

**ABERDEENSHIRE LICENSING BOARDS
SOUTH DIVISION**

A Meeting of the LICENSING BOARD for the SOUTH DIVISION OF ABERDEENSHIRE appointed in terms of the Licensing (Scotland) Act 2005 will be held within the **COUNCIL CHAMBER, ARDUTHIE ROAD, STONEHAVEN, AB39 2DQ** on **6 DECEMBER 2017** at **10AM**.

Members are requested to meet in the Member's Room at 9:30am.

**Viewmount
Arduthie Road
Stonehaven
AB39 2DQ**

**Peter Robertson
Depute Clerk to the Licensing Board**

29 November 2017

BUSINESS

1 APOLOGIES FOR ABSENCE

2. STATEMENT ON EQUALITIES

Consider, and if so decided, adopt:- "In line with the Council's legal duty under section 149 of the Equality Act 2010 the Board, in making decisions on the attached reports, shall have due regard to the need to":-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

3. MINUTES OF BOARD MEETING OF 4 OCTOBER 2017 - FOR APPROVAL

4. LICENSING (SCOTLAND) ACT 2005 APPLICATIONS FOR PREMISES LICENCE AND PROVISIONAL PREMISES LICENCE – NON CONTENTIOUS

5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PERSONAL LICENCE– REBECCA LOUISE GILL – HEARING (COPY TO MEMBERS ONLY)

6. LICENSING (SCOTLAND) ACT 2005 REPORT ON PERSONAL LICENCE– CALUM LEIPER – HEARING (COPY TO MEMBERS ONLY)

7. ADDITIONAL REPORTS

- (i) **Policy Statement Timetable Updated**
- (ii) **Board Report on Licensing Forums**
- (iii) **Approved Meeting Dates 2018/2019**

8. DATE OF NEXT MEETING

2. STATEMENT ON EQUALITIES

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it. The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

To ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision. However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals. How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Licensing Board decisions?

Members are directed to the section in reports headed ‘Equalities, Staffing and Financial Implications’. This will indicate whether or not an Equality Impact Assessment (EIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is. An EIA will be appended to a report where it is likely that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an EIA is required. If one is not required, the report author will explain why that is. Where an EIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_s_cotland.doc

3. MINUTES OF BOARD MEETING

ABERDEENSHIRE LICENSING BOARDS SOUTH DIVISIONAL LICENSING BOARD

Minute of Meeting of the **SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD**, held in the **COUNCIL CHAMBER, VIEWMOUNT, ARDUTHIE ROAD, STONEHAVEN, AB39 2DQ**, on **WEDNESDAY 4 OCTOBER 2017 at 10:00am**.

- Present –

Cllrs Peter Argyle (Convenor), Rosemary Bruce, Jeff Hutchison, Colin Pike, Dennis Robertson, Alistair McKelvie

- In Attendance -

*Peter Robertson, Depute Clerk to the Board
Gillian Flett, Licensing Sergeant, Police Scotland
Keith Simpson, Senior Licensing Standards Officer
Delsya Borland, Licensing Administrator*

1. APOLOGIES FOR ABSENCE

Cllrs Alastair Bews and Leigh Wilson had intimated their apologies for the Board.

2. EQUALITIES

In making decisions on the following items of business, the Board AGREED, in terms of Section 149 of the Equality Act, 2010:-

- (1) The Board would have due regard to the need to:-
 - (a) Eliminate discrimination, harassment and victimisation;*
 - (b) Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and*
 - (c) Foster good relations between those who share a protected characteristic and persons who do not share it.**
- (2) Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.*

3. MINUTES OF THE BOARD MEETING OF 16 AUGUST 2017

The Minutes of the Board Meeting of 16 August 2017 were APPROVED as a correct record.

4. ADDITIONAL REPORTS

- (i) Report and Timetable on proposed Review of Statement of Licensing Policy and Overprovision Policy Statement**

The Depute Clerk explained that this would be a standing item until the completion of the review of Board policy which was scheduled for November 2018. Following consideration of a Report dated 12th July 2017, copies of

which had been circulated in advance, the Board endorsed the indicative timetable for the review of the Board's Licensing Policy Statement and Over-Provision Policy Statements. Board members noted the colour coded tracking system which indicated that to date the process was on schedule. The Depute Clerk advised members that the next stage in which they would have a substantial involvement would be the joint meeting with the Licensing Forum and engagement exercise with partner agencies scheduled to take place before the end of 2017.

(ii) Determining Locality for the purposes of Overprovision Statement

Following consideration of a report by the Clerk, dated 27 September 2017, copies of which had been circulated in advance, the Board noted that a consultation exercise on locality had recently taken place and the results were still being assessed. The Board noted however that many of the respondents were in favour of retaining localities based on ward boundaries. The Board agreed that all the evidence is to be assessed and further discussed at the proposed Joint Meeting of the Licensing Board and Forum scheduled for 6 December 2017. There would also be further engagement with partner agencies such as Police and Health on the particular issue of locality. Following on from the December meeting the Board would be in a position to reach a decision as to what the locality or localities for the purposes of overprovision should be. For the moment however the provisional view of the Board was that localities should continue to be based on ward boundaries.

(iii) Annual Report on Licensing

The Board considered a report by the Clerk, dated 27 September 2017, copies of which had been circulated in advance. Members agreed the content is very useful and reflects a positive performance with statistics improving since the inception (2013/2014) of the report. This has been assisted by the strong engagement and partnership working with the Police, Licensing Standards Officers and Licence Holders.

