

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 4th February 2011 at 1.00 p.m.

Present: C. Andrew (Chair), Councillor D. Campbell, Sergeant. U. Menzies,
R. Rennie, S. Bradford, A. Monkhouse, P. Robertson and A. Kelly.

Apologies: R. Russell (Chair) and M. Caird.

Attending for V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer;
South Ayrshire and J. McClure, Committee Administrative Officer.
Council:

Also Attending: L. Bowie, Alcohol Focus Scotland.

1. Appointment of Chair of Local Licensing Forum.

V. Andrews invited nominations for the appointment of Chair of the Local Licensing Forum for the ensuing year.

Decided: unanimously that R. Russell be elected to the post of Chair of the Local Licensing Forum for the ensuing year.

2. Appointment of Vice-Chair of Local Licensing Forum.

V. Andrews invited nominations for the appointment of Vice-Chair of the Local Licensing Forum for the ensuing year.

Decided: unanimously that M. Caird be elected to the post of Vice-Chair of the Local Licensing Forum for the ensuing year.

3. Chair.

In the absence of the Chair and Vice-Chair, C. Andrew took the Chair for this meeting of the Forum.

4. Welcome.

The Chair welcomed Linda Bowie, Licensing and ServeWise Manager, Alcohol Focus Scotland to the Forum meeting and advised that she was attending various Forums throughout Scotland to gain an understanding of how Forums operated.

5. Minutes of previous meetings.

The Minutes (issued) of the Local Licensing Forums of 19th November 2010 and 10th December 2010 (Special) were submitted.

With reference to Page 3, paragraph 5 of the Minutes of 19th November 2010 bearing the rubric "Over Provision", when it had been decided that "the Licensing Standards Officer would provide figures on how many licences had been surrendered since the inception of the Licensing (Scotland) Act 2005", the Chair advised that she had details of these figures which she would distribute to the Forum members.

With reference to Page 3, paragraph 6 of the Minutes of 19th November 2010 bearing the rubric "AOCB" when it had been decided that "the Licensing Standards Officer would compile a briefing note for Forum members outlining the main changes which had occurred since the implementation of the Licensing (Scotland) Act 2005", the Chair advised that this matter was item number 7 on the agenda and that the Licensing Policy Officer would be providing the Forum with a verbal update on the changes to the legislation.

Decided: to approve the Minutes as a correct record.

6. Minutes of previous Licensing Board meetings.

The Minutes (issued) of the meetings 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 meetings of 11th November and 9th December 2010.

7. Alcohol Focus Scotland Response Regarding the Licensing Board's Draft Licensing Policy Statement.

There was submitted a response (issued) from Alcohol Focus Scotland (AFS) to the Licensing Board's Draft Licensing Policy Statement

(1) advising

- (a) that AFS was pleased to have the opportunity to offer comments on the Statement and recognised that this was an important over-arching document which clearly set out the Board's overall approach to licensing issues and presented an opportunity for the Board to indicate the process and type of evidence that would be collected and considered;
- (b) that, as Scotland's national alcohol charity, AFS had focussed its comments on the "protecting and improving public health" licensing objective, however, as actions taken under the other four objectives could also impact on public health, it had commented on these as appropriate;

- (c) that AFS was aware that the public health objective was proving to be a challenge for many Licensing Boards and it was its view that more work could usefully be done to collect appropriate evidence for this objective and also to find ways to link in with the bodies already collecting such data and recognised that there were also issues in interpreting this data and relating it to localities and that the organisation was keen to work with Licensing Boards to provide further assistance in this area;
 - (d) that the Scottish Government had indicated that it would revise the guidance accompanying the Licensing Act which presented an important opportunity to increase the efficacy of the public health objective; and
 - (e) that AFS would engage with the Scottish Government on the process of rewriting the guidance and would also seek to develop further information and support for Licensing Boards as required; and
- (2) outlining
- (a) the background to the Licensing (Scotland) Act 2005; and
 - (b) the five licensing objectives and the types of data that could be examined when considering the objectives.

Decided: to note the response on the Licensing Board's Draft Licensing Policy Statement from Alcohol Focus Scotland.

8. Changes to Licensing Legislation.

The Licensing Policy Officer advised

- (1) of the imminent changes in the Criminal Justice and Licensing Act which would remove the restriction on the Chief Constable to object to any applications only where it was considered that the applicant had been involved in serious and organised crime, however, the Chief Constable may now comment on the basis of any of the licensing objectives; and
- (2) of the changes to be implemented by the Alcohol Act which were not likely to come into effect until October 2011 and would impose restrictions on advertising and displays in off-sales premises and which would also introduce the mandatory conditions on promotions in off-sales, bringing them more into line with restrictions on irresponsible promotions in on-sales.

Questions were then raised by members of the Forum and the Licensing Policy Officer and L. Bowie responded accordingly.

Decided: to note the position with regard to the changes in licensing legislation since the introduction of the Licensing (Scotland) Act 2005.

9. **A.O.C.B.**

(a) **Numbers of Licences Surrendered Since the Introduction of the Licensing (Scotland) Act 2005.**

There was submitted a report (tabled) dated 26th January 2011 by the Licensing Standards Officer outlining

- (i) that, prior to September 2009, a total of 450 licences of various descriptions had been held by premises in South Ayrshire (these licences did not include Registered Clubs as these were previously under the jurisdiction of the Sheriff);
- (ii) that, of these 450 licences, 66 did not reapply under the new system, due to a variety of reasons including cost, staff training and competition;
- (iii) that six premises did not require a licence which was due to the changes in legislation and meant that some premises which originally held two licences (e.g. an off-sale and on-sale) had been merged into one and a further example would be an operator who had an off-sales licence in order to operate outside bars which could now be done with a personal licence;
- (iv) that on 1st September 2009 when the new legislation had come into force, the Licensing Section issued 418 licences which also included Registered Clubs; and
- (v) that, as of 26th January 2011, there were 419 licensed premises which also accounted for new licences which had been granted and some licences which had been surrendered since the implementation of the Act, however, not all of these premises were open or trading.

A question was raised by a member of the Forum regarding “bring your own bottle” premises and the Licensing Standards Officer responded accordingly.

Decided: to note the number of licensed premises in South Ayrshire at present and the number of licences which had been surrendered at the introduction of the Licensing (Scotland) Act 2005 and to request that this information be updated for the Forum on an annual basis.

(b) **Statement of Licensing Policy.**

Councillor Campbell advised

- (i) that the Board, at its meeting of 3rd February 2011 had approved the Statement of Licensing Policy following the further consultation; and
- (ii) that the Forum’s comments had been taken into account and the maximum daily operating hours had been reduced from 15 hours to 14½ continuous hours with the latest closing hour remaining at 2.30 a.m.

Following a question from a member of the Forum regarding duty to trade, Councillor Campbell advised that duty to trade had not been imposed, however, should premises wish to remain open after 1.00 a.m., they would be required, by way of Local Conditions, to provide CCTV, first aiders, stewards, etc.

Decided: to note the Board’s approval of the Statement of Licensing Policy.

10. **Date of Next Meeting.**

Decided: to agree that the next meeting of the Local Licensing Forum would take place on Friday, 13th May 2011 at 2.00 p.m. in the County Buildings, Wellington Square, Ayr.

11. **Closing Remarks.**

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

The meeting ended at 1.35 p.m.