

## Notice of Meeting and Agenda Renfrewshire Licensing Forum

Date	Time	Venue
Wednesday, 23 May 2018	14:00	Corporate Meeting Room 3, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM  
Head of Corporate Governance

### Members

M Brier; H Cameron; C Colquhoun; M Dymond; F MacKay; D McEwan S McLean; P Pieraccini; D Reid; and P Sale.

### Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at [www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx](http://www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx)

For further information, please either email [democratic-services@renfrewshire.gov.uk](mailto:democratic-services@renfrewshire.gov.uk) or telephone 0141 618 7112.

### Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

## **Items of business**

### **Apologies**

Apologies from members.

### **Declarations of Interest**

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

### **Election of Convener**

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|----------|---|----------------|
| <b>1</b> | <b>Minute of Previous Meeting</b>   | <b>3 - 6</b>   |
|          | Minute of previous meeting held on 18 April 2017  |                |
| <b>2</b> | <b>Note of Inquorate Meeting</b>  | <b>7 - 8</b>   |
|          | Note of Inquorate Meeting - 6 September 2017.   |                |
| <b>3</b> | <b>Note of Inquorate Joint Licensing Board/Licensing Forum Meeting</b>  |                |
|          | Note of Inquorate Joint meeting - 22 November 2017.   |                |
| <b>4</b> | <b>Police Scotland Update</b>   |                |
|          | Verbal report by Police Scotland representative on local licensing issues.  |                |
| <b>5</b> | <b>Licensing Standards Officer Update</b>   |                |
|          | Verbal report by the Licensing Standards Officer relative to recent involvement in local licensing issues.        |                |
| <b>6</b> | <b>Review of Statement of Licensing Policy 2018-2022: Responses to Initial Consultation and Further Procedure</b> |                |
|          | Verbal report by the Clerk.   |                |
| <b>7</b> | <b>Festive Terminal Hour</b>  |                |
|          | Discuss proposals for submission to the Licensing Board.  |                |
| <b>8</b> | <b>Renfrewshire Licensing Forum - Revised Membership</b>  | <b>9 - 12</b>  |
|          | Report by the Director of Finance and Resources.  |                |
| <b>9</b> | <b>Proposed Dates for Future Meetings</b>   | <b>13 - 16</b> |
|          | Report by the Clerk to the Licensing Forum.   |                |

## Minute of Meeting

### Renfrewshire Licensing Forum

Date	Time	Venue
Tuesday, 18 April 2017	14:00	CMR 3, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

#### Present

R Anderson and D Reid, (both Renfrewshire Drug and Alcohol Partnership); M Brier and P Sale (both Renfrewshire Council); M Dillon and M Dymond (both local residents C Colquhoun (Licence Holder); and D McEwan and A Whitelaw (Police Scotland).

#### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing) and P Shiach, Committee Services Officer (both Renfrewshire Council).

#### Apologies

P Macleod, S McLean, P Pieraccini and R White.

#### Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

## **1 Election of Convener**

It was noted that in terms of the Licensing (Scotland) Act 2005 a Forum, at its first meeting in each calendar year, must elect one of its members to be Convener. It was unanimously agreed that M Dymond be appointed as convener. M Dymond assumed the chair at this point.

## **2 Minute of Previous Meeting**

There was submitted the Minute of the joint meeting of Renfrewshire ILcensing Board and Renfrewshire Licensing Forum held on 16 November 2016.

**DECIDED:** That the Minute be approved.

## **3 Note of Inquorate Meeting**

There was submitted the note of the inquorate meeting of Renfrewshire Licensing Forum held on 8 February 2017

**DECIDED:** That the note of the inquorate meeting be noted.

## **4 Police Scotland Update**

Police Constable McEwan advised that there were no issues to raise with the Forum but gave an undertaking to circulate the relevant Police Scotland statistics for the area to members of the Forum.

