

ABERDEEN CITY COUNCIL

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COMMITTEE	Statutory Council
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Membership of Local Licensing Forum
REPORT NUMBER:	CG/12/048

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1. PURPOSE OF REPORT

To establish a Local Licensing Forum for Aberdeen, in accordance with the Licensing (Scotland) Act 2005.

2. RECOMMENDATION(S)

- (i) that the Council re-establish Aberdeen Local Licensing Forum, and to re-appoint the current members as listed in Appendix A;
- (ii) delegate powers to the Forum to adjust membership as the need arises; and
- (iii) determine whether it wishes to appoint a representative to the Forum and, if so, to make such an appointment.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly out of this report.

4. OTHER IMPLICATIONS

The Council has a statutory requirement to retain the Forum and could be challenged if it does not.

5. BACKGROUND/MAIN ISSUES

5.1 Under the Licensing (Scotland) Act 2005, each Council was required to establish and retain a Local Licensing Forum for their area. The Council in 2007 approved the establishment of a Forum, which has been operating since that time.

5.2 The Forums must meet at least 4 times a year and have one joint meeting with the Licensing Board each year. Currently the Aberdeen Local Licensing Forum meets every 8-10 weeks and aims to meet with the Licensing Board twice a year. However due to time constraints this tends to be an annual meeting, in accordance with statutory requirements.

- 5.3 A Forum must consist of between 5 and 21 members as the Council may determine. A list of current members is attached as Appendix A.
- 5.4 The other members are to be representative of the 5 key interest areas which are:
- holders of premises licenses and personal licenses (licensees)
  - the Chief Constable for the police area in which the Forum's area is situated
  - persons having functions relating to health, education or social work
  - young people
  - persons resident within the Forum's area.
- 5.5 The Forum's role is to keep under review the operation of the Licensing Act in the Forum's 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. This will be mainly at a policy level as the Forum cannot comment on individual cases. The Aberdeen Local Licensing Forum constitution is attached as Appendix B for information.
- 5.6 Licensing Boards and local authorities are free to adopt their own individual working practices and innovative ways for the Forums to carry out their work provided they are consistent with the provisions of the Act.
- 5.7 Licensing Forums are independent from the Licensing Board and it is the responsibility of the Council to select Forum members. This process will take into account the mandatory requirements of the Act and local representation.
- 5.8 The Council agreed in October 2007 that it should be represented on the Forum. Three members were appointed although only one, Councillor Greig, remains on the Forum. The Council is asked to consider whether it wishes to continue being represented on the Forum. Whilst the relevant legislation does not prevent an elected member being appointed to the Forum, any member appointed could not also be a member of the Licensing Board. At present, there would be one vacancy for a representative of the Council on the Forum.
- 5.9 An effective Licensing Forum should be widely recognised as being both independent and expert. To ensure independence, the Forum should develop an identity that is clearly separate from the Licensing Board or any other interest groups.
- 5.10 The Forum has indicated that it wishes to hold a joint meeting with the Board shortly after it has been appointed, and that this be an information-sharing exercise on the five licensing objectives.

6. IMPACT

Corporate - The Licensing Forum is an example of cross-service and partnership working.

Public - Meetings of the Licensing Forum are open to the public.

7. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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## Appendix A

ABERDEEN CITY MEMBERSHIP OF THE LOCAL LICENSING FORUM
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REPRESENTATIVES OF HOLDERS OF PREMISES LICENSES/PERSONAL  
LICENSES

George Wyatt	Aberdeen Excise License Holders Association
Craig Adams	Holders of Premises Licenses/Personal Licences
Gerard Rattray	Holders of Premises Licenses/Personal Licences

REPRESENTATIVE OF THE CHIEF CONSTABLE

Inspector John Soutar	Grampian Police
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REPRESENTATIVES OF FUNCTIONS RELATING TO HEALTH,  
EDUCATION AND SOCIAL WORK

Sandy Kelman	Alcohol and Drugs Partnership
David Wright	Education
Tom Cowan	Social Care
Linda Smith	Health
Heather Manning	Samaritans

REPRESENTATIVES OF COMMUNITY SAFETY

Garry Burnett	Grampian Fire and Rescue
Mark Donlevy	Unight Scheme
Michelle Wall	Unight Scheme
Bob Westland	Security Industry

REPRESENTATIVES OF YOUNG PEOPLE

Barry Black	Member of Scottish Youth Parliament
Callum Martin	Robert Gordon University

REPRESENTATIVE OF ABERDEEN CITY COUNCIL

Councillor Greig	Aberdeen City Council
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REPRESENTATIVE OF RESIDENTS WITHIN THE FORUM'S AREA

Allan McIntosh	Aberdeen Civic Forum
Ken Eddie	Aberdeen Civic Forum
Mary Crawford	Aberdeen Civic Forum

LICENSING STANDARDS OFFICER

Raymond Morrison or Diane Sande	Licensing Standards Officer
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## **Appendix B**

### **ABERDEEN LOCAL LICENSING FORUM**

#### **CONSTITUTION**

The following sets out the Constitution for the ABERDEEN LOCAL LICENSING FORUM (hereinafter referred as “the Forum”).

