) presented to the Forum, Alcohol Consumption, and Harm, and provided an overview of Community-led Action Research. Members heard that the presentation on alcohol consumption and harm had been provided for a recent Community Councils meeting and the Convener felt it may be informative for the Forum.</p> <p>Members heard that the SCDC helped support local groups/organisations in community-led research and helped develop findings and actions on the back of the research. Information on the Knowledge is Power campaign was disseminated. Working alongside AFS the SCDC proposed to work with local groups/organisations in Aberdeen and West Dunbartonshire in supporting Community-led Action Research in relation to alcohol. An overview of the process and plan for the project with an end date of around March 2022 was provided.</p> <p>Alcohol Consumption and Harm was presented to the Forum by AFS. During the</p>	<p><u>The Forum resolved:-</u> to note the update.</p>	

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		<p>presentation, the following topics were included within the discussion:</p> <ul style="list-style-type: none"> • Alcohol Consumption on and off-trade, Scotland, England, and Wales. • Alcohol availability and harm. • Pandemic impact on alcohol sales. • Polarised consumption; Frequency and Units. • Negative impact on health and wellbeing. • Links with mental health; and • Impact on children and families. <p>The Forum thanked attendees for their presentation and members engaged in constructive dialogue around Alcohol Harm and Community-led Action Research. The Convener welcomed further discussion on the change in habits/trends of alcohol consumption and the contribution of harm. Members' observations were that the presentation was useful when considering licensing and to the review of the Statement of Licensing Policy and acknowledged the role of the Forum in future Community-led Action Research on the topic of Alcohol.</p>		
9	<p><u>ELEPHANT Study - Professor Niamh Fitzgerald, (Stirling University)</u></p>	<p>The Forum had before it a report by Niamh Fitzgerald, Stirling University, Evaluating Later or Expanded Premises Hours for Alcohol in the Night-time Economy, which provided a study update.</p> <p>Niamh provided the Forum with an overview of the ELEPHANT Study and explained the</p>	<p><u>The Forum resolved:-</u></p> <ul style="list-style-type: none"> (i) to note the study update; (ii) for a further study update to be provided at the next Forum meeting; and (iii) for an update on the related study to be provided to the Forum. 	

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		<p>details of the various updated work packages.</p> <p>The Forum welcomed the study update and members engaged in constructive dialogue around stakeholder interview/discussion groups and the focus groups with the public.</p> <p>Members raised discussions around the outcomes of the Study and raised interest in a related study referred to by Niamh. A further update on the ELEPHANT Study at the next Forum meeting was agreed upon.</p> <p>The Convener encouraged all members to engage with and promote the Forum support for the ELEPHANT study.</p>		
10	<u>Local Licensing Forum Survey 2022 - Member Feedback</u>	<p>The Forum had before it the Local Licensing Forum Survey 2022 for consideration. The Convener advised that the Scottish Government working with Alcohol Focus Scotland were undertaking a short survey of local licensing board forums/local councils to identify current levels of forum activity, the survey required a single Forum response rather than responses from individual members. The Convener requested and encouraged all members to complete and return the survey to the Convener by Friday 9th September 2022, for a collated response to be submitted.</p>	<u>The Forum resolved:-</u> to collate individual member responses for a Forum response to the survey to be submitted.	
11	<u>Next Meeting - Joint meeting of the Local Licensing Forum and Licensing Board - Tuesday 4 October</u>	<p>The date of the joint meeting of the Local Licensing Forum and Licensing Board was confirmed as 4 October 2022, to commence immediately after the Licensing Board.</p>	<u>The Forum resolved:-</u> to note the dates of the meetings.	

	Item	Discussion	Action/Decision	To be actioned by
	<u>2022, Local Licensing Forum - Tuesday 20 December 2022</u>	The next meeting of the Forum is scheduled for 20 December 2022.		

If you require any further information about this minute, please contact Lynis Masson by email lmasson@aberdeencity.gov.uk

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Report of Local Licensing Forum Survey 2022

INTRODUCTION

Local licensing forums have a vital role to play in local licensing arrangements and the development of local licensing policies. However, forums, like the rest of the licensing system and range of stakeholders working within it, have inevitably faced challenges and been required to adapt in response to COVID-19. The Scottish Government therefore worked with Alcohol Focus Scotland (AFS) to undertake a survey of local licensing forums / local councils to identify current levels of forum activity. In addition, the survey asked about what was working well with forums and how they could be better supported or improved. This report summarises the key findings of the survey and the comments provided by the respondents.

