



Northern Ireland
Assembly

Research and Information Service Briefing Note

11 December 2020

NIAR 364-20

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Multiagency partnerships and engagement with local communities: Local Licensing Forums in Scotland

1 Background

During our presentations to the Committee on the Liquor and Registration of Clubs (Amendment) Bill on 26 November, RaISe suggested that the Committee may wish to consider the current licensing and alcohol regulatory infrastructure in Northern Ireland in terms of how information and best practice is shared between relevant stakeholders on a regional and/or local basis. Having an effective infrastructure in which information can be shared, particularly at a local level, may be particularly important in respect of the proposals within the Bill to (a) permit further additional hours and (b) to make licensed premises and registered clubs more accessible to children and young people (under the age of 18).

Scottish **Local Licensing Forums** were provided in the briefing as an example of a type of multi-disciplinary statutory regulatory body which was designed to enable a wide range of stakeholders to provide advice and support to licensing decision-makers (i.e., Local Licensing Boards). This is not necessarily being suggested as a model for Northern Ireland, rather it does provide an interesting starting point for a discussion around the nature of the local licensing infrastructure in Northern Ireland in terms of:

- how communication between bodies works in practice;
- how information and data is disseminated between relevant parties; and
- to what extent are, or should, key stakeholders be provided with the opportunity to provide advice, local intelligence and data on matters relating to licensing and alcohol use.

During the question-and-answer session, the Committee indicated that it may be useful to be provided with some further information on Local Licensing Forums. This briefing note provides an overview of the Forums, their function and membership. For illustrative purposes, the diagram below provides examples of bodies in Northern Ireland that may have a particular interest in liquor licensing and the regulation of alcohol in Northern Ireland (*this list is by no means definitive*). In considering the clauses of the Bill, the Committee may wish to explore with respondents to the Committee's Call for Evidence, how different bodies communicate with one another on the issue of liquor licensing and alcohol use.

Diagram 1: Examples of key statutory and non-statutory stakeholders

Regulation and Enforcement	Other statutory bodies	Other stakeholders
<ul style="list-style-type: none"> • Department for Communities • Courts Service • PSNI 	<ul style="list-style-type: none"> • Local Councils (e.g. councillors, environmental health, community planning) • Health Trusts (e.g. A&Es, health care professionals; Drug and Alcohol Co-ordination Teams; services for treatment of prevention of alcohol misuse) • Policing and Community Safety Partnerships • Tourism and economy bodies • Children's safeguarding groups and services (e.g. social services, safeguarding board) • Education bodies and youth services 	<ul style="list-style-type: none"> • Licensed premises (both on and off sales) • Registered clubs • Representative bodies of above • Local residents • Public transport providers • legal licensign specilists (e.g. solicitors) • Young people and their representative bodies • Public health bodies and organisations.

2 Local Licensing Forums in Scotland

As explained in my presentation to the Committee, operation of the licensing system in Scotland is the responsibility of local **Licensing Boards**, which are independent regulatory bodies governed by the Licensing (Scotland) Act 2005. Licensing Boards

are primarily responsible for regulating the sale of alcohol to the public within their particular area (each local authority area in Scotland has at least one Licensing Board)¹. The membership of local licensing boards consists of elected councillors. Licensing Boards have a range of functions as set out in the legislation including, for example, the granting and reviewing of liquor licences.

Each local authority in Scotland must, under [section 10](#) of the [Licensing \(Scotland\) Act 2005](#), establish a **Local Licensing Forum** for their area. If the local authority is divided into separate “licensing divisions” the council may also choose to establish separate Forums for each division within that local authority area. Each Licensing Board must hold, at least once in each calendar year, a joint meeting with the Local Licensing Forum. Local Forums are multi-disciplinary bodies with membership drawn from the police; health trusts; education and youth services; local residents and local licence holders.

The role of Local Licensing Forums

The role of Local Licensing Forums is to keep under review the operation of the licensing system in their area, in particular to keep under review the functions exercised by its Licensing Board and to give advice and recommendations to that Board. However, this does not include reviewing or offering advice or **recommendations in relation to any particular licensing application** or case before the Licensing Board.

To assist them in their statutory role, Local Licensing Boards are to be provided with copies of any relevant statistics, information and reports which they may request from the Licensing Board. The police Chief Constable for the area must also send a copy annually to the Forum setting out their views on matters relating to policing and the operation of the 2005 Act. This should include information on any steps taken during that year, and the intentions for the following year, to prevent the sale and supply of alcohol to children and young people in the area.

In the exercise of its functions, the Local Licensing Board must “have regard” to the Local Licensing Forum’s advice or recommendations and must offer reasons to the Forum where it decides not to follow the advice and recommendations of the Forum. This duty should involve ongoing and regular communication between the Licensing Board and the Local Licensing Forum. There is a **mandatory requirement** for a minimum of **one formal meeting** between the Licensing Board and the Licensing Forum annually. [Guidance](#) on the operation of the 2005 Act states that links should also be established between the Forum and Local Alcohol Action Teams (who are responsible for developing local alcohol action plans to reduce alcohol related harm) and that a member of those teams might be invited to sit on the Forum.

¹ Some local authorities are divided into more than one “licensing division”. Dumfries and Galloway, for example, has four licensing divisions and has established four separate divisional Licensing Boards.

