



**ABERDEENSHIRE LOCAL LICENSING FORUM**

**WEDNESDAY, 23<sup>TH</sup> MAY, 2018**

Your attendance is requested at a meeting of the **ABERDEENSHIRE LOCAL LICENSING FORUM** to be held in **COMMITTEE ROOM**, at **VIEWMOUNT, STONEHAVEN**, on **WEDNESDAY, 23<sup>RD</sup> MAY, 2018** at **11:00 A.M.**

15<sup>th</sup> May, 2018

Director of Business Services

To: Mr Robert John McDonald (Convener of the Forum) - Resident of Forum Area  
Mr Alistair Black - Resident of Forum Area  
Mr Ian Arthur Killicoat - Resident of Forum Area  
Mr John Rodger Ross – Resident of Forum Area  
Ms Norma Thomson - Resident of Forum Area  
Mr Chris Endersen - Holder of Premises Licence (off-sales)  
Mr Darren Moir - Licence Holder  
Ms Lynn Smith - Area Manager of Skills Development Scotland  
Mr Stewart Wood – Fire Service Enforcement Officer  
Mr Michael Riley – Aberdeenshire Alcohol & Drug Partnership  
Mr Wayne Gault - Public Health Co-ordinator  
Inspector Kenneth McGeough - Police Scotland  
Ms Sarah Ward - Licensing Standards Officer  
Mr Peter Argyle – Convener of Aberdeenshire Licensing Board - South Division  
Mr Fergus Hood - Convener of Aberdeenshire Licensing Board - Central Division  
Mr Brian Topping - Convener of Aberdeenshire Licensing Board - North Division

**Contact Person:-**

**Anna Ziarkowska**

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## **B U S I N E S S**

- 1. Welcome and Introductions**
- 2. Apologies for Absence**
- 3. Resolution on Public Sector Equality Duty**

Consider, and if so decided, adopt the following resolution:-

- (1)** to 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 is provided, to consider its contents and take those into account when reaching a decision.

- 4. Minute of Meeting of the Aberdeenshire Local Licensing Forum of 20<sup>th</sup> April, 2018** **(Pages 4-7)**
- 5. Matters arising** **(Page 8)**
- 6. Presentations by:**
  - a) Police Scotland
  - b) NHS
  - c) LSOs'
  - d) Fire Service
- 7. Licensing Forum Strategy** **(Page 9)**
- 8. Consideration of Action Plan** **(Pages 10-11)**
- 9. Review of Licensing Boards' Policies**
- 10. Any Other Competent Business:**
  - a) Ask for Angela initiative
  - b) You're asking for it campaign
- 11. Date and place of next meeting:**

To be confirmed

## **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 Committee/Full Council 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\\_scotland.doc](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_scotland.doc)

## **ABERDEENSHIRE COUNCIL**

### **ABERDEENSHIRE LOCAL LICENSING FORUM**

**COMMITTEE ROOM 5, WHH, ABERDEEN, 20<sup>th</sup> 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 1<sup>st</sup> April, 2018 approved by the Aberdeenshire Council at its meeting on 18<sup>th</sup> 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 1<sup>st</sup> 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, 23<sup>rd</sup> May, 2018 at 11.00 a.m. Committee Officer will look for available location and advise Members in due course.

**ACTION SHEET**

**ABERDEENSHIRE LOCAL LICENSING FORUM – 20<sup>th</sup> APRIL, 2018**

<b>No.</b>	<b>ACTION</b>	<b>ACTION OWNER</b>	<b>UPDATE</b>
1.	To identify venue and set up a next meeting of the Forum on 23 <sup>rd</sup> May, 2018	Committee Officer	Meeting scheduled on 23 <sup>rd</sup> May, 2018 at Committee Room, Viewmount, Stonehaven.
2.	To circulate Alcohol Focus Scotland Report on 'Alcohol Outlet Availability and Harm in Aberdeenshire'	Committee Officer	Email sent on 1 <sup>st</sup> May, 2018
3.	To put together briefing note/guidance for Forum on Data Protection	Fiona Stewart	To follow
4.	To circulate slide presentation from the Meeting	Committee Officer	Email sent on 15 <sup>th</sup> May, 2018.
5.	To supply a copy of the draft strategy document	Kenny McGeough	Email received from Kenny on 11 <sup>th</sup> May, 2018. Document attached under item
6.	To supply a briefing note with update on the Review of Licensing Board Policy process along with timetable	Fiona Stewart	To follow
7.	To circulate LOIP section on Alcohol priority,	Committee Officer	Email sent on 1 <sup>st</sup> May, 2018

## **ABERDEENSHIRE LOCAL LICENSING FORUM STRATEGY**

The Aberdeenshire Local Licensing Forum (ALLF) is a representative body for all three Licensing Boards in the Aberdeenshire Council local authority area covering North, Central and South communities.

The ALLF is committed to working in terms of the Licensing (Scotland) Act 2005 and in respect of the 5 licensing objectives, all of which should be central to all aspects of the Forums work, focus and tasking.

- Preventing crime and disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

### OUR COMMITMENT

The ALLF membership should be wide and diverse to allow for meaningful discourse on current and future implications set out by the Act or developing Licensing matters within Aberdeenshire.

The Forum will actively identify pressing needs and concerns within the licensed trade, regulation and law and work towards developing areas to enhance the way licensing legislation, policies and trade can improve or enhance working practices. Working closely with the Licensing Boards the Forum are committed to working in terms of the 5 licensing objectives and shaping its work around them and the Licensing (Scotland) Act 2005.

### OUR AIM

Without bias, to pro-actively provide a working support mechanism for the Boards, to consider common areas of concern and offer guidance and direction to the Boards on arising matters for the wider and better good of the Licensed trade and associated communities.

We will:

- Openly discuss common issues experienced by the trade / community and offer any comment or guidance on said subject to the Board or licensed trade / community.
- Guide and support communities on any licensing matters or initiative as appropriate.
- Be fair, impartial and refrain from discussion surrounding specific premises
- Adopt a regular and meaningful relationship with all Aberdeenshire Boards
- Create and maintain an identity as a robust and impartial partner / consultee
- Offer a collective 'Voice' as appropriate for relevant licensing matters
- Actively identify and drive related work streams beneficial to licensing matters.



