

Aberdeen Local Licensing Forum – 19 June, 2013

Forum Membership

1. PURPOSE OF REPORT

- 1.1 To set out the current issues relating to Forum membership and to suggest ways in which these can be addressed.
- 1.2 The paper also flags up some of the issues raised with regard to the purpose and direction of the Forum, based on responses to the questionnaire issued after the last meeting.

2. MAIN ISSUES/BACKGROUND

- 2.1 The Licensing (Scotland) Act 2005 sets out the requirement for local licensing forums to be established. An extract of the relevant provisions is attached at appendix A, and the Forum will note that membership can vary between 5 and 21 (the maximum was increased from 20 by the statutory instrument dated September 2011). The Forum currently has a membership of 18 and the quorum of the group is therefore 9. The requirement to have a quorum of half is set out in the 2005 Act and is therefore not a locally set provision. Membership of the Forum has been delegated by the Council to the Forum to determine, but any differences of opinion which cannot be resolved would be referred back to the Council to make a final decision.
- 2.2 Membership should include, insofar as is possible, representatives of the undernoted categories. The current representatives are listed:-
 - Holders of premises licences and personal licences - George Wyatt, Craig Adams, Shelly Wall and Gerard Rattray (4)
 - Chief Constable – Inspector Barry Skinner/David Paterson (1)
 - Persons having functions relating to health, education or social work – David Wright (Education), Linda Smith and Sandy Kelman (Health), Kay Dunn (Social Work), Craig Cole (Samaritans), Mike Saint and Garry Burnett (Community Safety) (7)
 - Young People – Barry Black and Callum Martin (2)
 - Persons resident in the Forum’s area – Ken Eddie, Allan McIntosh, Councillor Martin Greig (3)
 - Licensing Standards Officer – Diane Sande/Raymond Morrison (1)
- 2.3 The last two meetings (13 February and 24 April) were not fully quorate. The meeting on 13 February was quorate at points of the meeting, but when those in attendance dipped below 9 as members left to attend other meetings, it became inquorate. The meeting on 24 April was attended by 6 members only.
- 2.4 Those present on both occasions expressed their concern at the low numbers, and asked that the clerk write to all members reminding them of the need for a quorum, of the facility to send substitutes, and of the provision in the constitution (also attached at appendix B) to permanently exclude members who miss three meetings consecutively. The views of Forum members were also sought on the following:-

1. Which groups/organisations do you feel are crucial to the membership of the Local Licensing Forum?
2. Do you see any scope for reduction of the Forum's membership?
3. Are there any current obstacles to you attending Forum meetings which could be removed by the Forum?
4. What is your understanding of your role on the Forum?
5. Do you wish to continue as a member of the Forum?
6. Would you support the idea of a smaller membership with additional observers attending meetings?

2.5 Responses are summarised below:-

- Mixed support for reducing numbers, the majority of which was in favour of reducing membership.
- One suggestion was to reduce the core members to one representative of each of those groups listed at paragraph 2.2 above. Another was to reduce membership to 12, consisting of one representative of each of the following –
 1. Licensing Standards Officer
 2. NHS Grampian
 3. Education
 4. Children's Services
 5. Police Scotland
 6. Licensed Trade
 7. Community/Civic Forum
 8. Aberdeen City Alcohol and Drugs Partnership
 9. Scottish Fire and Rescue
 10. Third Sector
 11. Community Safety Partnership
 12. Young People

In this scenario, people could attend as 'associate' members in their own right and be copied into the papers. These 'associate' members could also act as substitutes for 'core' members as and when appropriate. The Forum seldom has a vote (other than for the chair / vice chair) and as such these 'associate' members would not be missing out on anything and would be allowed to contribute at the meeting. The meetings after all, are all open to members of the public. The 'associate' members could form part of the LLF when joint meetings are held with the Licensing Board.