**DECIDED:** That the information be noted.

## **5 Licensing Standards Officer - Update**

M Brier (LSO) provided an update in relation to his recent licensing activities. He advised that during the period 207 visits had been made to licensed premises, 171 of which were compliance visits. There had been 26 revisits, three complaints and seven visits for miscellaneous issues.

The LSO provided information on premises which were no longer licences and the number of new premises licenced since his last report.

The LSO was then heard in answer to questions from members of the Forum on the report.

**DECIDED:** That information be noted.

## **6 Proposed Establishment of a National Licensing Forum**

There was submitted a letter dated 14 December 2016 from the Chair of the East Ayrshire Licensing Forum seeking comments on the proposed establishment of a National Licensing Forum. A questionnaire on the proposed National Forum, seeking comments on various aspects of the proposal accompanied the letter.

D Reid advised that as the closing date for responses had been 31 March 2016, Renfrewshire Alcohol and Drug Partnership had submitted an interim response within the timescale.

**DECIDED:** That the interim response submitted by Renfrewshire Alcohol and Drug Partnership be homologated as the response of the Renfrewshire Licensing Forum.

## **7 Joint West of Scotland Event - 20 October 2016**

There was submitted a report by the Chair of East Ayrshire Licensing Forum relative to the Licensing Forum Event hosted by East Ayrshire Licensing Forum on 20 October 2016.

The report provided background information on the event, the outcome and conclusions and recommendations. A proposed constitution for the Joint West of Scotland Licensing Forum was appended to the report.

**DECIDED:** That the report be noted.

## **8 Scottish Licensing Law and Practice - Aberdeen Off-sales Premises Appeal**

There was submitted a report by Alcohol Focus Scotland on the outcome of an appeal against the refusal of an off-sales application for premises in Aberdeen City Council area.

The report indicated that Aberdeen City Licensing Board had rejected a proposal for a small alcohol display in a Union Street shop operated by Martin McColl Limited as a small convenience store. The application had been the subject of objections by the local Health Board and a doctor representing a group of GP practices.

The Board had accepted the objectors arguments alcohol-related deaths and patient admissions on the relevant postcode area were 5% worse than the Scottish average according to a report referred to by the objectors, problem drinkers made the bulk of their purchases from corner shops rather than supermarkets and increased alcohol-related health problems were connected to the provision of alcohol and newsagents and corner shops.

The report indicated that the Sheriff in rejecting McColls so far as they attacked the Board's reliance on a report founded upon by the Health Board. However he held that it was inconsistent and inappropriate for the Board to base their decision on the perceived link between availability and harm since they had made no finding that grant of a licence would result in overprovision.

The report intimated that the Sheriff proceeded to grant the application rather than remit to the Board for reconsideration.

**DECIDED:** That the report be noted.

## **9 Promoting good health for children - Reducing the impact of alcohol marketing on children in Scotland**

There was submitted a report by Alcohol Focus Scotland on promoting good health from childhood and reducing the impact of alcohol marketing on children in Scotland.

The report focussed on promotion good health from childhood; the nature, extent and reach of contemporary alcohol marketing; the influence of alcohol marketing on children and young people; failure of self-regulation of alcohol marketing; the way forward: putting children first; and recommendations. Information on membership of the virtual network, support for action to protect children from alcohol marketing and examples of statutory restrictions on alcohol marketing in other European countries was contained in appendices 1 to 3 of the report.

**DECIDED:** That the report be noted.

## **10 Future Meeting Arrangements**

There was submitted a report by the Clerk proposing dates for future meetings of the Forum as under:

Wednesday 6 September, 2017;  
Wednesday 22 November 2017;  
Wednesday 7 February, 2018; and  
Wednesday 23 May, 2018.

**DECIDED:**

(a) That the proposed dates for future meetings of the Forum, as detailed in paragraph 3.3 of the report be approved; and

(b) That it be delegated to the Clerk, in consultation with the Conveners of the Licensing Board and the Licensing Forum to determine which of these meetings will be a joint meeting with the Licensing Board.

