

Item 7.

Governance

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East Ayrshire Council
Comhairle Siorrachd Àir an Ear

5 December 2017

To: Chairs of Licensing Forums

Dear Sir/Madam

PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM

I refer to previous communications in respect of the above.

You may recall that a questionnaire was previously issued to all 32 Licensing Authorities in Scotland with responses to be returned by the end of March 2017.

I can now advise you that responses were received from a total of 22 Licensing Authorities, with 18 authorities (including East Ayrshire) wishing to participate in a National Licensing Forum.

Our Licensing Forum has now agreed that the results of the questionnaire be circulated to all Local Authorities in Scotland and I herewith attach a copy of the questionnaire, and a summary of the responses received, and issues raised.

East Ayrshire Local Licensing Forum has agreed that it would now wish to move this matter forward by recommending that each Licensing Forum Authority make contact with their respective MSPs to make them aware that 18 Local Authorities have supported the proposal for the establishment of a National Licensing Forum, and also of the issues which had been raised in the questionnaire responses.

Furthermore, the Forum requested that the Licensing Authorities report back to East Ayrshire Council on the outcome of this exercise in order that the overall response from MSPs could be gauged.

East Ayrshire Licensing Forum Chair has also agreed at this time that he will take the opportunity to raise awareness by sending a letter to the Justice Secretary and the Health Secretary in the Scottish Government.

I hope you find the above useful and should be glad if you will advise your own Licensing Forum(s) of the findings of the questionnaire, and our subsequent request to approach MSPs, as our suggested way forward in terms of the proposal to establish a National Licensing Forum.

In/...

In order to allow enough time to put these matters to your own forum(s) and, the issue of any subsequent letters to MSPs, I would ask that you provide any feedback on the approach or any responses from MSPs by the **end of April 2018** in order that East Ayrshire Licensing Forum can collate all responses before moving forward.

Thank you for your assistance in the above matter, and I look forward to receiving your response.

Yours sincerely,

Christine Baillie

JM Jennifer Morrison (on behalf of the Chair of the East Ayrshire Local Licensing Forum)
Democratic Services Officer
JM/AM

PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM

QUESTIONNAIRE

1. Do you agree to the establishment of a National Licensing Forum? YES/NO

If No, please go to question 10

2. If yes, would your Local Authority Licensing Forum wish to participate in a National Licensing Forum?

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3. Are there any issues which you feel would benefit from discussion/highlighting at a national level?

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4. Venue - where do you think meetings should be held?

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5. How frequently do you feel meetings should be held e.g. annually/biannually

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6. August 2017 is proposed as the timescale for the first meeting. New Councils will then be in place, and this will be after the summer holiday period. Would you agree that this is a suitable timescale to hold the first meeting?

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7. Who do you think should be responsible for organising the National Forum meetings?

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8. How do you think the Forum meetings should be funded:-

(a) Travel/Accommodation

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(b) Hosting

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9. What do you think the terms of reference and remit of a National Forum should be (attached is the Constitution of the Joint West of Scotland Licensing Forums for information).

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10. Any other issues you would wish to raise at this stage.

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PLEASE COMPLETE AND SUBMIT THIS QUESTIONNAIRE TO sharon.calderwood@east-ayrshire.gov.uk by 31 March 2017

CONSTITUTION OF THE JOINT WEST OF SCOTLAND LICENSING FORUM

1. TITLE

1.1 The Committee shall be called "The Joint West of Scotland Licensing Forum".

2. OBJECTIVES

2.1 The objectives of the Joint West of Scotland Licensing Forum (JWSLF) are to:-

- Provide a forum for Joint West of Scotland Licensing Forum members and officers to meet on a regular and constructive basis to discuss common issues, with items sought from each participating Authority and linking in with Alcohol and Drug Partnerships.

3. MEMBERSHIP

3.1 The JWSLF will be made up of members from the participating Joint West of Scotland Licensing Authorities (currently Dumfries & Galloway, East Ayrshire, East Renfrewshire, North Ayrshire, North Lanarkshire, Renfrewshire, South Ayrshire and South Lanarkshire).

3.2 Each participating Local Authority will be entitled to send three representatives from its Local Licensing Forum(s) to participate in the Joint Forums.

3.3 Membership will also comprise a Licensing Standards Officer(s) from each participating Local Authority.

4. OFFICERS

4.1 The hosting Authority shall act as Clerk for the meeting and shall make all such arrangements as necessary for the meeting including the preparation and issue of Agenda whilst seeking Agenda Items from participating Authorities; and preparation of Minutes of the meeting, a copy of which will be circulated to all participating Local Authorities.

5. MEETINGS

5.1 Each participating Local Authority will take a turn in arranging/hosting a meeting. For this purpose a rota will be established to run alphabetically by Local Authority name. The host Authority will Chair the meeting.

5.2 The Joint West of Scotland Licensing Forum will meet on a regular basis, twice yearly or as otherwise agreed.

5.3 The matters to be discussed at any meeting shall be stated upon the notice calling the meeting.

**PROPOSED ESTABLISHMENT OF A NATIONAL LICENSING FORUM
SUMMARY OF RESPONSES RECEIVED**

Including East Ayrshire Council there are 32 Councils in Scotland. The other 31 Councils were asked whether their Local Authority Licensing Forum would wish to participate in a National Licensing Forum with responses now received from 21 Councils. Of the 21 responses received, 17 Councils supported the proposal with 3 Councils saying no and one Council undecided. Of the 3 who said no, one Council (Western Isles) gave the reason that it would be more beneficial to them to meet up with other regional forums whenever possible rather than a National Forum which they perceived could possibly be dominated by issues affecting large cities. Aberdeenshire Council (South Aberdeenshire Licensing Forum) would not agree to an establishment of a National Licensing Forum unless (a) clear and precise aims were formulated; (b) representatives across all Licensing Boards were on board; and (c) modern technology and video-conferencing were available. Glasgow City agreed to take no action at this stage, and that the matter should be discussed after the local elections in May.