- Further suggestion that the representatives of residents and the representative of the Samaritans become observers and that only one youth or student representative have full membership.
- Two members said the meeting time (2.00pm) was an obstacle. One expressed a preference for a morning meeting (10.00am or 11.00am). Other members stated that with the advance notice provided (up to 12 months, as meetings are agreed at the end of the calendar year) this was not a problem.
- Roles on the Forum were queried, both in terms of the ability of some groups to represent others, and the training required to be a Forum member which could be increased, particularly around legislative changes and the ability of the Forum to monitor the Board around the five licensing objectives.
- Information received within the Forum to inform its work was felt to be crucial to its effectiveness moving forward.
- The role of the Door Supervisors Working Group was felt to be a crucial one which seemed to have been forgotten about.

- Discussion is needed on the role of the Forum in the future, particularly around the five licensing objectives and what can be achieved in terms of these.
- Understanding of role - as per section 11 of the Act - to keep under review the operation of the Act in this area, and the performance etc of the Board, and to give advice and recommendations to the Board.
- Forum has become overwhelmed by the amount of focus being placed on two of the licensing objectives, Protecting Children From Harm and Protecting and Improving Public Health.
- Too much pressure placed on Board about how it will uphold the licensing objectives.
- Wish to improve relationship with Board, including more joint meetings and feedback from Board on performance of Forum.
- Clearer direction and broader agenda required, to assist members to make a contribution. It was felt that this would improve attendance.
- One respondent, Mike Saint, indicated that he would be happy to withdraw from the Forum (email attached at Appendix A).

2.6 To address some of these points, there is scope within the terms of the legislation to reduce the number of members, on the proviso that there is representation of those groups and persons listed at 2.2. Whether these groups/persons would need to be voting members if one of the above suggestions were to be followed needs to be looked into further. Meeting times can of course be moved to accommodate the majority of members.

2.7 It would appear from the submissions above that, as well as membership, the main issues are focused around training and information for Forum members to assist them in their role, clarifying the purpose and focus of the Forum, and representation. As well as addressing issues of membership, the Forum may also wish to consider revising its workplan to address any issues of lack of clarity. It seems that there also needs to be a discussion around training.

2.8 The Forum is also asked to note that there are some members who have missed three consecutive meetings (attendance record attached at appendix B), and so decisions should be taken on whether they should continue as members. As well as this, there are two further applications for consideration when the Forum is quorate (appendix C).

2.9 The Forum is now asked to determine whether it wishes to reduce its membership, and if so, how it would like to tackle this.

3. THE WAY FORWARD

3.1 Whilst it is a matter for the Forum to make decisions on its membership, this power has been delegated from the Council, and if agreement cannot be reached, the Council will be asked to make a determination. It is suggested that the Forum has a discussion around the issues raised and works towards an agreed position moving forward.

Hi Vikki,

Thanks for your email.

I have missed numerous meetings due to other commitments. I originally started attending the forum meetings at the request of John Souter from Grampian police. However good John's intentions I think that I can only remember one occasion when my opinion or input was required. I am perfectly happy to withdraw from the forum to save you any inconvenience, or perhaps leave it so that if any matters concerning door staff are going to be discussed you can contact me and I will attend?

Kind regards,

Mike Saint

ABERDEEN LOCAL LICENSING FORUM – ATTENDANCE RECORD 2012

Name	Meeting Date						
	16/02/12	12/04/12	21/06/12	06/09/12	15/11/12		
Allan McIntosh	✓				Apologies		
George Wyatt	✓	✓	✓				
Inspector John Soutar	✓	✓	Sent substitute	✓	Sent substitute		
Linda Smith	✓	Sent substitute	✓	✓	✓		
David Wright	✓	Apologies	Apologies	Apologies	✓		
Diane Sande	Sent Substitute	Sent Substitute	✓	✓	Apologies		
Gerard Rattray	✓	✓	✓	Sent Substitute	✓		
Mary Crawford	✓		✓	✓			
Ken Eddie	Apologies	✓	✓	✓	✓		
Councillor Martin Greig	Apologies		✓	✓	Apologies		
Heather Manning	✓	✓	Apologies	✓	✓		
Bob Westland – replaced by Mike Saint, June 2012	Apologies	✓	✓				
Barry Black	_____	✓	Apologies		Apologies		
Callum Martin	_____	_____	Apologies				

