

ABERDEENSHIRE COUNCIL

ABERDEENSHIRE LOCAL LICENSING FORUM

COMMITTEE ROOM 5, WHH, ABERDEEN, 20th APRIL, 2018

Present: Mr C Endersen, Ms L Eastwood, Dr C Gutteridge, Mr R J McDonald, Insp K McGeough, Mr A McKelvie (substitute for Mr P Argyle), Mr D Moir, Mr M Riley, Mr K Simpson, Ms N Thomson, Mr B Topping, Ms S Ward and Mr S Wood.

Officers: F Stewart (Senior Solicitor) Aberdeenshire Council
A Ziarkowska (Committee Officer) Aberdeenshire Council

1. WELCOME AND INTRODUCTION

This being the first meeting of the Aberdeenshire Local Licensing Forum following from the Full Council decision on the replacement of the three existing Licensing Forums. The meeting was chaired by Fiona Stewart who welcomed everyone present. Members were asked to introduce themselves, briefly outlined who they were, what their background was and what they felt they would bring to the Forum.

2. APOLOGIES FOR ABSENCE

Apologies had been received from Mr Peter Argyle, Mr Alistair Black, Mr Wayne Gault, Ms Lisa Godini, Mr Fergus Hood, Mr Ian Arthur Killicoat, Mr John Ross and Ms Lynn Smith.

3. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Partnership **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality and 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; and
- (2) to consider, where an equality impact assessment had been provided, its contents and to take those into consideration when reaching a decision.

4. PRESENTATION: WELCOME TO THE ABERDEENSHIRE LOCAL LICENSING FORUM BY FIONA STEWART, SENIOR SOLICITOR, AC

Fiona Stewart delivered a presentation to Forum Members on Aberdeenshire Local Licensing Forum. Ms Stewart outlined the Statutory Role of the Licensing Forum by discussing Forum objectives, functions, duties and membership. She continued with talking over the Licensing

Process and describing bodies involved in the process namely Licensing Boards, Licensing Standards Officers, Public Health, Police Scotland, The Council, Scottish Fire & Rescue Service and other Stakeholders including community planning and community safety partnerships, alcohol and drugs partnerships and community health partnerships. Ms Stewart concluded with highlighting the matters that Forum needs to think about moving forward including venue and timing for meetings, training requirements, attracting new members, developing strategy, action plan and evaluation criteria.

During discussion Members queried the availability of budget and financial resources for Forum operation. It was agreed that Committee Officer will investigate this matter further and report back to Forum in due course.

Members thanked Mr Stewart for her informative presentation. Thereafter, it was **agreed** to note the information provided in the presentation.

5. CONSIDERATION OF THE CONSTITUTION

There was circulated a copy of the Aberdeenshire Local Licensing Forum Constitution as at 1st April, 2018 approved by the Aberdeenshire Council at its meeting on 18th January, 2018. Members went through the content and consider the terms of reference, geographical boundary of the new forum, rules on membership, officer bearers, procedures for conducting meetings and proposing amendments to the constitution.

Having considered the terms of a draft constitution circulated to Members in advance, the Forum agreed the terms of a constitution as shown under item 5 of the Agenda.

6. APPOINTMENT OF OFFICE BEARERS

Fiona Stewart advised Members that this was the first Meeting of the Aberdeenshire Local Licensing Forum and that the formal business to be transacted was to appoint Office Bearers. Ms Thomson seconded by Mr K McGeough proposed to nominate Mr John McDonald as Convener of the Forum. No other nominations were proposed. The motion was passed unanimously.

It was also unanimously agreed that the Forum not to appoint a Secretary, but use an administrator provided by Aberdeenshire Council. Fiona Stewart advised that arrangements were being made for the Forum to be administered by Anna Ziarkowska – the Council Committee Officer. That Officer would be responsible for booking venues, for issuing agendas and minutes and for publishing agendas and minutes on the Council's website. It was further reported that a legal adviser for the Forum was still in the process of being identified. Ms Stewart explained that it would not be anyone who was authorised to be a Depute Clerk to the Licensing Boards as that would create a conflict of interest for those officers.

After consideration, the Forum **agreed**:-

- (1) to formally appoint Mr John McDonald as Convener for 2018/19, and
- (2) to make of use the Aberdeenshire Council's administrative support in 2018/19.