Cllr Hutchison enquired as to whether the statistics for Occasional Licences can be expanded to give greater detail regarding the event. Licensing Standards Officers are to investigate.

(iv) Chief Constable's Report to the South Aberdeenshire Licensing Board

The Board considered the Chief Constable's Report to the South Licensing Board for the period 1st April 2016 to 31st March 2017, copies of which were circulated in advance. Members heard from Sergeant Gillian Flett who explained that this had been a year of change for the organisation of the police licensing unit which now took in all licensing matters for Moray, Aberdeenshire and Aberdeen City and is now the North East Licensing Team headed up by Inspector McGeouch. Sergeant Flett went on to say that as far as the police were concerned there were no big issues for liquor licensing in South Aberdeenshire. This was a reflection of the pro-active approach of the Licensing Team, local officers and LSOs who had engaged with the trade and identified and resolved any compliance issues before they became serious problems. The Board commented on the positivity of the report and the pro-active working arrangement between the Police, Licensing Standards Office

and Members of the trade. The relatively low level of licensing offences was noted and was a reflection of the work that was being carried out.

5. PROPOSED MEETING DATES 2018/19

Following consideration of a report by the Clerk, the Board APPROVED the dates for future Board Meetings in 2018/2019.

6. DATE OF NEXT MEETING CONFIRMED – 6 DECEMBER 2017

Venue to be finalised and Members advised of outcome. Noted that this would also be the date of the Joint meeting with the Licensing Forum

ADDITIONAL MATTERS DISCUSSED

(i) *The Depute Clerk briefed Members on a forthcoming Licensing Event to be held in Inverurie on 24 November 2017. Invitations will be sent out in due course.*

(ii) **Annual Fees**

Keith Simpson, Senior LSO, updated Members on the status of annual fees received as of today's date. Disappointingly there are still approximately 50 premises who have failed to pay their annual fee. However, by Friday (06/10/17) a truer picture should emerge and the necessary steps will be taken by LSO's to recover outstanding fees. If fees remain unpaid a call for review of the premises licence will be considered.

Board Member presiding over meeting

Print Name

Signature

Date

End of Minutes

Notice and Agenda Continues

4. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PREMISES LICENCE /
PROVISIONAL PREMISES LICENCE – GRANT – NON CONTENTIOUS

ABERDEENSHIRE LICENSING BOARD
South Division

REPORT TO LICENSING BOARD HEARING – 6 December 2017
LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR PREMISES LICENCE
NON-CONTENTIOUS APPLICATIONS

1. Purpose of Report

1.1. To consider applications for premises licences that are non-contentious.

2. Recommendations

2.1. **It is recommended that the Board grants the applications for premises licence listed in Appendix 1 to this Report as a non-contentious application, as determined by the Clerk in terms of the Board's Scheme of Delegation.**

3. Background

3.1. In terms of Section 17 of and in terms of Part 3 of the Licensing (Scotland) Act 2005, a premises licence is required to authorise the sale of alcohol on premises.

3.2. There are applications for premises licences that are now ready to be considered by the Board. These are listed in Appendix 1 to this Report.

3.3. The Board's Scheme of Delegation provides that consideration of premises licences is a matter reserved to the Board. Each application should be considered on its own merits

3.4. In relation to the applications to be considered by the Board –

(a) there are no valid objections to the application;

- (b) the hours sought in the Operating Plan are within the Licensing Board's general policy on Licensing Hours as set out in its Statement of Licensing Policy.

4. Proposal

- 4.1. The Depute Clerk has determined, as outlined above, that the following applications for Premises Licences listed at Appendix 1 to this report are non-contentious applications and ask that the Board grant the same.
- 4.2. Copies of the application forms, operating plans, risk assessments and layout plans will be available in the Members Room for perusal by Board Members prior to the Board Meeting from 9.30am.
- 4.3. If granted, certain mandatory conditions listed in the Licensing (Scotland) Act 2005 will attach to premises licences. The conditions attaching will depend on the activities listed in the operating plans of the premises.
- 4.4. Where applicable, all members clubs have undertaken to exhibit an amended constitution to comply with the requirements of the Licensing (Clubs) (Scotland) Regulations 2007.

5. Consultations

- 5.1. The Depute Clerk examined the applications in detail and the Applicants then addressed any issues requiring to be addressed. Thereafter, the Depute Clerk forwarded the applications to the following persons or bodies as part of the consultation process:
 - (a) Police Scotland;
 - (b) Scottish Fire & Rescue Service;
 - (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council;
 - (d) The Licensing Standards Officer;
 - (e) The appropriate Community Council; and
 - (f) Neighbouring Occupiers.
 - (g) Health Authority

5.2. At the same time as the applications were consulted on, the applicants required to display a site notice at the premises, in a location where it could be easily read by members of the public, advertising the fact that an application had been made. The Licensing Standards Officers checked to ensure the site notices had been appropriately displayed, and had been displayed for the correct time period, as part of their consultation exercise for each premises.

5.3. The applications were also advertised on the Council's website.

6. Objections and Representations

6.1. No objections were received in respect of these applications.

6.2. In some cases, the statutory consultees made representations. These were copied to the applicants who have made the appropriate amendments to their applications in order to satisfy the representations made.

6.3. Any applicant who has taken issue with the representations made will have their application considered at a full hearing of the Board at a future Board meeting.

7. Equalities Staffing & Financial Implications

7.1 An Equality Impact Assessment is not needed because the granting or refusing of these applications will not have a differential impact on the protected characteristics of the applicant or any third parties.