Name	Meeting Date						
	16/02/12	12/04/12	21/06/12	06/09/12	15/11/12		
Craig Adams	✓		✓		✓		
Michelle Wall replaced by JP McGivney Sep 2012	Sent Substitute			✓	Apologies		
Sandy Kelman	✓	✓	✓	✓	Sent substitute		
Gordon Riddell replaced by Garry Burnett April 12	_____	✓	Apologies	✓	Apologies		
Mairi MacLeod	N/A	N/A	N/A	✓	✓		

ABERDEEN LOCAL LICENSING FORUM - ATTENDANCE RECORD 2012

Name	Meeting Date						
	13/02/13	24/04/13	19/06/13	11/11/13	20/11/13		
Allan McIntosh	✓	Sent substitute					
George Wyatt	✓						
Inspector Barry Skinner/ Inspector David Paterson	✓	✓					
Linda Smith	Sent Substitute	✓					
David Wright	✓	Apologies					
Diane Sande	✓	✓					
Gerard Rattray	Sent Substitute	✓					
Ken Eddie		Apologies					
Councillor Martin Greig							
Craig Cole (replaced Heather Manning)	Apologies						
Mike Saint							
Barry Black	Apologies						
Callum Martin							
Craig Adams		Apologies					
Michelle Wall	Apologies	Apologies					
Sandy Kelman	✓	✓					
Garry Burnett	✓						
Kay Dunn (replaced Natalija Clark)	N/A	✓					

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APPLICATION FORM FOR MEMBERSHIP OF THE LOCAL LICENSING FORUM

FULL NAME (PLEASE PRINT)	WILLIAM CHRISTIE
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ADDRESS, INCLUDING POSTCODE	6 KIRKWALL AVENUE ABERDEEN AB16 6WA
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E-MAIL ADDRESS	
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TELEPHONE NUMBER	
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WHICH OF THE FOLLOWING CATEGORIES APPLY TO YOU	<p>HEALTH, EDUCATION, SOCIAL WORK <input type="checkbox"/></p> <p>YOUNG PERSON (aged 16 and over) <input type="checkbox"/></p> <p>RESIDENT IN THE FORUM AREA <input checked="" type="checkbox"/></p> <p>HOLDER OF A PREMISES/PERSONAL (LIQUOR) LICENCE <input checked="" type="checkbox"/></p> <p>OTHER (such as emergency services, council services, alcohol agencies, any person not falling into any of the above categories having an interest in alcohol and licensing issues) <input type="checkbox"/></p>
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IF YOU ARE A LICENCE HOLDER PLEASE GIVE THE NAME, FULL ADDRESS OF THE PREMISES AND DETAILS OF THE LICENCE YOU	I AM AREA MANAGER FOR 11 SPAR STORES IN ABERDEEN. I AM NOT PREMISES MANAGER FOR ANY OF THEM. I DO HOLD A LICENCE AND HAVE COMPLETED ALL THE SAME TRAINING THAT OUR MANAGERS HAVE.
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HOLD IN THE FORUM AREA	
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The Forums' role is to keep under review the licensing boards' decisions and consider the impact of those decisions at local level. Keeping in mind the Objectives of the Licensing (Scotland) Act 2005 the forums may give advice and make recommendations to the licensing board. The objectives are:

- Preventing crime and disorder;
- Securing public safety;
- Preventing public nuisance;
- Protecting and improving public health; and
- Protecting children from harm.