The questionnaire then asked what issues would benefit from discussion/highlighting of a national level and a summary of the responses is now listed:-

- The main issue raised was online provision with six Councils mentioning this:-
 - 3 Councils mentioned over-provision;
 - 3 Councils mentioned representation from local communities;
 - 2 Councils mentioned health as an issue in terms of managing health and also economic/health and welfare conflicts;
 - 2 Councils mentioned revised guidance produced by the Scottish Government being helpful;
 - 2 Councils mentioned sharing similar issues around role and remit of Licensing Forums; and
 - 2 Councils mentioned best practice to influence local boards and the Scottish Government.
- Other issues raised were clarity around the role of local forums - clearer objectives; advertising; prevalence of home-drinking; management of occasional licences; bringing licensing objectives to life; establishing policy; consistency across licensing boards; new policy direction; examples of how forums respond to applications; examples of successful impact of licensing forum involvement i.e. learning what works elsewhere; forums feeding key areas of work back to the Scottish Government; bring your own drinks events; training; licensing forums influencing licensing boards - this was perceived as not really challenging or working the way it should; pubwatch schemes; minimum pricing; pre-loading; and identify areas across all Forums and discuss ways to rectify.

The questionnaire then asked where a National Licensing Forum should meet:-

- 5 Councils identified a central location;
- CoSLA in Edinburgh - sufficient rail and car links and has video conferencing facilities;
- Move around Scotland;
- 2 Councils suggested rotation including one meeting in the East the next in the West;
- Peripatetic;
- Scottish Government Headquarters, Edinburgh failing which each local authority to take a turn;
- Orkney Council highlighted that Edinburgh, Aberdeen and Inverness were their preferred venues; and
- A common theme was good travel connections and video conferencing facilities as being essential.

The questionnaire asked for a view on how frequently meetings should be held.

- Ten Councils said twice a year;
- Two Councils said annually; and
- One Council said either twice yearly or annually.

In terms of the timetable the questionnaire proposed August 2017 as the timescale for the first meeting. New Councils would be in place and this was after the summer holiday period. Responses are as follows:-

- Six Councils agreed with the proposal of August;
- One Council stated late August/early September;
- Two Councils preferred September to avoid school holidays;
- One Council stated September then next meeting February/March;
- One Council stated September/October; and
- One stated November 2017 (August far too soon) and one preferred late 2017.

The next question on the questionnaire asked "Who should be responsible for organising the National Forum meetings?"

In terms of responses the following were identified:-

- Seven Councils stated that the Scottish Government should be responsible for organising meetings; of these seven, three Councils stated Scottish Government with Alcohol Focus;
- One Council stated Alcohol Focus or a nationally funded organisation;
- One Council stated that an organising committee should be formed;
- One Council said volunteers from Local Forums;

- One Council stated rotationally on a regional basis i.e. North/South/East and West. Over a four year cycle this would cover Scotland; and
- One Council stated East Ayrshire Council meanwhile until a National Forum was formed.

The next question was how National meetings should be funded in terms of:-

- (a) Travel/Accommodation; and***
- (b) Hosting.***

Responses were as follows:-

(a) Travel/Accommodation

- Five Councils specified Scottish Government;
- Four Councils said Local Authorities;
- One Council specified Local Licensing Boards;
- One Council said it should be the remit of the organising committee; and
- Two Councils did not specify.

(b) Hosting

- Eight Councils specified the Scottish Government;
- Two Councils said Local Authorities; and
- One Council did not know.

The next question centred around what should be the terms of reference and remit of a National Forum/

Responses were as follows:-

- Needs clarity of purpose;
- To discuss/strengthen common areas of interest and to strengthen relationships between local forums;
- Ensure meaningful engagement and co-ordination approach. To provide a collective voice on relevant issues to help inform policy and practice at a local and national level;
- To ensure Forums aware of relevant consultations and training opportunities;
- Strengthen links between National Forum and Scottish Government to ensure meaningful engagement;
- Local issues dealt with local Boards, national issues - guidance sought from Scottish Government;
- Four Councils said the sample Constitution (Appendix 1) sent to them was a good starting point;
- Two Councils said decide at first meeting;
- Maximum of two members from each Forum plus no more than two other reps - one a LSO;

- Depends on how National Forum funded; and
- Clear direction from Scottish Government.

The final question put was "Are there any other issues you would wish to raise at this stage?"

Responses were as follow:-

- Our group felt that they would like to influence the Board more but sometimes even the Board's hands were tied through legal challenges;
- For this project to be successful it must have government support;
- The National Forum must strengthen implementation and add volume to local licensing forums and as such to local licensing boards;
- There needs to be a co-ordinated approach taken so that best practice can flourish;
- Priority agenda item at first meeting to agree terms of reference;
- Should Scottish Government Ministers attend the National Forum?
- Feel that it should be suggested to drive the meetings/group forward the Alcohol Focus Scotland should be at the forefront;
- The meetings should also include attendees, such as members from Youth Parliament, Police Scotland's National Licensing Policy Unit, Members from ADP;
- The meetings should be structured that Chairs from each Licensing Forum attend and they can provide feedback to the Local Licensing Forums;
- With a National Forum in place, it helps to see what initiatives have worked well; and
- Regular communication channels (between Forums and Scottish Government).

10 April 2017

Updated: 13 October 2017

JM/SC