7.2 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.

Karen Wiles
Clerk to the Board

Report prepared by Peter Robertson, Depute Clerk, Senior Solicitor
(Governance)
Date 29 November 2017

| 4. PREMISES LICENCE / PROVISIONAL PREMISES LICENCE – GRANT – NON CONTENTIOUS | | |
|---|---|--|
| Name of Applicant | Name and Address of Premises | Remarks (if any) |
| 1. Spider On A Bicycle Ltd | Spider On A Bicycle Station Square Aboyne AB34 5HX | Applicant agreed with representation from Police Scotland and made the necessary amendments. No outstanding representation or objections remain. |
| Provisional 2. SONA (Scotland) Ltd | Cambus O'May Hotel Cambus O'May AB35 5SE | Contact will be made by Environmental Health to address issue regarding registering as a food business. No representations were received in respect of this application. |
| 3. Primehelm Limited | The Sitting Room Unit 6 The Green Portlethen AB12 4UN | Applicant has agreed with representations from the Police and LSO and made the necessary amendments to comply. No outstanding representations or objections remain. |

7. **ADDITIONAL REPORTS**

(i) **Policy Statement timetable updated**

POLICY STATEMENT REVIEW

Review of Licensing Policy Statements

Supervising Officer – Lauren Cowie

Lead Officer – Fiona Stewart

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|-----------------------|---------------------|---------|------------------------|
| KEY – Tracking Column | Target deadline met | Ongoing | Target deadline missed |
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Officers will use Aberdeenshire Council's Policy Development & Review Framework as the foundation for the review of the Licensing Boards' Policy Statements. This can be found at Section 6 of Part 4A - Scrutiny at Aberdeenshire of Aberdeenshire Council's Scheme of Governance.

| Item Number | Responsible Officer | Activity | Timescale | Tracking | Updated | Comments |
|------------------------------------|---------------------|---|-----------|----------|----------|--|
| STEP 1 – Agree the timeline | | | | | | |
| 1A | Peter Robertson | South Board to agree Indicative Timetable for Review of Policy Statements | 2/8/17 | | 17/08/17 | Approved 16/8/17 - This was delayed due to no Quorum at Board meeting on 2/8/17. This was rescheduled to 16/8/17. |
| 1B | Jill Joss | Central Board to agree Indicative Timetable for Review of Policy Statements | 9/8/17 | | 10/08/17 | Approved 9/8/17 |
| 1C | Fiona Stewart | North Board to agree Indicative Timetable for Review of Policy Statements | 30/8/17 | | 31/08/17 | Approved 30/8/17 |

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| *New* | Review Team | Notified all partner agencies of the Review, providing sight of the timeline with a view to future engagement | Sept 2017 | | 12/09/17 | Completed |
| STEP 2 – Review existing Policy Statement and identify focus issues for the review | | | | | | |
| 2A | Fiona Stewart | Review Existing Policy Statements | Aug-Sept 2017 | | 18/08/17 | Completed |
| 2B | Paralegal Trainee | Look at examples of other policy Statements | Aug-Sept 2017 | | 18/08/17 | Completed |
| 2C | Fiona Stewart Paralegal | Finalise Annual Report on Existing Policy Statement | Aug-Sept 2017 | | 29/09/17 | Completed |
| 2D | Peter Robertson | Engage with South Board to identify main issues to address in the review | 04/10/17 | | 04/10/17 | Completed |
| 2E | Jill Joss | Engage with Central Board to identify main issues to address in the review | 11/10/17 | | 11/10/17 | Completed |
| 2F | Fiona Stewart | Engage with North Board to identify main issues to address in the review | 25/10/17 | | 25/10/17 | Completed |
| 2G | Peter Robertson | Progress Report to South Board | 04/10/17 | | 04/10/17 | Completed |
| 2H | Jill Joss | Progress Report to Central Board | 11/10/17 | | 11/10/17 | Completed |
| 2I | Fiona Stewart | Progress Report to North Board | 25/10/17 | | 25/10/17 | Completed |

| STEP 3 – Draft Impact Assessments | | | | | | |
|--|---|--|-------------------------------------|--|-----------------|--|
| 3A | Fiona Stewart Iain Meredith | Draft outline Equalities Impact Assessment | Ongoing throughout the review | | | On track |
| 3B | Fiona Stewart Iain Meredith | Draft outline Privacy Impact Assessment | Ongoing throughout the review | | | On track |
| STEP 4 - Engagement with partners on identified issues (in conjunction with the overprovision policy review) | | | | | | |
| 4A | Fiona Stewart Iain Meredith Paralegal ICT and Corporate Communications | Prepare and issue survey monkey to all stakeholders | Nov-Dec 2017 | | | On track |
| 4B | Fiona Stewart Trainee | Consult with Council Services and Community Councils | Nov-Dec 2017 | | 30/10/17 | Completed |
| 4C | Fiona Stewart | South Board engages with Forum re issues | Nov 2017 See Notes | | | Following consultation with the Board - it has been agreed that rather than a special meeting in November this engagement is to take place after the Board meeting on 06/12/17. |
| 4D | Fiona Stewart | Central Board engages with Forum re issues | Nov 2017 See Notes | | | Following consultation with the Board - it has been agreed that rather than a special meeting in November this engagement is to take place after the Board meeting on 13/12/17. |
| 4E | Fiona Stewart | North Board engages | Nov 2017 | | | Following consultation with |