WHY DO YOU WANT TO BE PART OF THE FORUM?	I WOULD LIKE TO KEEP UP TO DATE WITH THE LATEST LEGISLATION AND I WOULD LIKE TO BE ABLE TO GIVE FEEDBACK FROM AN OFF LICENSED PREMISES POINT OF VIEW
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PLEASE GIVE A BRIEF STATEMENT ABOUT WHAT YOU CAN BRING TO THE FORUM DETAILING MEMBERSHIP OF ANY ORGANISATIONS OR NETWORK GROUPS/COMMUNITY PARTNERSHIPS YOU ARE PART OF.	I HAVE WORKED IN OFF LICENCE PREMISES WITHIN THE ABERDEEN AREA FOR OVER 20 YEARS AND WILL BRING THAT EXPERIENCE TO THE TABLE. AS AN AREA MANGER FOR CJ LANG I WILL BE IN A POSITION TO UPDATE THE FORUM ON ISSUES RAISED IN OTHER AREAS OF SCOTLAND.
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Please return completed forms to:- Lynsey McBain, Committee Services, Legal & Democratic, Aberdeen City Council, Room 1-7, Town House, Broad Street, Aberdeen, AB10 1AQ

APPLICATION FORM FOR MEMBERSHIP OF THE LOCAL LICENSING FORUM

FULL NAME (PLEASE PRINT)	GRAHAM JOHN STEWART WATSON
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ADDRESS, INCLUDING POSTCODE	THE GRILL 213 UNION STREET ABERDEEN AB11 6BA
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E-MAIL ADDRESS	
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TELEPHONE NUMBER	
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WHICH OF THE FOLLOWING CATEGORIES APPLY TO YOU	<p>HEALTH, EDUCATION, SOCIAL WORK <input type="checkbox"/></p> <p>YOUNG PERSON (aged 16 and over) <input type="checkbox"/></p> <p>RESIDENT IN THE FORUM AREA <input type="checkbox"/></p> <p>HOLDER OF A PREMISES/PERSONAL (LIQUOR) LICENCE <input checked="" type="checkbox"/></p> <p>OTHER (such as emergency services, council services, alcohol agencies, any person not falling into any of the above categories having an interest in alcohol and licensing issues) <input type="checkbox"/></p>
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IF YOU ARE A LICENCE HOLDER PLEASE GIVE THE NAME, FULL ADDRESS OF THE PREMISES AND DETAILS OF THE LICENCE YOU HOLD IN THE FORUM AREA	THE GRILL 213 UNION STREET ABERDEEN AB11 6BA PREMISES LICENCE HOLDER PERSONAL LICENCE HOLDER
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The Forums' role is to keep under review the licensing boards' decisions and consider the impact of those decisions at local level. Keeping in mind the Objectives of the Licensing (Scotland) Act 2005 the forums may give advice and make recommendations to the licensing board. The objectives are:

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- Securing public safety;
- Preventing public nuisance;
- Protecting and improving public health; and
- Protecting children from harm.

<p>WHY DO YOU WANT TO BE PART OF THE FORUM?</p>	<p>TO CONTRIBUTE TO THE ADVICE AND RECOMMENDATIONS THE FORUM MAY GIVE ON THE ABOVE MATTERS, BASED ON MY LONG EXPERIENCE OF WORKING IN THE LICENCED TRADE, AND REPRESENTING AND EXPLAINING THE VIEWS OF OTHERS IN THE TRADE</p>
<p>PLEASE GIVE A BRIEF STATEMENT ABOUT WHAT YOU CAN BRING TO THE FORUM DETAILING MEMBERSHIP OF ANY ORGANISATIONS OR NETWORK GROUPS/COMMUNITY PARTNERSHIPS YOU ARE PART OF.</p>	<p>I HAVE BEEN A LIQUOR LICENCE HOLDER IN ABERDEEN SINCE 1985, AND DURING THE SAME PERIOD A MEMBER OF BOTH THE LOCAL AND NATIONAL TRADE ASSOCIATIONS. I HAVE ALSO BEEN AN OFFICE BEARER / REPRESENTATIVE FOR A NUMBER OF YEARS.</p>

Please return completed forms to:- Lynsey McBain, Committee Services, Legal & Democratic, Aberdeen City Council, Room 1-7, Town House, Broad Street, Aberdeen, AB10 1AQ