Membership of the Forums – statutory and non-statutory members

Licensing Forums should have a balanced representation of all “constituencies of interest”. Paragraph 2 of schedule 2 of the Licensing Act 2005 sets out the requirements as to the membership of the Forums. They are to consist of between 5 and 21 members. At least one member of the Forum must be a **Licensing Standards Officer** and at least one member must be a person **nominated by the local Health Board**.

What is a Licensing Standards Officer (LSOs)?

The Licensing (Scotland) Act 2005 requires local authorities to appoint at least one Licensing Standards Officer for their area. The general functions of Licensing Standards Officers are:

- To **provide information and guidance** on the operation of the 2005 Act;
- To **supervise the compliance** of the holders of licences with the conditions of their licence at other requirements set out in the 2005 Act;
- To **provide information to Licensing Boards** about the conduct of licence holders, or any persons applying for licences in that area, which is inconsistent with the licensing objectives (the Act has a number of statutory licensing objectives e.g. preventing crime and disorder’ and protecting children from harm);
- **Providing mediation** for the purposes of avoiding or resolving disputes or disagreements between licence holders and other persons concerning any matter relating to compliance with the 2005 Act.

The other members are to be appointed by the local authority. However, in line with Schedule 2 of the 2005 Act, there must be a balanced representation of members. The legislation places a duty on the local authority to seek to ensure that membership of the Forum is representative of all “constituencies of interest”. In particular, the 2005 Act provides that those persons include:

- Holders of licences (preferably both on and off trade);
- The chief constable for the area;
- Persons having functions relating to health, education or social work;
- Young people; and
- Local residents.

This is not an exhaustive list and membership can be drawn from other groups who have an interest. However, those are the five main “target audiences” which the local authority must reach and engage with in the process of establishing the Forum and ensuring that the Forum has representative interests.

The guidance stresses that in respect of the role, it is important for members to understand that:

- They are *not* on the Forum to express their own views, pursue their own enthusiasms or pet projects or to resolve personal issues;

- Members who belong to a particular organisation are *not* on the Forum to express or promote the views of that organisation; and
- Members must take active steps to stay in touch with the constituency they represent so that they can convey *its* views to the Forum².

How effective are Local Licensing Forums?

The effectiveness and influence of Local Licensing Forums is variable across Scotland. Alcohol Focus Scotland (AFS) maintain that Forums that are most able to provide valuable input and have influence within the licensing system, tend to be in areas where staff resources have been committed to the Forum or where there is leadership provided by one or two key members with a good knowledge of licensing law and practice. Alcohol Focus Scotland argue that there are a number of problems preventing some Forums from fulfilling their statutory role including a lack of resources; insufficient training and support; and poor communication between Forum members. AFS also suggest that the Forums should not be viewed as a panacea for ensuring community engagement in licensing but recognise that they “have the potential to provide a structured format for regular involvement and scrutiny”³.

In 2018, the Scottish Parliament Local Government and Communities Committee held several evidence sessions looking at the transparency, accountability and opportunities for public participation in the alcohol licensing system in Scotland. It was keen to explore in the [evidence sessions](#) the **ability of communities to engage with and influence alcohol licensing decisions in their areas**⁴. In addition to looking at the role of Local Licensing Forums, the Committee were particularly keen to ascertain how Licensing Boards could interact with Community Planning Partnerships as a mechanism for better understanding community priorities when it came to licensing decisions. There is of course a statutory licensing objective in Scotland on the “protection and improvement of public health”, hence the interest in interacting with Community Planning Partnerships. There are no similar statutory licensing objectives in Northern Ireland.

3 Conclusion – some issues to consider

It is important to re-iterate that this paper is not suggesting that Local Licensing Forums are an appropriate model for Northern Ireland. Much more in-depth research on this issue would be required. Rather the example of Local Licensing Forums is provided as a starting point for the Committee to consider a number of issues pertinent to the

² The information on Local Licensing Boards has been extracted from “[Licensing \(Scotland\) Act 2005 section 142: guidance for licensing boards and local authorities](#)” published by the Scottish Executive in 2007 (this guidance is currently in the process of being [updated](#) by the Scottish Government).

³ Alcohol Focus Scotland. Scottish Parliament Local Government and Communities Committee. Alcohol Licensing Evidence Session. May 2018. www.alcohol-focus-scotland.org.uk/media/310769/lgr-licensing-evidence-written-submission.pdf

⁴ Scottish Parliament. Alcohol Licensing in Communities. www.parliament.scot/parliamentarybusiness/CurrentCommittees/111739.aspx

proposals contained within the Licensing and Registration of Clubs (Amendment) Bill, and the successful implementation and monitoring of those new provisions i.e.:

- **What current structures exist, either on a regional or local basis, for multi-disciplinary groups to come together to discuss licensing issues and share local intelligence and data (e.g. on extended opening, protection of children and young people, the economic benefits and management of the night-time economy etc.)?**
- **Is there a role for community planning partnerships or the community planning framework in engaging with licensing policy and/or decision making?**
- **How will the views of residents be fed into decision making on licensing particularly in relation to proposals for extended opening, “drinking-up time” and major events?**
- **Is there evidence of best practice in terms of good communication, mediation and resolution of issues between licensed premises and registered clubs and the local communities in which they are situated?**