

ABERDEEN CITY LOCAL LICENSING FORUM

UPDATE FOR LICENSING BOARD 26th SEPTEMBER 2023

Introduction

This paper provides an update to the Licensing Board following the meeting of the Forum on Tuesday 22nd August 2023.

1. Aim of the Local Licensing Forum.

Forum members have discussed and agreed a draft statement of the aim of the Local Licensing Forum. This complements what the Licensing Act 2005 defines as the purpose of Forums. Our Forum discussion was a useful way of teasing out our views about our purpose and how we might achieve it. Views from the Licensing Board would be appreciated. (See Appendix 1)

2. Programme of reports for the coming year.

The Forum agreed at its meeting in June to have a programme of reports from Forum members with the aim of identifying areas to be brought to the attention of the Licensing Board and/or in order to make recommendations to the Board. The programme began with a presentation from John Mooney, Grampian Health Board representative on alcohol related admissions to ARI and attendances at A&E. John made reference to Alcohol Focus Scotland data and a summary sheet of this attached.

- **Alcohol related admissions to ARI and to A&E - summary.**

Alcohol related hospital admissions and 'stays' for Aberdeen have been on a downward trend since around 2012 / 13 - but this should be seen against the drive to reduce 'stays' for all causes. As has recently been highlighted only this week, alcohol related deaths in Scotland as a whole have returned to a historical high and are at their highest level for 14 years [Alcohol deaths rise to highest level in 14 years - BBC News](#)

We know for Scotland as a whole and for Aberdeen, there is a very pronounced social gradient in alcohol related mortality, the chances of dying from alcohol related causes being around 6 times higher for those in the most disadvantaged areas - a gradient that is also clearly in evidence for Aberdeen and has become increasingly polarised as more affluent groups have seen a slight reduction. As economic conditions continue to bite, we know from recent history that these trends are likely to be exacerbated.

While men still account for the majority of alcohol related deaths, deaths are rising in women, in whom the average age of death from alcohol related causes is younger.

There will be a similar presentation from Police Scotland at the November meeting of the Forum. This will be followed by a presentation from Social Work Services relating to both adults and children at the January meeting of the Forum.

3. Annual Functions Report

In October 2021 it was agreed that the Forum would make recommendations on how the Annual Functions Report could be developed to make it more informative and more engaging for all stakeholders. This work has now been completed and a paper has been forwarded to Sandy Munro for consideration by the Board. (See Appendix 2)

Elaine Mottram

Convenor, Aberdeen City Local Licensing Forum

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Draft statement of aims

Local Licensing Forums are established in all local authority areas in Scotland in accordance with The Licensing Scotland Act 2005 [Licensing \(Scotland\) Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2005/10). The Licensing Board is responsible for all decisions regarding licenses for the sale of alcohol in each local authority area. However, while the Forum has no role in relation to the granting of licenses, it is a key component in managing the impact of alcohol use in Aberdeen City. In line with the 2005 Act, the Forum will provide feedback and recommendations to the Board in relation to the safe use of alcohol and the upholding of the licensing objectives, which are

- Preventing Crime and Disorder**
- Securing Public Safety**
- Preventing Public Nuisance**
- Protecting and Improving Public Health**
- Protecting Children from Harm**

In order to carry out its role the Forum explores the use of alcohol in the City within the context of the 5 Licensing Objectives. The Forum provides feedback and recommendations to the Licensing Board with the aim of creating a safe and healthy environment for all.

The Forum aims to influence Licensing Board decisions around both off sales and on sales premises. These may relate to decisions regarding local licensing hours, location and number of establishments and/or help steer trading best-practice. In order to achieve this, our recommendations and feedback to the Board will be based on data from health, the police, social work services, the licensing team and others.

Our aim is to provide reliable feedback based on measurable impacts of alcohol use, for example, police data on crime, assaults etc; health data on the long-term impact of alcohol use, alcohol related attendances at A&E; relevant social work services data; community data gathering and other measurable sources we identify over time.

We will be proactive in identifying key metrics that will illustrate the problems we wish to be addressed. We will make recommendations and monitor impact.

Discussed and agreed Local Licensing Forum meeting – 22 August 2023

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Review of Annual Functions Report and recommendations

Introduction

Licensing Boards have been required to publish an Annual Functions Report (AFR) within 3 months of the end of each financial year since 2018. The first reports were required to be published by licensing boards for the 2017-18 financial year.

The 2005 Licensing (Scotland) Act states that AFR **“should contain a statement explaining how the Board has had regard to the licensing objectives, their statement of licensing policy, and any supplementary statement of licensing policy in the exercise of their functions under the 2005 Act during the financial year”**.

