

To: Finance, Resources and Customer Services Policy Board

On: 28 March 2018

Report by: Director of Finance and Resources

Heading: Renfrewshire Licensing Forum - Review of Membership

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

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

List of Background Papers - none

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