## Minute of Meeting

### Renfrewshire Licensing Forum

Date	Time	Venue
Wednesday, 06 September 2017	14:00	Corporate Meeting Room 3, Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

#### Present

M Brier (Renfrewshire Council) H Cameron and M Dymond (both local residents) D McEwan (Police Scotland); F MacKay (Renfrewshire Health & Social Care Partnership) P Pieraccini (Licence Holder); and D Reid, (Renfrewshire Drug and Alcohol Partnership).

#### Chair

M Dymond, Converer presided.

#### In Attendance

D Campbell, Assistant Managing Solicitor (Licensing) and P Shiach, Committee Services Officer (both Renfrewshire Council)

#### Apologies

P MacLeod, S McLean and R White.

## **1 Quorum**

Ten minutes after the appointed time for the meeting a quorum was not present and in terms of the constitutional document agreed at the meeting of the Forum held on 2 October, 2007 the meeting stood adjourned.





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**To: Finance, Resources and Customer Services Policy Board**

**On: 28 March 2018**

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**Report by: Director of Finance and Resources**

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**Heading: Renfrewshire Licensing Forum - Review of Membership**

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**1. Summary**

- 1.1 The purpose of this report is to consider a review of the membership of Renfrewshire Licensing Forum as a result of a number of meetings failing to attract a sufficient quorum of members.
  - 1.2 The Licensing (Scotland) Act 2005 requires that the Forum meet no less than 4 times each year and must hold one joint meeting with the Licensing Board. In 2017 the joint meeting with the Licensing Board could not take place as there was no quorum and the Forum was only able to meet once. In each of the years 2015 and 2016 there were only 3 meetings.
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**2. Recommendation**

- 2.1 That the Board considers the proposal for a reduction in the membership of the Licensing Forum from 18 as at present to 12.
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**3. Background**

- 3.1 In terms of Section 10 of the Licensing (Scotland) Act 2005 (the Act) local authorities are required to establish a local licensing forum (the Forum), the purpose of which is to keep under review the operation of the Act in the

forum's area and, in particular, the exercise by the Licensing Board of its functions.

3.2 In addition, the Forum is required to provide such advice and make such representations to the Licensing Board in relation to those matters as the Forum considers appropriate.

3.3 The Act specifies that a Forum must consist of such number (being not fewer than 5 and not more than 21) of members as the Council may determine and include:

- a Licensing Standards Officer for the Council's area
- a person nominated by the Health Board for the Forum's area

The other members are to be individuals appointed by the Council on such terms and conditions as the Council may determine. However, in appointing members of a Forum, the Council must seek to ensure so far as possible that the membership of the Forum is representative of the interests of persons or descriptions of persons who have an interest which is relevant to the Forum's general functions, those persons include

- holders of premises licences and personal licences,
- the chief constable
- persons having functions relating to health, education or social work,
- young people,
- persons resident within the Forum's area.

3.4 The Council agreed previously that the membership of the Forum be 18, including a representative of the Scottish Fire and Rescue Service, which means that to be quorate 9 members are required to convene a meeting. The existing membership is detailed below:

- Licensing Standards Officer x 1
- Police Scotland x 1
- Scottish Fire and Rescue x 1
- Licensed trade (personal/premises) x 4
- Young people x 2
- Local residents x 5
- Health Board (including ADP) x 2
- Education/Social Work x 2

3.5 As a result of a number of meetings failing to attract a sufficient quorum of members, amendments to the membership have been suggested by the local Alcohol and Drug Partnership (ADP), including the proposal that there be a reduction in the number of members from 18 to 13, and a consequent reduction in the quorum from 9 to 7, including the removal of the young people's representatives.

