
ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

21 APRIL 2016

LICENSING (SCOTLAND) 2005 - LOCAL LICENSING FORUM

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update by the Licensing Board (the Board) on current issues relating to the membership of the Local Licensing Forum (the Forum).
- 1.2 The report outlines proposals to review the range of businesses, agencies and local groups participating in the Forum in order to optimise its effectiveness.
- 1.3 The recommendation of the report supports the development of a more diverse membership for the Forum.

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2.0 INTRODUCTION

- 2.1 Section 10 of the Licensing (Scotland) Act 2005, requires the Council to establish a Local Licensing Forum. The Forum must consist of no more than 20 members, and should include one of the Council's Licensing Standards Officers and a representative nominated by the Chief Constable of Police Scotland; leaving a maximum of 18 places to be filled.
- 2.2 The role of the Forum is to keep under review the operation of the licensing system in the area and to give advice and recommendations to the Board. The Board has a duty to "*have regard*" to the Forum's views and must offer reasons where it takes decisions against the advice of the Forum.
- 2.3 Argyll and Bute Council, at the meeting held on 22nd May 2012, agreed that the Forum should be established with membership drawn from the licensed trade, police, Licensing Standards Officer, persons involved in health, education or social work functions, the Alcohol and Drug Action Team, local residents and young people.
- 2.4 At their meeting on the 9th February 2016 the Board decided to present a report to Argyll and Bute Council proposing a review of the recruitment to and membership of the Forum.

3.0 RECOMMENDATION

- 3.1 To approve the proposal to refresh and extend the scope of Forum membership as detailed in section 4.4 below.

4.0 REVIEW OF CURRENT ARRANGEMENTS

- 4.1 At the meeting on the 9th February 2016, the Board discussed the fact that since its establishment in 2012, membership of the Forum had changed considerably and that attendance at the meetings had gradually declined during that period.
- 4.2 It was noted at this meeting however that attendance levels had increased when important topics requiring input or action from the Forum had arisen e.g. progressing consultation on overprovision.
- 4.3 At this meeting the Forum also discussed the potential composition of the Forum and the methods that could potentially be used to attract new members from a variety of organisations and business representatives operating with

Argyll and Bute.

4.4 In particular the Forum will take action to recruit members representing:-

- Each of the 4 decentralised areas of Argyll and Bute
- A broader range of trade representatives e.g. hotels, off-sales
- Relevant council services e.g. education, social work
- Relevant officers from specific health service teams e.g. education
- The Scottish Children's Reporter Administration (Children's Hearings system)
- Argyll and Bute Alcohol and Drugs Partnership
- Additional Community Councils
- Relevant trade associations
- Local 'Pub Watch' groups
- Other relevant groups or agencies

5.0 CONCLUSION

5.1 The current membership of the Forum should be reviewed to improve its capacity to support the Board.

5.2 The proposals detailed at s4.4 above will assist in optimising the work of the Forum.

6.0 IMPLICATIONS

6.1 Policy: no change

6.2 Financial: Members of the public serving on the Forum are paid travel and subsistence rates in line with the rates paid to members of the public who sit on similar Council operated Committees. In addition Forum members attend the national training sessions, the cost of which is met by the Council.

6.3 Legal: within relevant statutory powers

6.4 HR: no additional resource required

6.5 Equalities: no additional implications

6.6 Risk: will assist in reducing risk in that the capacity of the Forum support the Board should improve

6.7 Customer Service: likely to improve in terms of broader scope of representation

Executive Director of Customer Services - Douglas Hendry

Policy Lead – Dick Walsh

6th April 2016

For further information contact - Susan Mair Tel: 01546 604117

Council 21/4/16

That the Council –

1. Note the increased payments as detailed within the report.
2. Note that the arrears would be paid in the May pay run.
3. Do not agree a similar increase to the remuneration of senior councillors by 1% for 2016/17 with effect from 1 April 2016 to be consistent with national decisions on payments determined by statutory instrument.

Moved Councillor Sandy Taylor, seconded Councillor Richard Trail.

The requisite number of members present required the vote to be taken by calling the roll and members voted as follows –

Motion

Councillor Rory Colville
Councillor Maurice Corry
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor Donald Kelly
Councillor David Kinniburgh
Councillor John McAlpine
Councillor Roderick McCuish
Councillor Alistair MacDougall
Councillor Robert G MacIntyre
Councillor Donald MacMillan
Councillor Alex McNaughton
Councillor James McQueen
Councillor Aileen Morton
Councillor Ellen Morton
Councillor Elaine Robertson
Councillor Len Scoullar
Councillor Dick Walsh

Amendment

Councillor John Armour
Councillor Gordon Blair
Councillor Michael Breslin
Councillor Vivien Dance
Councillor George Freeman
Councillor Anne Horn
Councillor Neil MacIntyre
Councillor Bruce Marshall
Councillor James Robb
Councillor Isobel Strong
Councillor Sandy Taylor
Councillor Richard Trail

Decision

The Motion was carried by 18 votes to 12 and the Council resolved accordingly.

(Reference: Report by Executive Director – Customer Services dated 23 March 2016, submitted)

Councillors James Robb and Sandy Taylor left the meeting at this point.

14. MEMBERSHIP OF THE LOCAL LICENSING FORUM

The Council considered a report updating them on current issues relating to the membership of the Local Licensing Forum. The report outlined proposals to review the range of businesses, agencies and local groups participating in the Forum in order to optimise its effectiveness.

Decision

The Council approved the proposal to refresh and extend the scope of Forum membership as detailed at section 4.4 of the submitted report.

(Reference: Report by Executive Director – Customer Services dated 6 April 2016, submitted)

15. REVIEW OF CHARITABLE TRUSTS HELD BY ARGYLL & BUTE COUNCIL

A report advising the Council of the decision by the Office of Scottish Charity Regulator (OSCR) to approve the proposal to transfer the funds held by the Norman Stewart Institute Trust to For Bute was considered.

Decision

The Council gave final authorisation to approve the payment of the remaining funds of the Norman Stewart Institute Trust (SC019601) to For Bute (SC044153) and to then wind up the trust and remove it from the OSCR Register.

(Reference: Report by Executive Director – Customer Services dated 16 March 2016, submitted)

16. ROTHESAY COMMON GOOD FUND

The Council considered a report recommending a mechanism to enable the Rothesay Common Good Fund to determine applications for grants where attendance of all trustees of the Fund is not possible.

Decision

The Council agreed a delegation to the Executive Director – Customer Services to determine in consultation with available Bute ward members, applications to the Rothesay Common Good Fund on occasions where the attendance of all trustees of the Fund at a scheduled or arranged meeting of the Fund is not possible.

(Reference: Report by Executive Director – Customer Services dated 21 January 2016, submitted)

Councillor Sandy Taylor returned to the meeting at this point. Councillor Michael Breslin left the meeting at this point.

17. PERFORMANCE AND SCRUTINY REVIEW HANDBOOK (Pages 19 - 20)

At their meeting on 25 February 2016, the Performance Review and Scrutiny Committee considered a report prepared by the Chief Internal Auditor which provided a draft Performance Review and Scrutiny Handbook for approval. The Committee approved the Handbook and agreed to submit the handbook to Council for information.

Motion

- That the Council appreciates the work carried out by the PRS Committee and their drafting of the Performance and Scrutiny Review Handbook.