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| | | with Forum re issues | See Notes | | | <i>the Board</i> - it has been agreed that rather than a special meeting in November this engagement is to take place after the Board meeting on 20/12/17. |
| 4F | Peter Robertson | South Board engages with Police, LSOS, Criminal Justice & Public Health | 06/12/17 | | | On track |
| 4G | Jill Joss | Central Board engages with Police, LSOS, Criminal Justice & Public Health | 13/12/17 | | | On track |
| 4H | Fiona Stewart | North Board engages with Police, LSOS, Criminal Justice & Public Health | 20/12/17 | | | On track |
| 4I | Peter Robertson | Progress Report to South Board | 06/12/17 | | | On track |
| 4J | Jill Joss | Progress Report to Central Board | 13/12/17 | | | On track |
| 4K | Fiona Stewart | Progress Report to North Board | 20/12/17 | | | On track |
| 4L | Fiona Stewart All Clerks | Officer engagement with Community Planning, Community Safety, Transport Authorities and Tourism Representatives | Jan 2018 | | | On track – consultation meeting has been organised for 15/01/18. |
| STEP 5 – Review of engagement with partners (in conjunction with overprovision policy review) | | | | | | |
| 5A | Peter Robertson | Review of Engagement Exercise with South | Jan 2018 | | | Special Meeting |

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| | | Board | | | | |
| 5B | Jill Joss | Review of Engagement Exercise with Central Board | Jan 2018 | | | Special Meeting |
| 5C | Fiona Stewart | Review of Engagement Exercise with North Board | Jan 2018 | | | Special Meeting |
| 5D | Peter Robertson | Progress Report to South Board | 07/02/18 | | | |
| 5E | Jill Joss | Progress Report to Central Board | 14/02/18 | | | |
| 5F | Fiona Stewart | Progress Report to North Board | 28/02/18 | | | |
| STEP 6 – Draft revised Statements of Licensing Policy | | | | | | |
| 6A | Peter Robertson All Clerks Paralegal | Draft revised Statement of Licensing Policy | Feb – Mar (Week 1) 2018 | | | |
| STEP 7 – Draft Impact Assessments | | | | | | |
| 7A | Fiona Stewart Peter Robertson | Update the information in the Draft Equality Impact Assessment | Feb – Mar (Week 1) 2018 | | | |
| 7B | Fiona Stewart Jill Joss | Update the information in the Draft Privacy Impact Assessment | Feb – Mar (Week 1) 2018 | | | |
| STEP 8 – Annual Meeting of the licensed trade | | | | | | |
| 8A | Fiona Stewart Peter Robertson | South Board engages with the Licensed Trade in their Area | 07/03/18 | | | |
| 8B | Fiona Stewart Jill Joss | Central Board engages with the Licensed Trade in their Area | 14/03/18 | | | |

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| 8C | Fiona Stewart | North Board engages with the Licensed Trade in their Area | 28/03/18 | | | |
| 8D | Peter Robertson | Progress Report to South Board | 04/04/18 | | | |
| 8E | Jill Joss | Progress Report to Central Board | 11/04/18 | | | |
| 8F | Fiona Stewart | Progress Report to North Board | 25/04/18 | | | |
| STEP 9 – Formal consultation on revised Policy Statement | | | | | | |
| 9A | Fiona Stewart Peter Robertson | Formal consultation with all partners and the public on the proposed revised Statements of Licensing Policy | May-Jul 2018 | | | |
| 9B | Fiona Stewart Jill Joss | Either some form of community engagement exercise at each Board or a joint community engagement exercise with all Boards | Jun 2018 | | | At each Board in June / Special Meeting |
| 9C | Fiona Stewart | Progress Report to South Board | Jun 2018 | | | Board Meeting |
| 9D | Fiona Stewart All Clerks | Progress Report to Central Board | Jun 2018 | | | Board Meeting |
| 9E | Fiona Stewart Iain Meredith | Progress Report to North Board | Jun 2018 | | | Board Meeting |
| STEP 10 – Finalisation of Licensing Policy Statements | | | | | | |
| 10A | Fiona Stewart Peter Robertson | Review Report to South Board following consultation period | Aug 2018 | | | |
| 10B | Fiona Stewart | Review Report to Central | Aug 2018 | | | |

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| | Jill Joss | Board following consultation period | | | | |
| 10C | Fiona Stewart | Review Report to North Board following consultation period | Aug 2018 | | | |
| 10D | Fiona Stewart All Clerks | Finalise wording of Revised Licensing Policy Statement | Sept 2018 | | | |
| 10E | Fiona Stewart Iain Meredith | Finalise terms of the Equality Impact Assessment | Sept 2018 | | | |
| 10F | Fiona Stewart Iain Meredith | Finalise terms of the Privacy Impact Assessment | Sept 2018 | | | |
| STEP 11 – Approval and publication of Policy Statements | | | | | | |
| 11A | Peter Robertson | Report to South Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |
| 11B | Jill Joss | Report to Central Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |
| 11C | Fiona Stewart | Report to North Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |
| STEP 12 – Publication of Policy Statements | | | | | | |
| 12A | Fiona Stewart Susan Odlin | Publication of Approved Policy Statements on the Boards' Website | 31/10/18 | | | |

OVERPROVISION POLICY STATEMENT REVIEW

Review of Licensing Policy Statements

Supervising Officer – Lauren Cowie

Lead Officer – Peter Robertson

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| KEY – Tracking Column | Target deadline met | Ongoing | Target deadline missed |
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Officers will use Aberdeenshire Council's Policy Development & Review Framework as the foundation for the review of the Licensing Boards' Policy Statements. This can be found at Section 6 of Part 4A - Scrutiny at Aberdeenshire of Aberdeenshire Council's Scheme of Governance.

