

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Executive Director of Corporate Services

Council: 31 August 2011

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**Subject: West Dunbartonshire Local Licensing Forum**

### **1. Purpose**

**1.1** To appoint Members of West Dunbartonshire Local Licensing Forum.

### **2. Background**

**2.1** The Licensing (Scotland) Act 2005 required each council to establish a local Licensing Forum for the area. The Forum's functions are to keep under review the operation of the licensing system within West Dunbartonshire, the exercise by West Dunbartonshire Licensing Board of its licensing functions and giving advice and making recommendations to the Board.

**2.2** The Forum is to consist of between five to twenty Members and it is for the Council to appoint Members to the Forum. In appointing Members to the Forum the Council must seek to ensure that so far as possible that membership of the Forum is representative of:-

- Holders of Premises Licences and Personal Licenses.
- The Chief Constable for the police area in which the Forum area is situated.
- Persons having functions relating to health, education or social work.
- Young people.
- Persons resident within the Forum's area.

**2.3** The Alcohol etc (Scotland) Act 2010 when it comes into force will require one member of the Forum to be nominated by the Health Board.

**2.4** On 28 April 2010 Council agreed that the local Licensing Forum be given delegated authority to appoint a further representative of young persons. At present the Forum does not have any young persons representative and it has been difficult to secure such representation.

**2.5** There are presently two vacancies on the Forum. The present Health Board representative has resigned. In addition there is also a vacancy in the Young Persons representation category.

### **3. Main Issues**

**3.1** Dr Kevin Fellows has replaced the former Health Board nominee in the post of Clinical Director for the West Dunbartonshire Community Health and Care Partnership. He is willing to serve on the Forum and the Forum have welcomed this. Accordingly it is proposed that Dr Kevin Fellows be appointed to the Forum. This also complies with the forthcoming duty to have a member on the Forum who is appointed by the Health Board.

**3.2** In relation to the Young Person's representation it has been difficult to secure representation. However Y-sort-it, West Dunbartonshire's Youth Information Service have advised that they are willing to nominate someone to serve on the Forum as a representative of young persons. The Forum have also welcomed this. Council, having agreed on 28 April 2010 to delegate authority to the Licensing Forum to appoint a further representative of young persons, does not require to sanction this appointment.

### **4. People Implications**

**4.1** There are no people or staffing implications for the Council in this report.

### **5. Financial Implications**

**5.1** There are no financial implications in this report.

### **6. Risk Analysis**

**6.1** Failure to appoint a Health Board nominee will result in a breach of the Alcohol etc (Scotland) Act 2010 when it comes into force. Failure to appoint a representative of young people will result in the voice of young people not being heard and a danger that the interests of young people will not be taken into account.

### **7. Equalities, Health & Human Rights Impact Assessment (EIA)**

**7.1** The appointment of a person to represent the interests of young persons has a positive equalities impact insofar it ensures that the interests of young persons are taken into account in the work of the Licensing Forum.

### **8. Strategic Assessment**

**8.1** The work of the Licensing Forum and the close relations it has with the Licensing Board are of assistance to the Licensing Board and help it deal with the area's alcohol related problems. This contributes to the Council's strategic priority of social and economic regeneration.

## **9. Conclusions and Recommendations**

- 9.1** The Licensing (Scotland) Act 2005 requires the Council to appoint Members of West Dunbartonshire Licensing Forum. This report seeks Council approval of nominations to two vacancies.
- 9.2** The Council is recommended to approve the appointment of Dr Kevin Fellows to represent persons having functions relating to health education or social work. Council is also asked to note that the representative of young people will be nominated by Y-sort-it and approved by the Local Licensing Forum.

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**Appendices:** None

**Background Papers:** None

**Wards Affected:** All