Item 12

19th May 2022

Glasgow City Council

Report by Director of Legal and Administration

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LICENSING (SCOTLAND) ACT 2005

APPOINTMENT OF MEMBERS TO LOCAL LICENSING FORUM

Purpose of Report:

This report is to advise Members of the statutory requirement under Section 10 of the Licensing (Scotland) Act 2005 to re-establish a Local Licensing Forum for the Council's area and to appoint members to that Forum.

Recommendations:

The Council is requested to:-

(1) approve the re-establishment and proposed membership of the Local Licensing Forum as set out in the report and appendix, subject to the outcome of the election of three Community Residents from Community Councils in Glasgow via an agreed election process; and

(2) approve the Terms of Reference of the Local Licensing Forum as detailed in paragraph 2.1 of this report.

Ward No(s): Citywide: ✓

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

***PLEASE NOTE THE FOLLOWING**:*

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1 Background

1.1 The Licensing (Scotland) Act 2005 sets out the licensing and regulatory scheme for the sale of alcohol in Scotland to be administered by a Licensing Board in each council area.

1.2 Section 10 of the 2005 Act requires each council to establish a body to be known as a "Local Licensing Forum" for their area. Following the 2007, 2012 and 2017 Local Government Elections, the Council established a Local Licensing Forum for the City of Glasgow. The previous Forum operated until the Local Government Elections on 5 May 2022. The Council now requires to re-establish the Local Licensing Forum for the next 5 year term.

2 General Functions of the Local Licensing Forum

2.1 The general functions of Local Licensing Forums and the proposed Terms of Reference based on provisions of the 2005 Act are as follows:-

- to keep under review the operation of the Licensing (Scotland) Act 2005 in the City of Glasgow;
- to keep under review the exercise by the Licensing Board of its functions under the Act; and
- to give such advice and make such recommendations to the Licensing Board in relation to those matters as the Forum considers appropriate.

2.2 The Forum cannot review, give advice or make recommendations to the Licensing Board in relation to any particular case. The Licensing Board must, in exercising its functions, have regard to any advice given, or recommendation made to it by the Local Licensing Forum in relation to the exercising of its functions. Where the Board decides not to follow the advice or recommendation of the Forum, it must provide the Forum with reasons for its decision.

2.3 One particular obligation on the Licensing Board is to consult with the Forum regarding the preparation of its Statement of Licensing Policy or any supplementary Statement of Licensing Policy. The Statement of Licensing Policy sets out the Licensing Board's approach to the exercise of its functions under the 2005 Act, including matters such as its policies on overprovision of licensed premises and licensed hours.

2.4 The Licensing Board is due to begin consultation on the draft of its new Statement of Licensing Policy in 2022 for publication in 2023. The Forum will be asked for its views on the development of the new Statement of Licensing Policy and will require to prepare a response to the draft Statement when it is issued for consultation.

3 Membership, Convener and Working Arrangements

3.1 The Guidance produced by the Scottish Government to accompany the Act stresses that the Forum should be both independent and expert. Forums are to comprise no fewer than 5 and no more than 21 members with a balanced representation of relevant interests from key interest groups. The Act requires that at least one of the members must be a Licensing Standards Officer and that one of the members must be nominated by the Health Board for the Forum's area. The other members are to be individuals appointed by the Council who, so far as possible, are 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; and
- Persons resident within the Forum's area.

3.2 At its first meeting in each calendar year, the Forum must elect one of its members to be the Convener of the Forum. The Convener then holds Office until the first meeting in the next calendar year.

3.3 The Forum must hold at least four meetings in each calendar year. The quorum for a meeting of the Forum is one half of the number of members, but in any case not fewer than three. Meetings of the Forum must be held in public. Otherwise, the arrangements for meetings of the Forum and other matters relating to proceedings are to be determined by the Forum itself. In order to maintain independence from the Licensing Board, Licensing Board staff will have no direct involvement in the operation of the Forum.

4 Notes of interest received and Community Resident election process

4.1 At the meeting of the Local Licensing Forum on 15th February 2022, members who currently represent a body/organisation on the Forum were invited to confirm whether they wished to be considered for membership of the new Forum to be formed following the Local Government Elections on 5th May 2022. Those who did wish to be involved are included in the list of proposed members set out in the appendix to this report.

4.2 The Council's Community Empowerment Services will be co-ordinating an election process to elect three Community Residents who will represent the Forum's area. Community Councils are acknowledged as competent bodies from which to seek nominations to appoint up to three residents on the Forum because of their statutory role relating to licensing. It would be the intention that one resident would be appointed from the north west, north east, and south areas of Glasgow based on current Community Planning sector

boundaries. It is recommended that the three persons who are duly elected for these areas should fill the three places reserved for persons' resident within the Forum's area.

5 Policy and Resource Implications

Resource Implications:

Financial:	None
Legal:	None
Personnel:	None
Procurement:	None

Council Strategic Plan: N/A

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.	N/A
What are the potential equality impacts as a result of this report?	N/A
Please highlight if the policy/proposal will help address socio-economic disadvantage.	N/A

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:	N/A
What are the potential climate impacts as a result of this proposal?	N/A

Will the proposal contribute to Glasgow's net zero carbon target?	N/A
Privacy and Data Protection Impacts:	None

6 Recommendations

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(1) approve the re-establishment and proposed membership of the Local Licensing Forum as set out in the report and appendix, subject to the outcome of the election of three Community Residents from Community Councils in Glasgow via an agreed election process; and

(2) approve the Terms of Reference of the Local Licensing Forum as detailed in paragraph 2.1 of this report.

Appendix

Local Licensing Forum – Proposed Membership

Name	Body/Organisation
Representatives of Holders of Premises Licences/Personal Licences	
1. Billy Gold	Scottish Licensed Trade Association
2. Pete Cheema	Scottish Grocers' Federation
3. Donald McLeod	Concert Promoters' Association
4. Brian McNelis	Greater Glasgow Hotels' Association
5. Luke Tracey	Glasgow Restaurateurs' Association
6. Brian Fulton	Glasgow Clubwatch Group
7. Matthew Reilly	Glasgow Pubwatch Groups
Chief Constable	
8. Chief Constable	Police Scotland
Representatives of functions relating to Health, Education or Social Work	
9. Dr Emilia Crighton	NHS Greater Glasgow and Clyde
10. Fiona Moss	Glasgow City Health and Social Care Partnership
Representative of Young People	
11. Adam Morrow	National Union of Students

Persons Residents within the Forum's Area

12. To be appointed	North East Area
13. To be appointed	North West Area
14. To be appointed	South Area

Elected Members

15. To be confirmed	Glasgow City Council
16. To be confirmed	Glasgow City Council

Others

17. Jack Cummins	Licensing lawyer representative
18. Paul Stewart	Licensing Standards Officer, Neighbourhoods, Regeneration and Sustainability, Glasgow City Council
19. Stuart Patrick	Glasgow Chamber of Commerce
20. Julie Pearson	Glasgow Life
21. Lise Fisher	City Centre Team, Neighbourhoods, Regeneration and Sustainability, Glasgow City Council