BACKGROUND /CONTEXT

The Licensing (Scotland) Act 2005 requires every council to establish a local licensing forum. If the area of a council is divided into separate licensing divisions, then the council can choose to establish separate forums for each division. This means that there should be between 32-40 local licensing forums currently operating in Scotland. It is the job of the forum to review the licensing board in the area and to provide it with feedback. Specifically, the law states the forum's role is to:

- **Review:** *“keeping under review the operation of this Act [The Licensing (Scotland) Act 2005] in the forum’s area, and, in particular, the exercise by the relevant licensing board or boards of their functions”, and*
- **Advise:** *“giving such advice and making such recommendations to that... board in relation to those matters as the forum considers appropriate.”*

The law requires all forums to have a membership of between 5 and 21 people, and they must include at least one Licensing Standards Officer (LSO) and at least one person from the health board. The law also sets out the main categories of members which the council must reach and engage in the process of setting up/maintaining a forum: Licence holders; police; health, education or social work; young people; and residents. Forums have the flexibility to decide at a local level how many representatives there should be for each of the different interests, although all the interests are equally important.

ABOUT THE SURVEY AND RESPONDENTS

An invitation to complete the survey was distributed by the Scottish Government via email to forums/local councils, using the contact details available on the licensing section of each council's website. The invitation asked for a single representative from each forum, or a relevant council officer if the forum was inactive, to provide one response to an online version of the survey. It was recommended that the questions be discussed at a forum meeting prior to the answers being submitted online.

The survey ran between July 2022 - October 2022 and responses were received from 14 local licensing forums. This would represent less than half of the total number of forums that should be in operation, which should be between 32-40 as noted above. The forums that participated included a mix of those within urban areas and those within more rural localities. In addition, an email reply was received from one area (that did not participate in the survey) advising that there had not been a licensing forum in operation since pre-COVID due to staff redeployment and availability from a number of services.

People were free to skip past any question that they did not want to answer and so some questions were not answered by all 14 respondents. Please also note that the percentages given in this report may not always add up to exactly 100% as they have been rounded to the nearest whole number.

SURVEY RESULTS

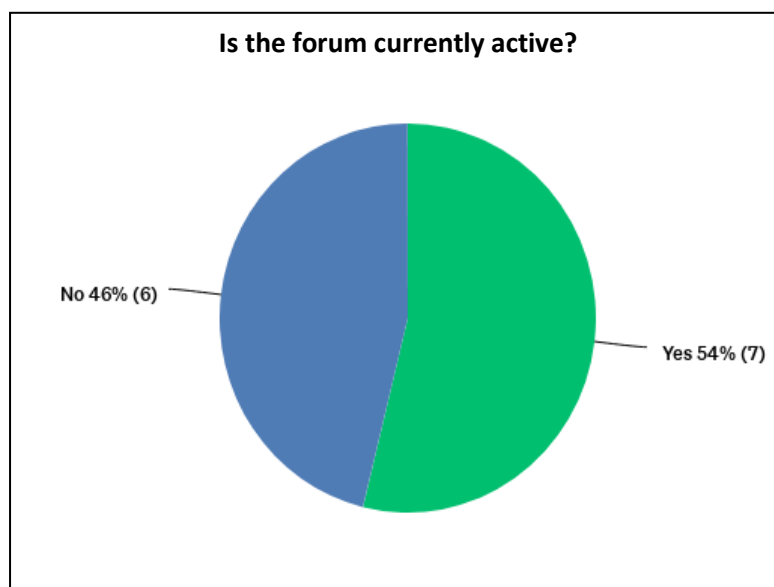
Key findings

The survey ran between July 2022 - October 2022 and responses were received from 14 local different licensing forums; there should currently be between 32-40 forums in Scotland. Of those who answered the relevant questions:

- **54%** of the forums were **currently active**, while **46%** were **not**.
- **66%** rated the forum as either 'very' or 'fairly' **effective** at reviewing the operation of the licensing system, while **33%** rated the forum as '**not effective**' in this regard.
- **55%** rated the forum as either 'very' or 'fairly' **effective** when asked about the forum's role to provide recommendations to the licensing board, with **44%** rating the forum as **not being effective** in this regard.
- Overall, the responses suggest that there is a **wide variation between forums** with regards to whether and how well they are operating, and the challenges being experienced.
- The total number of forum **members** (representing one of the main membership categories) on each forum **ranged from 5-15**, with the average number being 11
- **32%** of all forum members are **licence holders**, followed by LSOs and residents (both 14%). Only **1%** of forum members are **young people**.

Are forums currently active?

The survey asked respondents whether the forum was currently active. In response, 54% (7) answered 'yes' while 46% (6) answered 'no'. When the relevant respondents were asked to describe the main reasons for the forum being inactive, one commented on the impact of COVID and the reluctance of forum members to attend meetings remotely. Other respondents indicated more long-standing and reoccurring difficulties attracting and retaining forum members, with one expressing frustration that repeated attempts to maintain the forum had been unsuccessful and resource intensive.



