

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council
DATE	18 May 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Re-establishment of Local Licensing Forum
REPORT NUMBER	COM/22/078
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Shereen Balaban
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 To advise 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. RECOMMENDATIONS

That Council :-

- 2.1 Re-establish the Local Licensing Forum as per its statutory duty, and note the current membership listed in Appendix A and the Forum's Constitution attached as Appendix B; and
- 2.2 Determine whether Council wishes to appoint representatives to the Forum and, if so, to make such appointments.

3. CURRENT SITUATION

- 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 17 May 2017, 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. The Aberdeen Local Licensing Forum meets with the Licensing Board annually. Responsibility for chairing the Joint Licensing Meeting alternates between the Convener of the Licensing Board and Forum. The next joint meeting has been scheduled for October 2022 and is due to be chaired by the Convener of the Local Licensing Forum.
- 3.3 The Forum must consist of between 5 and 21 members. A list of those nominated to serve by the Local Licensing Forum is attached at Appendix A.

- 3.4 Members of the Forum should be representative of the key interest areas which are:
- the emergency services;
 - 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 City
- 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 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 is attached at Appendix B.
- 3.7 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. Licensing Forums are independent from the Licensing Board.
- 3.8 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.
- 3.9 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

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

5. LEGAL IMPLICATIONS

- 5.1 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. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified against this category			
Compliance	Failure to re-establish the Local Licensing Forum would mean that Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.	The report recommendation provides additional controls to ensure compliance with legislation.	L	Yes
Operational	No significant risks identified			

	against this category			
Financial	No significant risks identified against this category			
Reputational	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	The report recommendation provides additional controls to mitigate reputational risk.	L	Yes

	Licensing Policy.			
Environment / Climate	No significant risks identified against this category			

8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

	Impact of Report
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous People Stretch Outcomes	The Forum supports the achievement of the improvement projects under Stretch Outcome 12.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required.

10. BACKGROUND PAPERS

- 10.1 CG/12/048: Membership of Local Licensing Forum, Statutory Council Meeting, 16 May 2012, CG/17/051: Re-establishment of Local Licensing Forum, Statutory Council Meeting, 17 May 2017.

11. APPENDICES

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

Appendix B - Aberdeen City Local Licensing Forum Constitution

12. REPORT AUTHOR CONTACT DETAILS

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