7. BRIEFING PAPER ON LATEST LICENSING TRENDS

There was circulated a briefing note prepared by Fiona Stewart, Senior Solicitor for Aberdeenshire Council which provided Members with information on latest licensing trends. The report briefly outlined the three groups of issues impacting on licensing. First, the Group

considered what is trending in licensing law at the current time including Licensing Policy Reviews, Minimum Unit Pricing, Disabled Access Facilities Statements, Immigration Requirements, Renewal of Personal Licenses, Review of Statutory Guidance for Licensing Authorities, Implementation of Functions Report Requirements, Review of Licensing (Procedures) Scotland Regulations 2007 and Aberdeenshire Licensing Matters Event in 2018. Thereafter, the Group moved on to review other legislative requirements that Licensing Boards have to comply with on an ongoing basis that is change in Data Protection Legislation (GDPR), updates to Publication Schemes, review of Gambling Policy Statements, and implementation of Equality Action Plan and preparing for next mainstreaming report. Discussion was concluded with reference to the future licensing matters such as Sexual Entertainment Licenses, possible review of Occasional Licenses, review of License Fees Regulations, review of Licensing Standards Officer Powers, implementation of requirements to declare details of interested parties and implementation of the outstanding parts of the Air Weapons and Licensing (Scotland) Act 2015, Criminal Justice and Licensing (Scotland) Act 2010 and the Alcohol (Scotland) Act 2010.

After discussion, Members **agreed** to note the content of the briefing paper.

8. ITEMS FOR CONSIDERATION AT THE NEXT FORUM MEETING

Members considered the potential topics for discussion at the next meeting. The following items were proposed:

Licensing Forum Strategy: Members intended to debate the key issues that are driving Forum operation and to hear the comments on how to shape the Forum strategy to best achieve licensing objectives under the Act. The plan is to produce a draft strategy which would set out how Forum will manage its role and resources available going forward, outline Forum priorities, strategic licensing goals, challenges and risks, plans for implementation, performance indicators and mechanisms for evaluation.

Consideration of Action Plan: Members were indicated a need for developing the Forum action plan by identifying and allocating steps/tasks which would help Forum in the accomplishment of the Forum vision and objectives. Once prepared Members needs to indicate how the Forum will use action plan, evaluate critically its appropriateness and set out criteria for its regular review.

Review of Licensing Boards' Policies: Forum Members were advised that sections 6 and 7 of the Licensing (Scotland) Act 2005 require Licensing Boards to review their policy statements and overprovision policy statements within 18 months of new Boards being appointed following local government elections. This means that the Aberdeenshire North, Central and South Boards are currently in the middle of reviewing their existing policy statements. The deadline for approval of the revised policy statements is 1st November 2018. There will be formal consultation on the draft revised policy statement(s) from July to September 2018. The Licensing Forum will be consulted as part of that process. The Boards have a timeline for the policy review. This is updated at each Board Meeting and forms part of the agenda for those meetings. After consideration, Fiona Stewart advised that she will provide Members with a briefing paper containing the update on the Review of Licensing Boards Policy at the next meeting.

Areas of interest: The Forum will consider the areas of interest that they wish to explore further at future meetings.

Future Membership: Members discussed the requirements and expectation as to the future membership of the Forum. It was agreed that invitations to apply to be members should be extended to young persons, and holders of premise license in particular. Committee Officer

advised that she will contact Aberdeenshire Youth Forum with an intention to encourage young people to join the Forum.

Following on from the discussion, the Forum **agreed** to put the proposed topics for the consideration at the next Meeting.

9. ANY OTHER BUSINESS

Michael Riley informed Members about the Alcohol Focus Scotland Report published in April 2018 on 'Alcohol Outlet Availability and Harm in Aberdeenshire'. The report investigated whether alcohol-related health harm and crime rates across Scotland were related to the local availability of alcohol outlets. After discussion, Members were interested to see the full report and it was **agreed** to circulate it round the Members.

Members also considered the Aberdeenshire's Local Outcomes Improvement Plan (LOIP) for 2017-27. It was observed that Plan provides a vision and focus, based on agreed local priorities, to which partners will work systematically and collaboratively to meet the needs and aspirations of local communities in Aberdeenshire. Following from the discussion Members were interested to view the section relating to the Alcohol Priority and it was **agreed** to circulate it round the Members.

10. DATE OF NEXT MEETING

Members discussed the frequency and venues of future meetings. The schedule of meetings for the year will be discussed and agreed at the next Forum meeting. It was agreed that the next meeting of the Forum would take place on Wednesday, 23rd May, 2018 at 11.00 a.m. Committee Officer will look for available location and advise Members in due course.