

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 20th August 2010 at 2.00 p.m.

Present: R. Russell (Chair), Councillor D. Campbell, Constable I. Jamieson,
C. Andrew, A. Kelly, A. Bradford, R. Rennie, P. Robertson and J. Kerr.

Apologies: M. Caird, Dr. C. Lind, and M. Ankers.

In Attendance: E. Caldow, NHS Ayrshire and Arran.

Attending for
South Ayrshire

Council: J. McClure, Committee Administrative Officer.

1. Membership of Forum.

The Chair

- (1) welcomed Jennifer Kerr, a pupil at Kyle Academy to her first meeting as a Forum member;
- (2) welcomed Elaine Caldow of NHS Ayrshire and Arran to the Forum; and
- (3) advised that Margaret Anderson had tendered her resignation from the Forum.

Decided: to note the present position with the membership of the Forum.

2. Minutes of previous meeting.

The Minutes (issued) of the Local Licensing Forum of 4th June 2010 were submitted.

Decided: to approve the Minutes as a correct record.

3. Minutes of previous Licensing Board meetings.

The Minutes (issued) of the meeting of South Ayrshire Licensing Board which had taken place since the previous Forum meeting were submitted.

Decided: to note the Minutes of the Licensing Board meeting of 27th May 2010.

4. **Consultation on Licensing Policy Statement.**

There was submitted a copy of the Consultation on Licensing Policy Statement document (issued) outlining

- (1) that the Board had issued its first Statement of Licensing Policy in advance of the Licensing (Scotland) Act 2005 coming into force which was intended to cover the transition period between the Licensing (Scotland) Act 1976 and the implementation of the new Act which came fully into force on 1st September 2010 with the Board subsequently updating its Policy, specifically on over-provision, on 28th August 2009; and
- (2) that the Board was obliged to review its Policy and was committed to consulting widely on it and had set out the preliminary proposals and principle issues requiring to be addressed as part of the review for all interested parties to make their responses by no later than 15th September 2010 in order for the Board to consider these responses when reviewing the Policy.

The Licensing Standards Officer advised that the Board was seeking views on its proposals and the Forum should discuss whether it agreed with the proposals and, if not, what the Forum would propose.

Councillor Campbell then outlined the main priorities of the Board and advised that the Board was proposing to impose a duty to trade on those premises intending to trade beyond 12.30 a.m. and explained the reasons behind this proposal.

The Forum then considered each of the proposals and a discussion followed on occasional licences; the monitoring of premises by Strathclyde Police; the interpretation of 'substantial entertainment', duty to trade; personal licenceholders; beer gardens/outside drinking; signage in licensed premises regarding children on the premises; adult entertainment; over provision and capacities of premises.

Decided:

- (a) that the Forum agreed with the Board's proposals, with the exception of
 - (i) Question 6 regarding extended hours applications, when the Forum wished the Board to consider not imposing duty to trade as the Forum had concerns regarding the implications on licenceholders of duty to trade being imposed in relation to extended hours; and
 - (ii) Question 8 regarding beer gardens when the Forum requested that the Board reword this to "outside drinking"; and
- (b) that the Licensing Standards Officer would compile a letter to the Board which the Chair would sign on behalf of the Forum.

5. Test Purchasing.

The Licensing Standards Officer advised

- (1) that Strathclyde Police possessed powers under the new Act to use an under-age test purchaser to attempt to purchase alcohol from licensed premises;
- (2) that the test purchaser must be a maximum of sixteen and a half years and must look that age, the person must not reside in the area they were attempting to purchase the alcohol from, they must not carry ID and if they were asked their age they must not lie;
- (3) that it was normally an offence for a young person under the age of eighteen years to attempt to purchase alcohol, however, an exclusion was granted when this person was carrying out this task on behalf of Strathclyde Police;
- (4) that test purchases were carried out on premises where the Police had intelligence that young people had been sold alcohol or were obtaining alcohol through agency sales;
- (5) that, at a Licensing Board meeting on 3rd August 2010, the Board had suspended a premises licence for two days over a weekend as Strathclyde Police had used an under-age test purchaser to attempt to purchase alcohol from the premises and the young person had been sold the alcohol;
- (6) that although this was a grocery store and was only required to remove all alcohol from the shelves, the premises had chosen to close for the two days; and
- (7) that the Board had the ability to act and did so by taking a strong and positive decision.

Councillor Campbell further advised

- (a) that under the Licensing (Scotland) Act 1976, the Police had the ability to complain to the Licensing Board about premises;
- (b) that premises of a national company were found to be selling alcohol to underagers and, as a result of the licenceholder being cited to attend the Licensing Board, the company had redesigned their training system throughout Britain;
- (c) that the 2005 Act was very clear on the offence committed by someone selling alcohol to under-agers, however, the Board had previously been impelled to impose sanctions under the 1976 Act when premises had been found to be selling alcohol to young people under eighteen years of age; and
- (d) that a great number of off-sales premises in South Ayrshire were now involved in the bottle marking initiative which was welcomed.

Following a question from a member of the Forum on whether testing purchasing was random, the Licensing Standards Officer advised that the test purchases were information led, that Risk Assessments required to be carried out and that a different procedure existed for on-sales test purchasing and Constable Jamieson further advised that any premises failing the test purchase were retested within two weeks.

Decided: that the Chair, on behalf of the Forum congratulate the Board on its action taken in relation to under-age sales.

6. Training for Local Licensing Forum Members.

The Licensing Standards Officer advised

- (1) that the training course for Forum members scheduled to be held in July 2010 had required to be postponed as various Forum members could not attend;
- (2) that the course had now been rearranged to take place on Friday, 10th September 2010 in the County Buildings, Ayr; and
- (3) that all Forum members required to undertake the training course.

Decided: that details of the training course would be issued to all Forum members.

7. A.O.C.B.

(1) Young Scot Cards.

J. Kerr outlined that she was involved in a Young Scot/Dialogue Youth/Trading Standards initiative to promote the Young Scot card and to encourage licensed premises to accept this card as an acceptable form of photographic ID.

The Licensing Standards Officer further advised

- (a) that she was also involved with this initiative and that the Young Scot card or pass approved cards should be accepted by premises, however, premises had the authority to refuse entry to anyone attempting to gain access to the premises and did not require to give a reason for this; and
- (b) that the old Validate card was very easy to falsify and premises did not accept this card as proof of age, however, if premises refused to accept the Young Scot card she would visit the premises and confirm that the Young Scot card should be accepted as proof of age.

Constable Jamieson further advised that a fingerprint system of ID had been introduced in some licensed premises whereby young people over the age of eighteen years who had valid ID could enter their fingerprints into the system and should they then be questioned on their age in future, they could utilise the fingerprint system, however, this system was expensive to purchase.

Decided: to note the position in relation to Young Scot cards.

(2) **South Ayrshire Alcohol and Drug Partnership Stakeholder Event.**

The Licensing Standards Officer distributed invitations to Forum members to a Stakeholder Event being held by South Ayrshire Drug Alcohol and Drug Partnership on 22nd October 2010 and advised that she would also issue this invitation to all Forum members not present at this meeting.

Decided: to note that all Forum members interested in attending the Stakeholder Event should respond to South Ayrshire Alcohol and Drug Partnership as outlined on the invitation.

8. **Date of Next Meeting.**

Decided: to agree that the next meeting of the Local Licensing Forum would take place on Friday, 19th November 2010 at 2.00 p.m. in the Town Buildings, New Bridge Street, Ayr.

9. **Closing Remarks.**

The Chair thanked the members of the Forum for their attendance and contribution.

The meeting ended at 3.25 p.m.