

**LICENSING (SCOTLAND) ACT 2005
LOCAL LICENSING FORUM**

1. EXECUTIVE SUMMARY

- 1.1 This report provides information relating to the legal status and role of the Local Licensing Forum (LLF) of Argyll and Bute Licensing Board.
- 1.2 The recommendations of the report take account of the decision taken by the Council at its meeting on 21st April 2016 regarding the membership of the LLF.

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2. SUMMARY

- 2.1** The Licensing (Scotland) Act 2005 (s10) requires the Council to establish a Local Licensing Forum (the 'LLF').
- 2.2** The role of the LLF is to keep under review the operation of the licensing system in the area and to give advice and recommendations to the Licensing Board. The Board has a duty to "have regard" to the LLF's views and must offer reasons where it takes decisions against the advice of the LLF.

3. RECOMMENDATIONS

- 3.1** The LLF for the Argyll and Bute Council Licensing Board should comprise at least 5 and no more than 21 members.
- 3.2** That the following persons or their nominated representatives be appointed as members of the Licensing Forum:–
- Chief Constable of Strathclyde Police;
 - Licensing Standards Officer;
 - Representative from the Council's Social Work/Substance Misuse Service;
 - Representative from the Council's Education Service;
 - Representative from the Health Service;
 - Representative for young persons, e.g. via Young Scot, local Youth projects
 - Alcohol and Bute Alcohol and Drugs Partnership

- 3.3** In addition to the nominees listed above, the membership of the LLF may also be extended to include representatives from
- Community Councils
 - Relevant statutory agencies e.g. Scottish Children's Reporter Administration (Children's Hearing organisation)
 - Trade representatives; including off sales premises, hotels
 - 'Pub Watch' groups
 - Local residents
 - Other relevant agencies and groups
- 3.4** To confirm the appointment of the existing membership of the LLF pro tem and agree that a review and refresh of membership be undertaken by the end of the calendar year.
- 3.5** LLF members attend the national training sessions, the cost of which is met by the Council.
- 3.6** Members of the public who are selected to serve 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.

4. BACKGROUND

- 4.1** The Licensing (Scotland) Act 2005 provides that the Council must establish a LLF; this must meet at least 4 times a year with one joint meeting with the Licensing Board(s) annually. The costs associated with the operation of the LLF must be met by the Council.
- 4.2** An effective LLF should reflect both independence and expertise in order to enjoy the trust of all those affected by licensing.
- 4.3** The Forum must consist of between 5 and 21 members. In view of the geography of Argyll and Bute, efforts are continuing to ensure a wide range of participation and interests. It is therefore proposed that the existing membership should continue pro tem and that a review and refresh of membership be undertaken by the end of the calendar year.
- 4.4** The Act provides that the Licensing Standards Officer must be a member of the Forum. The other members are to be individuals appointed by the Council on such terms and conditions as may be determined. The relevant guidance issued by the Scottish Executive suggests that the following should be included :-
- (a) Holders of premises licences and personal licences;
 - (b) The Chief Constable;
 - (c) Persons having functions relating to health, education or social work;

- (d) Young people; and
- (e) Persons resident within the Forum area.

4.5 Whilst it is not anticipated that members will be paid for attending meetings, it is recommended that, to be consistent with other Council operated bodies, members of the public who serve on the LLF should receive the same travel and subsistence rates.

5. CONCLUSION

The Council agree the recommendations set out in this Report.

6. IMPLICATIONS

6.1	Policy	Consistent with current policy
6.2	Financial	Within current provision
6.3	Legal	Consistent with statutory duties
6.4	HR	No new issues
6.5	Equalities	To be addressed in recruiting membership
6.6	Risk	No new risks identified
6.7	Customer Service	No new issues

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