| Item Number | Responsible Officer | Activity | Timescale | Tracking | Updated | Comments |
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| STEP 1 – Agree the timeline | | | | | | |
| 1A | Peter Robertson | South Board to agree Indicative Timetable for Review of Overprovision Policy | 2/08/17 | | 17/08/17 | Approved 16/8/17 - This was delayed due to no Quorum at Board meeting on 2/8/17. This was rescheduled to 16/8/17. |
| 1B | Jill Joss | Central Board to agree Indicative Timetable for Review of Overprovision Policy | 9/08/17 | | 10/08/17 | Approved 9/8/17 |
| 1C | Fiona Stewart | North Board to agree Indicative Timetable for Review of Overprovision Policy | 30/08/17 | | 31/08/17 | Approved 30/8/17 |
| *New* | Review Team | Notified all partner agencies of the Review, providing sight of the timeline with a view to future engagement | Sept 2017 | | 12/09/17 | Completed |

| STEP 2 – Review existing Policy Statement and gather evidence to assist the Boards in identifying localities | | | | | | |
|---|---|---|-------------------------------|--|----------|-----------|
| 2A | Peter Robertson | Review Existing Overprovision Policies | Aug-Sept 2017 | | 18/08/17 | Completed |
| 2B | Paralegal Trainee | Look at examples of other policy Statements | Aug-Sept 2017 | | 18/08/17 | Completed |
| 2C | Peter Robertson Susan Odlin Paralegal Trainee | Identify occupancy Capacity Figures and Licensed Hours Stats for each Board | Aug-Sept 2017 | | 11/09/17 | Completed |
| 2D | Peter Robertson | Engagement with partners to provide evidence to assist the Board in identifying localities for Overprovision in each of the Board Areas | Aug-Sept 2017 | | 18/09/17 | Completed |
| 2E | Peter Robertson | Progress Report to South Board | 4/10/17 | | 04/10/17 | Completed |
| 2F | Jill Joss | Progress Report to Central Board | 11/10/17 | | 11/10/17 | Completed |
| 2G | Fiona Stewart | Progress Report to North Board | 25/10/17 | | 25/10/17 | Completed |
| STEP 3 – Draft Impact Assessments | | | | | | |
| 3A | Peter Robertson Iain Meredith | Draft outline Equalities Impact Assessment | Ongoing throughout the review | | | On track |
| 3B | Peter Robertson Iain Meredith | Draft outline Privacy Impact Assessment | Ongoing throughout the review | | | On track |

| STEP 4 - Engagement with partners on identified issues (in conjunction with review of Policy Statements) | | | | | | |
|---|---|--|------------------------------|--|-----------------|--|
| 4A | Peter Robertson Iain Meredith Paralegal ICT and Corporate Communications | Prepare and issue survey monkey to all stakeholders | Nov-Dec 2017 | | | On track |
| 4B | Peter Robertson Trainee | Consult with Council Services and Community Councils | Nov-Dec 2017 | | 30/10/17 | Completed |
| 4C | Peter Robertson | South Board engages with Forum re issues | Nov 2017 See Notes | | | Following consultation with the Board - it has been agreed that rather than a special meeting in November this engagement is to take place after the Board meeting on 06/12/17. |
| 4D | Peter Robertson | Central Board engages with Forum re issues | Nov 2017 See Notes | | | Following consultation with the Board - it has been agreed that rather than a special meeting in November this engagement is to take place after the Board meeting on 13/12/17. |
| 4E | Peter Robertson | North Board engages with Forum re issues | Nov 2017 See Notes | | | Following consultation with the Board - it has been agreed that rather than a special meeting in November this |

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| | | | | | | engagement is to take place after the Board meeting on 20/12/17. |
| 4F | Peter Robertson | South Board engages with Police, LSOS, Criminal Justice & Public Health | 6/12/17 | | | On track |
| 4G | Jill Joss | Central Board engages with Police, LSOS, Criminal Justice & Public Health | 13/12/17 | | | On track |
| 4H | Fiona Stewart | North Board engages with Police, LSOS, Criminal Justice & Public Health | 20/12/17 | | | On track |
| 4I | Peter Robertson | Progress Report to South Board | 6/12/17 | | | On track |
| 4J | Jill Joss | Progress Report to Central Board | 13/12/17 | | | On track |
| 4K | Fiona Stewart | Progress Report to North Board | 20/12/17 | | | On track |
| 4L | Peter Robertson All clerks | Officer engagement with Community Planning, Community Safety, Transport Authorities and Tourism Representatives | Jan 2018 | | | On track – consultation meeting has been organised for 15/01/18. |
| STEP 5 – Review of engagement with partners (in conjunction with review of Policy Statements) | | | | | | |
| 5A | Peter Robertson | Review of Engagement Exercise with South | Jan 2018 | | | Special Meeting |