"We have never got close to the maximum membership of 21... we barely reach the minimum of 5... Failing to reach a quorum is a common issue - if members do not confirm their intention to attend the next meeting, we cancel the meeting. Since there are only 4 scheduled meetings of the Forum a year, cancellation means there will be a gap of months between meetings."

Respondents in areas with inactive forums were asked whether there were any plans to reactive the forum, with 67% (2) of those who answered indicating 'yes' and 33% (1) indicating 'no'.

Respondents in areas with active forums were asked how many times the forum had met in the previous 12 months, with the answers given ranging from 1-6 times (1 x 1 time, 2 x 3 times, 2 x 4 times, 1 x 5 times, 1 x 6 times).

How well are forums functioning?

Respondents were asked to what extent they agreed or disagreed with a number of statements about the operation of the forum, as shown in the table below.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Forum members have a good understanding of their role and remit	11% (1)	44% (4)	22% (2)	11% (1)	11% (1)
The forum has clear aims/objectives	11% (1)	44% (4)	11% (1)	11% (1)	22% (2)
The forum has developed a workplan	11% (1)	22% (2)	0%	33% (3)	33% (3)
The Licensing Board takes the forum's views into account	22% (2)	11% (1)	44% (4)	11% (1)	11% (1)
There is good communication between the forum and Licensing Board	22% (2)	11% (1)	44% (4)	11% (1)	11% (1)
The forum has sufficient resources	11% (1)	11% (1)	56% (5)	22% (2)	0%
The forum receives support and input from local agencies	11% (1)	78% (7)	0%	0%	11% (1)
The forum has a good level of membership retention	11% (1)	33% (3)	11% (1)	11% (1)	33% (3)

The statement that the highest proportion of respondents agreed with was "the forum receives support and input from local agencies", with only one respondent indicating that they disagreed with this statement. The next most commonly agreed to statements were "forum members have a good understanding of their role and remit" and "the forum has clear aims/objectives". Conversely, the statement that the highest proportion of respondents disagreed with was "the forum has developed a workplan", with the second most disagreed to statement being "the forum has a good level of membership retention". Overall, however, the responses suggest that there is a wide variation between forums with regards to how well they are operating, and the challenges being experienced.

Respondents were also asked how they would describe the effectiveness of the forum in relation to the functions of forums as set out in the Licensing (Scotland) Act 2005, as shown in the below table.

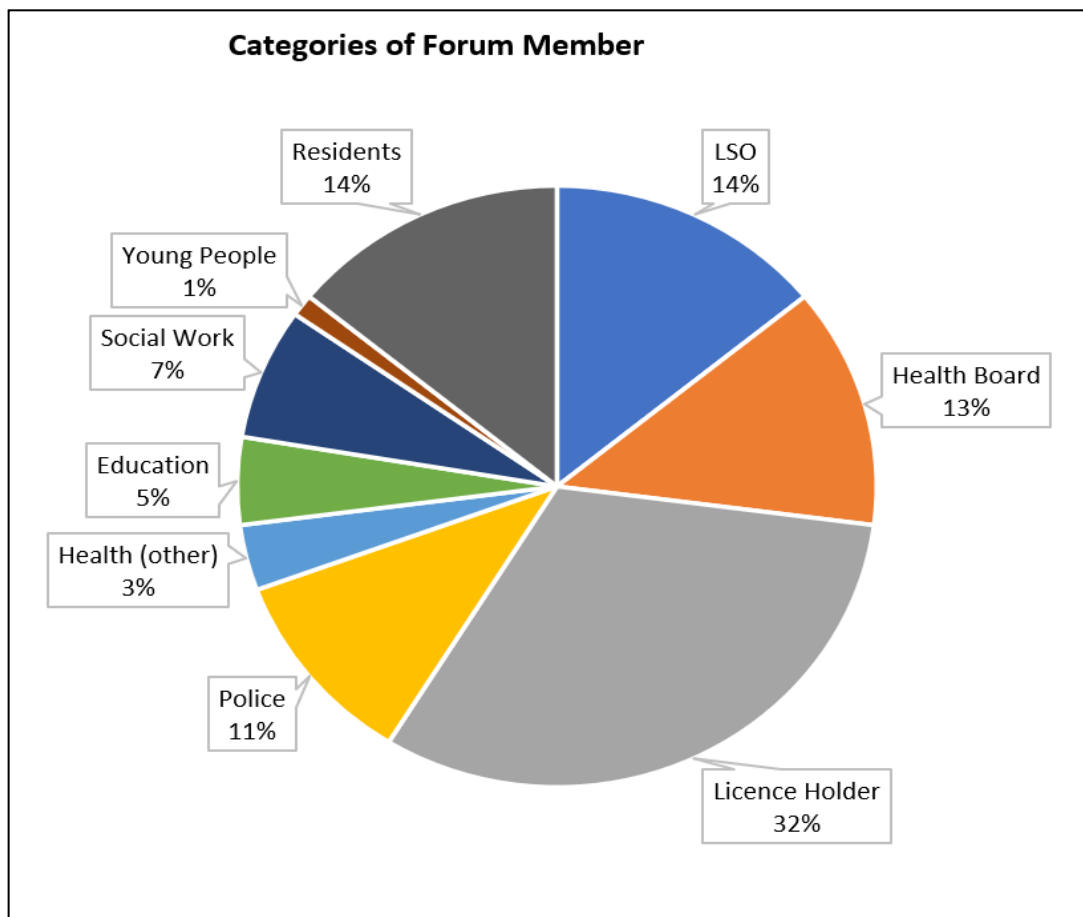
	Very Effective	Fairly Effective	Not Effective
Keeping under review the operation of the licensing system in the area	22% (2)	44% (4)	33% (3)
Giving advice and recommendations to the Licensing Board	22% (2)	33% (3)	44% (4)