In October 2021 at the annual Joint Meeting of the Aberdeen Licensing Board and the Local Licensing Forum it was agreed that the Forum would **“explore ways of developing the Annual Functions Report in order that (a) it is more informative and engaging for all Local Licensing Forum members, the community and Community Councils; and (b) better equips the Local Licensing Forum to carry out its statutory purpose of keeping under review the liquor licensing system and the functioning of the licensing board” (extract from minute of Joint Meeting October 2021)**.

The Forum has used AFRs published by other Licensing Boards, the review undertaken by Alcohol Focus Scotland in 2019 of published Annual Functions Reports around Scotland and the recent Scottish Government Guidance for Licensing Boards to develop this report.

The review is outlined under the following headings:-

- 1. Meeting statutory requirements**
- 2. Overview of the changes in the “licensing landscape” year on year.**
- 3. Supporting local communities to understand how the Licensing Board operates and promotes the licensing objectives**
- 4. How the Board reflects on its effectiveness and what data (police, health etc) it uses to inform their reflection**
- 5. Board Forum interface**

1. Meeting statutory requirements

The Aberdeen City Licensing Board has published an AFR within 3 months of the end of the financial year in each of the years from 2018 to 2022.

The recent Scottish Government Guidance for Licensing Boards [licensing-scotland-act-2005-section-142-guidance-licensing-boards \(1\).pdf](#) states that **“Licensing Boards must keep the effectiveness and rationale of the statement of licensing policy under review and make revisions as and when appropriate”**.

The Forum considers that the Annual Functions Reports which have been published so far summarise clearly the decisions which the Board has taken both to approve and to reject applications but are less clear in explaining how the Board has had regard to its statement of Licensing Policy and to the 5 Licensing Objectives.

2. Overview of the changes in the “licensing landscape” year on year.

The Forum proposes that the Annual Functions Report should include information which illustrates the changes in what we have described as the “licensing landscape” in Aberdeen City so that comparisons can be made from one year to the next. Examples are

- a) how opening hours have changed – numbers of premises open until 12midnight, until 2am, 3am.
- b) numbers of premises with opening hours outwith policy
- c) geographical overview of where both off-sales and on-sales premises are located
- d) total numbers of on-sales licenses and total number of off-sales licenses trading
- e) total numbers of premises which have closed during the year and the number which continue to hold a license but are not trading.

It is recognised that licensed premises generate income which is important for the City. Where this is quantifiable this should be included in the Annual Functions Report.

An overview of the reasons for the refusal of applications for a license should also be included.

3. Supporting local communities to understand how the Licensing Board operates and promotes the licensing objectives

Reports should be meaningful and useful to their audience and contain an appropriate breadth and depth of information. To achieve this the Board must be in possession of feedback from Community Councils, the community in general and other local stakeholders to understand what would make reports more informative and engaging for them.

An indicator of how well the community engage with the licensing process is how often representations are made regarding an application and the effectiveness of those representations.

4. How the Board reflects on its effectiveness and what data (police, health etc) it uses to inform their reflection

The mechanisms the Board uses to reflect on and monitor the implementation of its local Licensing Policy, to assess their progress in upholding and promoting the 5 Licensing Objectives are important elements of a transparent licensing process. The Annual Functions Report provides an opportunity to provide stakeholders with an overview of how the Board continuously reflects on its effectiveness.

5. Board Forum interface

The Local Licensing Forum is required by statute to keep under review the operation of the licensing process. The mechanisms by which the Board and Forum jointly ensure that this role is carried out are an important part of the licensing process. While important progress has been made recently there should be a continuous process of review and reflection and the Annual Functions Report should include an update on what has happened during the year in this regard.

Recommendations for the Board and Annual Functions Report

The Annual Functions Report should

- a) include an outline of how the Board has had regard to its statement of Licensing Policy and to the 5 Licensing Objectives in its decision making.
- b) outline how the “licensing landscape” has changed year on year.
- c) outline how the Board has sought and taken into account feedback from stakeholders to ensure that the Report is meaningful and engaging.
- d) consider creative mechanisms to ensure that the Report reaches the relevant audiences in a way which is engaging.
- e) outline the number of occasions there have been representations regarding an application and which licensing objectives have been referenced.
- f) include the mechanisms the Board uses to reflect on and monitor the implementation of its Licensing Policy and to assess their progress in upholding and promoting the 5 Licensing Objectives. It should also include any actions they have identified as a result of their reflection. Examples of actions could be seeking information to understand the impact of alcohol use on local communities and/or requesting additional data to support the Board’s assessment of their impact.
- g) outline how the Board and Forum work together to achieve both their objectives.

Elaine Mottram, Convenor, and William Rae, Vice Convenor
Aberdeen City Local Licensing Forum
August 2023