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| | | Board | | | | |
| 5B | Jill Joss | Review of Engagement Exercise with Central Board | Jan 2018 | | | Special Meeting |
| 5C | Fiona Stewart | Review of Engagement Exercise with North Board | Jan 2018 | | | Special Meeting |
| 5D | Peter Robertson | Report to South Board to agree localities for overprovision | 07/02/18 | | | |
| 5E | Jill Joss | Report to Central Board to agree localities for overprovision | 14/02/18 | | | |
| 5F | Fiona Stewart | Report to North Board to agree localities for overprovision | 28/02/18 | | | |
| STEP 6 – Draft revised Overprovision Policy Statements | | | | | | |
| 6A | Peter Robertson All Clerks Paralegal | Draft revised Statement of Licensing Policy | Feb – Mar (Week 1) 2018 | | | |
| STEP 7 – Draft Impact Assessments | | | | | | |
| 7A | Peter Robertson Iain Meredith | Update the information in the Draft Equality Impact Assessment | Feb – Mar (Week 1) 2018 | | | |
| 7B | Peter Robertson Iain Meredith | Update the information in the Draft Privacy Impact Assessment | Feb – Mar (Week 1) 2018 | | | |
| STEP 8 – Annual Meeting of the licensed trade | | | | | | |
| 8A | Fiona Stewart Peter Robertson | South Board engages with the Licensed Trade | 07/03/18 | | | |

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| | | in their Area | | | | |
| 8B | Fiona Stewart Jill Joss | Central Board engages with the Licensed Trade in their Area | 14/03/18 | | | |
| 8C | Fiona Stewart | North Board engages with the Licensed Trade in their Area | 28/03/18 | | | |
| 8D | Peter Robertson | Progress Report to South Board | 04/04/18 | | | |
| 8E | Jill Joss | Progress Report to Central Board | 11/04/18 | | | |
| 8F | Fiona Stewart | Progress Report to North Board | 25/04/18 | | | |
| STEP 9 – Formal consultation on revised Overprovision Policy Statements | | | | | | |
| 9A | Peter Robertson | Formal consultation with all partners and the public on the proposed revised Statements of Licensing Policy | May-Jul 2018 | | | |
| 9B | Fiona Stewart | Either some form of community engagement exercise at each Board or a joint community engagement exercise with all Boards | Jun 2018 | | | At each Board in June / Special Meeting |
| 9C | Peter Robertson | Progress Report to South Board | Jun 2018 | | | Board Meeting |
| 9D | Jill Joss | Progress Report to Central Board | Jun 2018 | | | Board Meeting |
| 9E | Fiona Stewart | Progress Report to North Board | Jun 2018 | | | Board Meeting |

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| STEP 10 – Finalisation of Overprovision Policy Statements | | | | | | |
| 10A | Peter Robertson | Review Report to South Board following consultation period | Aug 2018 | | | |
| 10B | Peter Robertson Jill Joss | Review Report to Central Board following consultation period | Aug 2018 | | | |
| 10C | Peter Robertson Fiona Stewart | Review Report to North Board following consultation period | Aug 2018 | | | |
| 10D | Peter Robertson All Clerks | Finalise wording of Revised Licensing Policy Statement | Sept 2018 | | | |
| 10E | Peter Robertson Iain Meredith | Finalise terms of the Equality Impact Assessment | Sept 2018 | | | |
| 10F | Peter Robertson Iain Meredith | Finalise terms of the Privacy Impact Assessment | Sept 2018 | | | |
| STEP 11 – Approval and publication of Overprovision Policy Statements | | | | | | |
| 11A | Peter Robertson | Report to South Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |
| 11B | Jill Joss | Report to Central Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |
| 11C | Fiona Stewart | Report to North Board for Approval of Policy Statement | Oct 2018 | | | Board Meeting |

STEP 12 – Publication of Overprovision Policy Statements

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|-----|--------------------------------|--|----------|--|--|--|
| 12A | Peter Robertson Susan Odlin | Publication of Approved Policy Statements on the Boards' Website | 31/10/18 | | | |
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ABERDEENSHIRE LICENSING BOARDS ***South, Central and North Divisions***

REPORT TO LICENSING BOARD HEARING – 6th December 2017, 13th
December 2017 and 20th December 2017

LICENSING (SCOTLAND) ACT 2005

CONSIDERATION OF OPTIONS FOR THE ABERDEENSHIRE LICENSING
FORUMS

1. Recommendations

- 1.1. It is recommended that the Board considers the terms of this report and determines whether to recommended Option A or Option B to Aberdeenshire Council.

2. Background

Purpose of Report

- 2.1 Aberdeenshire Council is seeking the views of the Aberdeenshire Licensing Boards in respect of options in relation to the Licensing Forums only, moving forward, prior to making a determination on the matter. This report does not relate to the Licensing Boards themselves. There are no plans currently in place to change the existing Licensing Board structure within Aberdeenshire.

Legal Duty to Appoint Forum

- 2.2 Section 10 of the Licensing (Scotland) Act 2005 [“the 2005 Act”] provides that each **Council** must establish a Local Licensing Forum for their area.
- 2.3 Where the area of a Council is divided into licensing divisions, the Council may, instead of establishing a Local Licensing Forum for their area, establish separate such Forums for each division.

Options

- 2.4 The appointment of the original Forums fell within the remit of the former Policy & Resources Committee of Aberdeenshire Council.

- 2.5 As per the requirements of Section 10 of the 2005 Act, Aberdeenshire Council has 2 options available, either:
- a. To continue with the 3 existing Divisional Forums to coincide with the areas covered by the 3 Divisional Licensing Boards; or
 - b. Disband the existing Forums and replace them with 1 new Licensing Forum for the entire Aberdeenshire area.
- 2.6 Full details of the options available to Aberdeenshire Council are outlined in Appendix 1 to this report.
- 2.7 Moving to 2 Divisional Forums is not an option for the Council as it does not comply with Section 10 of the 2005 Act given that there are 3 divisional Licensing Boards within Aberdeenshire.