The responses again suggest a variation in how effectively forums are functioning. Of the respondents who answered this question, 66% rated the forum as either 'very' or 'fairly' effective at reviewing the operation of the licensing system, while 33% rated the forum as 'not effective' in this regard. A smaller proportion (55%) rated the forum as either 'very' or 'fairly' effective when asked about the forum's role to provide recommendations to the licensing board, with a higher proportion (44%) rating the forum as not being effective in this regard.

What is the current membership of licensing forums?

Respondents were asked to state how many of each 'category' of forum member (as per the Licensing (Scotland) Act 2005) was represented on the forum. If a forum member belonged to more than one category, then the respondent was directed to count them as belonging to the category that best represented their key reason for attending the forum.

The total number of forum members (representing a main category) on each forum ranged from 5-15, with the average number being 11. The total proportion of each category of forum member from all the forms combined is set out in the chart below.



Licence holders make up the highest proportion (32%) of forum members, followed by LSOs and residents (both 14%). Conversely, the least well represented category is young people (1%), followed by Education (3%).

"We find that "young people" (16-17) tend to attend only one or two meetings before they become too old to be "young people""

In addition, several respondents commented that the forum membership included people who did not represent one of the main categories of forum member, with examples being representatives from chambers of commerce, council teams e.g., Safer Neighbourhood Team, and local country halls.

How could forums be supported/improved?

Respondents were asked for their suggestions of how forums could be supported/improved.

One respondent suggested that forums should be encouraged to adopt good practice based on learning from areas where forums were operating effectively. However, they also commented that a lack of resources may limit what is possible in some areas, and that some forums may require more support and encouragement to enable them meet more regularly.

"Here the forum is very well attended, has a full work plan set out, full and proper representation from all parts of the licensing sector, as well as student, local community, NHS, Police Scotland and LSO representation... [forums need] more resource and support to encourage and enable forums to meet more regularly. As it is, some don't meet at all or only infrequently."

Other respondents also highlighted the infrequency of forum meetings as being highly problematic, with some feeling that it contributed to breakdowns in communication between the different stakeholders involved in the forum and also with the licensing board. Several respondents highlighted that having more regular and informal meetings between the forum and board had been (or would be) beneficial.

"Interaction between the forum and the Board through the annual meeting is a good thing, but this should be augmented by a close working relationship with the Chair of the forum and the Chair of the Board, so that things are discussed and debated as they arise and not just annually."

"The quarterly meetings of the LLF [Local licensing Forum] and the annual meeting with the board are insufficient to build and maintain a positive working relationship. There are now occasional, informal meetings, where information and advice can be more regularly shared."

Other comments related to forum membership, and the need to invest in the recruitment and retention of members. Some suggested that the provision of training and support would encourage more members to participate and stay on forums.

"Increase level and diversity of members. Increase level of funding to allow for better community engagement."

"More recruitment of community members - Recognition schemes for community members who volunteer – i.e., voluntary hours given recognition schemes (helps build CVs, job application etc potentially),"

"Training for all forum members to maximise participation in individual contributions to the wider shared goals - training around the technicalities around licencing issues."

"Clear training and a work plan from the Scottish government, also some form of supervision to make sure the system/engagement with the board is happening as it should"

“There is a need to extend the membership of the forum (and this needs to include proper representation from local communities)/ formalise and improve joint working with the licencing board/ develop a clear programme of work, and this should include upskilling and development opportunities for forum members.”

Additional suggestions put forward included the possibility of creating opportunities for representatives from forums to come together at a national level.

“It would be helpful to have some form of national meeting where local Licensing Fora can exchange ideas.”

“Some kind of network where Forum Convenors and Vice Convenors could meet and share experiences and ideas and gain support would be helpful.”

However, it was also commented that forums may require a more fundamental review and overhauled in order for them to be able to function as intended.

“Forums essentially need to be rebooted as they have not worked in some time and are directionless”

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