

COMMITTEE	Statutory Council
DATE	17 May 2017
REPORT NUMBER	CG/17/051
DIRECTOR/HOS	Fraser Bell, Head of Legal and Democratic Services
TITLE OF REPORT	Re-establishment of Local Licensing Forum
REPORT AUTHOR	Iain Robertson

1. PURPOSE OF REPORT:-

To advise elected 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. RECOMMENDATION(S)

It is recommended that Council

- a) Re-establish the Local Licensing Forum as per its statutory duty and re-appoint the nominated members listed in **Appendix A** as per item 5(4) of the Forum's Constitution attached as **Appendix B**; and
- b) Determines whether Council wishes to appoint representatives to the Forum and, if so, to make such appointments.

3. BACKGROUND/MAIN ISSUES

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 16 May 2012, 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. Currently the Aberdeen Local Licensing Forum meets every 8-10 weeks and meets with the Licensing Board annually. Responsibility for chairing the Joint Licensing Meeting alternates between the Convener of the Licensing Board and Forum. Its next meeting has been scheduled for 6 June 2017 and is due to be chaired by the Convener of the Licensing Board.

- 3.3 The Forum must consist of between 5 and 21 members as Council may determine. A list of those nominated to serve by the Local Licensing Forum at its meeting on 5 April 2017 has been attached under **Appendix A**.
- 3.4 Members of the Forum should be representative of the five 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; and
 - persons resident within the Forum's area.
- 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 Council has a statutory duty to establish a Local Licensing Forum. As per item 5(4) of the Forum's Constitution, Forum members shall be appointed at the first Council meeting following an election to serve for the duration of the next Council term. As per item 5(5) of the Forum's Constitution, any vacancies or changes to membership during the Council's term may be filled by the Forum on behalf of the Council.
- 3.7 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 has been attached under **Appendix B**.
- 3.8 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.
- 3.9 Licensing Forums are independent from the Licensing Board and it is the responsibility of Council to select Forum members. This process will take into account the mandatory requirements of the Act and local representation.
- 3.10 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.

- 3.11 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

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

5. LEGAL IMPLICATIONS

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. MANAGEMENT OF RISK

- 6.1 Failure to re-establish the Local Licensing Forum would mean that Council would not be compliant with the requirements of the Licensing Act.
- 6.2 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 Licensing Policy.

7. IMPACT SECTION

Economy

No impact on economy.

People

Failure to re-establish the Forum would mean that community participation in the licensing process would be reduced. Council partners and stakeholders would also be impacted as the Forum provides a platform for them to meet and share best practice. No significant equalities issues have been identified.

Place

No impact on place.

Technology

No impact on technology.

8. BACKGROUND PAPERS

CG/12/048: Membership of Local Licensing Forum, Statutory Council Meeting, 16 May 2012.

9. APPENDICES

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

Appendix B - Aberdeen City Local Licensing Forum Constitution

10. REPORT AUTHOR DETAILS

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Chief Constable for the police area in which the Forum's area is situated
Insp Kenneth McGeough, <u>Convener</u>
Persons having functions relating to health, education or social work
Heather Wilson, Aberdeen City Alcohol and Drugs Partnership
Shamini Omnes, Aberdeen City Health and Social Care Partnership
Peter Benton, Aberdeen Samaritans
Emily Queen, Aberdeen Community Safety Partnership
Miriam Smith, Education and Children's Services, Aberdeen City Council
Young People
Barbu Dragosflorin, Aberdeen City Youth Council
Persons resident within the Forum's area
Ken Eddie, Aberdeen Civic Forum
Licensing Standards Officer
Diane Sande (or Tara-Erin Gilchrist)
Community Councils
Laura MacDonald

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

- (1) In meeting with the undernoted terms of the Licensing (Scotland) Act 2005 (“the Act”), requiring that all Local Licensing Forums shall -
 - (i) consist of not fewer than 5 and not more than 21 members;
 - (ii) include a Licensing Standards Officer for the Council’s area;
 - (iii) in appointing members, ensure that, so far as possible, the membership of the Forum is representative of the interests of persons

or descriptions of persons who have an interest which is relevant to the Forum's general functions, including:-

- Holders of premises licences and personal licences
- The Chief Constable for the police area in which the Forum's area is situated
- Persons having functions relating to health, education and social work
- Young people
- Persons resident in the Forum's area

the Forum shall have a membership of 12, with one duly appointed representative from each of the following categories:-

Holder of Premises License

1. Representative of Licensed Trade

The Chief Constable for the Police area

2. Representative of Police Scotland

Persons having functions relating to health, education or social work

3. Scottish Fire and Rescue Service
4. Aberdeen Alcohol and Drugs Partnership
5. NHS Grampian
6. Aberdeen Samaritans
7. Community Safety Partnership
8. Education Services, Aberdeen City Council
9. Children's Services, Aberdeen City Council

Young people

10. RGU or Youth Council – *to be confirmed*

Persons resident within the Forum's area

11. Aberdeen Civic Forum

Licensing Standards Officer

12. Licensing Standards Officer

- (2) Notwithstanding the above, the Forum may invite additional representatives (co-optees) 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. Such representatives will not be included for the purposes of calculating a quorum for meetings of the Forum.
- (3) Members may appoint substitutes to attend meetings of the Forum on their behalf, on the understanding that the substitute is also a duly appointed representative of one of the above 12 categories.
- (4) Members will be appointed at the first meeting of Aberdeen City Council following an election. Members will serve for the term of that Council, after which they will be eligible for re-appointment. This is without prejudice to a member's entitlement at any time to step down from the Forum.
- (5) Any vacancies or changes to membership during this term may be filled by the Forum on behalf of Aberdeen City Council. 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.

- (6) 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, excluding co-optees.

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 CONVENER

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.