Membership of Forum

- 2.8 In terms of Paragraph 2 of Schedule 2 of the 2005 Act, A Forum is to consist of such number (being not fewer than 5 and not more than 21) of members as the relevant Council may determine. This number can be altered by the Scottish Ministers.
- 2.9 At least one of the members must be a Licensing Standards Officer the Council's area.
- 2.10 At least one of the members must be a person nominated by –
- (a) The Health Board for the Forum's area, or
 - (b) If the Forum's area forms part of the area of more than one Health Board, the Health Board whose area contains the larger or, as the case may be, the largest part of the Forum's area.
- 2.11 In appointing members of a Forum, the relevant council must seek to ensure so far as possible that the membership of the Forum is representative of the interests of persons or description of persons who have an interest which is relevant to the Forum's general functions. Those persons include –
- (a) Holders of premises licences and personal licences
 - (b) The chief constable
 - (c) Persons having functions relating to health, education or social work
 - (d) Young people
 - (e) Persons resident within the Forum's area
- 2.12 The other members are to be individuals appointed by the relevant council on such terms and conditions as the relevant Council may determine.
- 2.13 A Council must provide each Forum established by them, or ensure each such Forum is provided, with such staff, property and services as the Council considers are required for the Forum's purposes.

Statutory Role of Forum

- 2.14 Section 11 of the 2005 Act provides that each Licensing Forum has the following general functions:-
- (a) Keeping under review –
 - (i) The operation of the 2005 Act in the Forum’s area, and
 - (ii) In particular, the exercise by the relevant Licensing Board or Boards of their functions, and
 - (b) Giving such advice and making such recommendation to that or any of those Boards in relation to those matters as the Forum considers appropriate.
- 2.15 A Local Licensing Forum is not enabled to review or giving advice or make recommendations in relation to the exercise by a Licensing Board of their functions in relation to a particular case.
- 2.16 The 2005 Act defines “*relevant Licensing Board*” as either the Licensing Board for the Forum’s area or, in the case of a Local Licensing Forum for a council area which is divided into licensing divisions, each of the Licensing Boards for those divisions.

Existing Position

- 2.17 The 2005 Act took effect from 1st September 2009. The Forums were therefore appointed during the transition period leading up to that date, primarily to carry out their functions in reviewing the terms of the Licensing Policy Statements drafted and adopted by the Boards during that time.
- 2.18 Nationally, Forums have struggled across Scotland since the implementation of the 2005 Act. The issues that the Government anticipated would involve and engage the Forums with Licensing Board have not materialised since the 2005 Act went live.
- 2.19 The 3 Forums initially worked well in Aberdeenshire. However, in recent years the Forums have struggled with membership, quorums for meetings and establishment and delivery of work through Action Plans.

Proposal for Change

- 2.20 The proposal to consider reviewing the current format of Licensing Forums within Aberdeenshire came from the Forums themselves.
- 2.21 The Forums met together at a joint discussion session in Woodhill House on 24th March 2017 to discuss the existing issues and obtain views as to whether the existing Forums should continue or whether one Forums would be more

beneficial for Aberdeenshire moving forward. At the meeting, the members present from the South and Central Forums were in favour of moving to one Forum whereas the North Forum was against moving to one Forum

- 2.22 The proposal to move to one Forum was then discussed at the next formal Meetings of each Divisional Forum. The views of the Forums are contained within the options set out at Appendix 1 to this report.

Members should note that the views of the Forums were determined at meetings held prior to the local government elections in May 2017. The previous Board Convenors would have been members of the Forums at that point in time and not the current Board Convenors.

- 2.23 Prior to presenting this report to Full Council, the views of the Divisional Licensing Boards appointed following the election in May 2017 are also sought on the options available to the Council. The views of the Boards will be contained within the options set out at Appendix 1 to the Report submitted to Aberdeenshire Council.

3. Governance

- 3.1. Aberdeenshire Council is seeking the views of the Boards which means this report can be considered by the Board at this meeting.

4. Implications and Risk

- 4.1. An Equality Impact Assessment is not needed in this case because the granting or refusing of the applications will not have a differential impact on the protected characteristics of the applicants or any third parties.
- 4.2. There are staffing and financial implications:
- if reducing the number of forums, less staff resources, less expenses, less time, positive impact in terms of the current strive to reduce spend
Consideration of the use of technology so that there is local input without the need to travel
 - If no change – no immediate staff or financial implications. However, officers will endeavour to consider how the existing Forums can work smarter, efficiently, effectively and in line with their constitution and statutory remit.
- 4.3. There are no Risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Licensing Board is considering the application as the Licensing Authority in a quasi-judicial role and must determine each application on its own merits in accordance with the legal tests set out in the relevant legislation.

- 4.4 The Town Centre Principle does not apply in respect of this matter as the Board is considering the applications as Licensing Authority in a quasi-judicial role and must determine the applications on their own merits in accordance with the legal tests set out in the relevant legislation.

Karen Wiles
Clerk to the Board

Report Prepared by: Fiona M. Stewart,
Depute Clerk, Senior Solicitor (Governance)
Date: 22nd November 2017
File Reference: Fiona/Review of Licensing Forums

APPENDIX 1: Options

In terms of Section 10 of the 2005 Act, the Council has 2 options available, either:

- a. To continue with the 3 existing Divisional Forums to coincide with the areas covered by the 3 Divisional Licensing Boards; or
- b. Disband the existing Forums and replace them with 1 new Licensing Forum for the entire Aberdeenshire area.