- 3.6 As detailed in paragraph 3.3 above, the Act requires that the Forum must have at least 5 and not more than 21 members. It would therefore be competent for the Council to reduce the number of members on the Forum to 13. The ADP has also suggested that there be “an ability to co-opt up to 5 additional members onto the group determined by the agenda”. The ADP expectation would be that co-opted members would not have any voting rights and would be invited to the meeting if there was a specific item on the agenda which required input from someone who had specialist knowledge/expertise in the subject matter.
- 3.7 However, there is no requirement under the Act in relation to co-opted members and it is suggested that it would be more appropriate for the Forum to invite guest speakers as and when required rather than establishing co-opted members. Meetings of the Forum require to be open to members of the public and there is nothing in the legislation to preclude guest speakers being invited.
- 3.8 The ADP has suggested the removal of young people from the membership of the Forum. However, the legislation does specifically mention young people in the list. As such, the Council should seek to ensure, so far as possible, that the membership is representative of them. Accordingly it is not considered appropriate to remove this category. Efforts have been made over the years to encourage attendance by young people, including the reduction in the required age to 16, contact with the local schools, College and University, and student unions. However, young people who have attended have commented that the timing of meetings was difficult for them. They also made observations as to the content and format of the meetings not being attractive to them. Efforts continue to be made to attract young people to participate in the Forum and contact has recently been made with the current MYSPs to determine if they would be interested in becoming members.
- 3.9 The Scottish Fire and Rescue Service has previously indicated that they are no longer able to attend due to operational pressures. As the Fire and Rescue Service is not mentioned specifically in the legislation it would be competent to remove officers from that service from membership. They could continue to be invited to meetings as appropriate, but would not count towards the quorum.
- 3.10 In order that due recognition is given to the interests of all groups being represented appropriately on the Forum, it is proposed that a reduction in the membership of the Forum from 18 to 12 be considered which would mean a quorum of 6 which reflects the numbers who attend regularly. The proposed membership is set out below.
- Licensing Standards Officer x 1
  - Police Scotland x 1
  - Young people x 1
  - Licensed trade x 3

- Health Board (including ADP) x 2
- Children's Services x 1
- Local residents x 3

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## Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community/Council Planning** – None
4. **Legal** - None
5. **Property/Assets** – None
6. **Information Technology** – None
7. **Equality & Human Rights** -
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - None
9. **Procurement** - None.
10. **Risk** - None
11. **Privacy Impact** – None
12. **COSLA Impact** - None

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## List of Background Papers - none

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**To: Renfrewshire Licensing Forum**

**On: 23 May 2018**

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**Report by: Clerk**

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**Heading: Dates for Future Meetings**

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**1. Summary**

- 1.1 This report details proposed arrangements for meetings of the Renfrewshire Licensing Forum until May 2019.
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**2. Recommendations**

- 2.1 That the Forum considers and approves the dates for future meetings of the Forum as detailed in the report;
- 2.2. That it be delegated to the Clerk in consultation with the Conveners of the Forum and the Licensing Board to determine which of these meetings will be a Joint meeting with the Licensing Board; and
- 2.3. That members advise of their preferences in relation to the format and times of future meetings.
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**3. Background**

- 3.1 In terms of the Constitution approved at the meeting of the Forum held on 2 October 2007, there is a requirement for the Forum to meet no less than 4 times per year and for one of these meetings to be a joint meeting with Renfrewshire Licensing Board.

- 3.2. It has been the custom and practice that the Forum meet on a quarterly basis, with meetings being held during February or March, April or May, August or September and October or November.
- 3.3. It is proposed that meetings of the Forum be held on:-  
Wednesday 12 September 2018  
Wednesday 21 November 2018  
Wednesday 6 February 2019, and  
Wednesday 29 May 2019.
- 3.4 At previous meetings, during discussions regarding difficulties encountered in connection with the filling of vacancies on the Forum and the subsequent retention of members, reference has been made to the possibility of the format and times of meetings of the Forum being altered. Members are requested to advise of their preferences in relation to the format and times of meetings.
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### **Implications of the Report**

1. **Financial - None**
2. **HR & Organisational Development – None**
3. **Community Planning - None**
- 4 **Legal – None**
- 5 **Property/Assets**
- 6 **Information Technology - None**
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety - None**
9. **Procurement - None**

- 10. **Risk - None.**
  - 11. **Privacy Impact – None**
  - 12. **CoSLA Position – n/a**
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