#### **1. NAME**

The name of the organisation shall be ABERDEEN LOCAL LICENSING FORUM.

#### **2. AGE**

In order to be eligible for membership of the forum, a person must be aged 16 years or above.

#### **3. GEOGRAPHICAL BOUNDARY OF THE FORUM**

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

#### **4. TERMS OF REFERENCE**

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

- (i) to keep the liquor licensing system in Aberdeen under regular review and to respond to consultation exercises undertaken by the Aberdeen City Licensing Board and the Scottish Government as appropriate;
- (ii) to consider the implications of relevant local data and statistics provided by the local police force, the local Health Board and the various Aberdeen Drugs and Alcohol Groups;
- (iii) to meet the Aberdeen City Licensing Board at least once per year; and
- (iv) to give advice and make recommendations to the Aberdeen City Licensing Board in relation to any matters that the Forum considers appropriate, excepting individual licensing applications.

#### **5. MEMBERSHIP**

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

Members will be appointed at the first meeting of Aberdeen City Council following an election and will serve for the term of that Council, after which they will be eligible for re-election.

Any vacancies during this term may be filled by the Forum on behalf of Aberdeen City Council, and will run for the remainder of the term detailed above. The names and addresses of applicants for membership shall be submitted in writing to the Clerk to the Forum at least 14 days before the meeting of the Forum at which the vacancy is to be filled. In order to be eligible for membership of the Forum, a person should be currently employed in or be a duly appointed representative of one or more of the following groups, namely,

The Chief Constable, 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.

Notwithstanding the above, the Forum may invite representatives from other groups who may have an interest relevant to the Forum's general functions, to attend and participate in meetings of the Forum, but without voting rights.

The Licensing Standards Officer shall be appointed as a member of the Forum.

If any member of the Forum should miss three meetings consecutively, it will be open to the Forum to exclude that member on a permanent basis. This will not apply if the said member has arranged for a substitute to be present at the meetings.

## **6. SUB-COMMITTEES**

The Forum may, as it sees necessary, appoint Sub-Committees to carry out any of its functions.

The quorum of all Sub-Committees shall be one half of the total membership.

## **7. MEETINGS**

- (i) as laid out in the Licensing (Scotland) Act 2005, there shall be at least four meetings of the Forum per calendar year, including one meeting with the Licensing Board;
- (ii) notice of the place, time and date of meetings of the Forum will be given to every member not later than seven days prior to the meeting; and
- (iii) any member unable to attend in person may appoint a substitute to attend on their behalf who can express their views. The Clerk to the Forum must be given prior notification of any substitutions;

- (iv) all meetings of the Forum shall be open to members of the Press and Public.
- (v) the quorum for a meeting of the Forum shall be one-half of the number of members (but in any case not fewer than three). No decisions will be taken at any meeting unless that meeting is quorate.

## **8. CONDUCT OF BUSINESS**

Forum members will elect a Convener, and Vice-Convener at their first meeting in each calendar year.

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

If the Office of Convener is vacant or for any other reason the Convener is unable to attend, a meeting of the Forum should be chaired by the Vice-Convener. If this is not possible, a meeting may be chaired by any other member present.

An Office Bearer may be removed from office at any of the Forum meetings or at a Special Meeting convened for this purpose at the requisition of at least half of the membership of the Forum, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

Persons who have not been invited by the Forum to attend, and who wish to speak at a meeting of the Forum must contact the Clerk to the Forum one clear working day (excluding Saturdays and Sundays) prior to the meeting, to state the subject on which they wish to be heard.

## **9. VOTING**

- (i) Each member present at a meeting shall be entitled to one vote. The Convener shall have a casting vote, except in cases of appointment of a member to any particular office, in which case the decision will be by lot;
- (ii) Voting shall be by way of a show of hands, but a roll call can be requested by any member of the Forum should they feel this appropriate.

## **10. POWERS AND DUTIES OF THE CONVENOR**

It shall be the duty of the Convener to:-

- (i) preserve order, and to ensure that every member of the Forum shall have a fair hearing;
- (ii) decide all matters of order, competency and relevancy;
- (iii) decide between two or more members of the Forum wishing to speak by calling on the member who has first caught his or her eye; and



- (iv) ensure that due and sufficient opportunity is given to members of the Forum who wish to speak to express their views on the subject under discussion.

The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.

## **11. AGENDAS AND MINUTES**

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 fourteen days prior to the date of any scheduled meeting.

No items may be otherwise included in the agenda for any meeting of the Forum, save at the discretion of the Convener on the grounds of urgency.

A Minute of each meeting will be prepared by the Clerk to the Forum, and the draft Minute circulated with the agenda for the following meeting. Agendas and Minutes will be published on the Aberdeen City Council Website.

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

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, or at a Special Meeting convened for this purpose at the requisition of at least half of the members of the Forum, the proposed alteration being included on the agenda prior to such meeting.

All such alterations require to be approved by at least half of the members of the Forum present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.