OPTION A – CONTINUE WITH THE EXISTING DIVISIONAL LICENSING FORUMS

POSITIVES

- Alignment with the Licensing Board Divisional Areas therefore local to the area and meets within the Board Areas
- Each forum can hold their annual meeting with the corresponding divisional licensing board Each forum can hold their annual meeting with the corresponding divisional licensing board
- The Forums have voluntarily chosen not claim expenses since 2016

NEGATIVES

- Police, LSOS, Public Health have to send representatives to each Forum. This is resource intensive – also means that similar conversations with the same people across different area.
- Each forum has the same stakeholders, the same constitutions, same administrative procedures, same agendas, same discussions and similar decisions flowing out of meetings. The Forums are therefore highly repetitive.
- The number and location of meetings is resource intensive
- Membership Numbers are falling, particularly with young people and residents in the area
- Difficulty in sustaining membership as recruitment is difficult
- Lack of Focus within the existing Forums
- Lack of understanding of the remit of the Forum
- Not working in line with the approved Constitution
- No clear projects or Action Plans being delivered on
- Work requested of the Forums by the Boards has not been delivered
- Forums have not been monitoring the Boards in line with the statutory requirement to do so.
- Meetings frequently delayed or cancelled due to lack of numbers or quorum
- Disconnect between discussions at the Boards and holding the Boards to task in terms of delivery under their Policy Statements

OPTION B – TO ESTABLISH A NEW ABERDEENSHIRE LICENSING FORUM

POSITIVES

- Better time management
- Greater resource efficiency
- Less repetition of work

- Stronger voice to address issues across Aberdeenshire
- Greater influence with the Divisional Licensing Boards
- Potential to be more active and responsive
- Beneficial for Aberdeenshire as a whole
- Operation of the Forum will be strengthened
- One joint meeting between the Forum and the 3 Boards therefore reduction by 2/3rds in Board and Forum Meetings
- Fewer Forum Meetings – 4 & 1 Joint meeting with the Boards instead of 12 & 3 joint meetings with the Boards. Reducing meetings by 2/3rds.
- More focussed
- Will work in compliance with revised constitution
- Clear action plan and programme of projects
- Accountability of the Boards will be at the heart of the work of the Forums.
- Greater use of technology to ensure local representation on the Forum without the requirement for travel.
- Greater opportunity for collaborative working
- Ability to work smarter and more effectively to ensure the promotion of suitable and safe drinking environments within Aberdeenshire.

NEGATIVES

- Fear that one Forum will lose local dimensions and local insight
- Fear that one Forum will be driven by the major stakeholders to push their own agendas
- Fear that local representation will be in the minority and the Forum will lose its identity.
- Fear that one Forum will not be able to differentiate between different policies, approaches and issues arising in each Board Area.

FORUM VIEWS ON AVAILABLE OPTIONS

SOUTH FORUM Discussion on 24th March 2017: Those Members present were in favour of moving to one Forum for Aberdeenshire. As a secondary position, the Forum was in favour of combining the Central and South Forum in to one Forum and leaving the North Forum as is, thereby creating 2 Licensing Forums in Aberdeenshire.**

Meeting of 7th June 2017: The Formal View of the South Forum was that the Forum unanimously supported the proposal to move from three Forums to one Forum for Aberdeenshire.

CENTRAL FORUM Discussion on 24th March 2017: Those Members present were in favour of moving to one Forum for Aberdeenshire. As a secondary position, the Forum was in favour of combining the Central and South Forum in to one Forum and leaving the North Forum as is, thereby creating 2 Licensing Forums in Aberdeenshire.**

Meeting of 14th June 2017: the formal view of the Central Forum was that the Forum unanimously supported the proposal to move from three Forums to one Forum for Aberdeenshire.

NORTH FORUM **Discussion on 24th March 2017:** Those Members present were not in favour of moving to one Forum for Aberdeenshire.

Meeting of 26th April 2017: The formal view of the North Forum was not to support the proposal to move to one Forum for Aberdeenshire. The Decision was carried by 5 votes to 2.

It should be noted that the decisions of the Forums were all taken prior to the local government election in May 2017

** Two Forums are not an option for the Council in terms of Section 10 of the 2005 Act. The only options legally available to the Council are 1 Forum or 1 Forum for each divisional board area. As Aberdeenshire Council has 3 divisional board areas, that means 3 Divisional Forums and not 2 as a legal option.

BOARD VIEWS ON AVAILABLE OPTIONS

SOUTH BOARD **Meeting of 6th December 2017:**

CENTRAL BOARD **Meeting of 13th December 2017:**

NORTH BOARD **Meeting of 20th December 2017:**

7(iii) Approved Meeting Dates 2018/2019

SOUTH DIVISION OF ABERDEENSHIRE LICENSING BOARD
APPROVED OF MEETINGS – 2018 / 2019

All Meetings on a Wednesday at 10:00am

Due to the refurbishment of the Council Chamber, venues will be confirmed nearer to the meeting dates

7 February 2018

Confirmed – Council Chamber, Viewmount, Stonehaven

4 April 2018

6 June 2018

22 August 2018*

3 October 2018**

5 December 2018

6 February 2019

3 April 2019

* Due to holiday period meeting is scheduled for the latter part of August

** Possible dates for joint meeting with South Licensing Forum.

8. **DATE OF NEXT MEETING** - 7 FEBRUARY 2018