

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 28th September 2012 at 2.00 p.m.

Present: R. Rennie (Chair), S. Horne, C. Andrew, P. McCarroll, Sergeant D. McIntosh,
M. Ankers, A. Monkhouse, R. Russell and M. McGough.

Apologies: E. Caldow, A. Bradford, A. Kelly and S. Sandor.

Attending for M. Douglas, Depute Clerk to the Board; K. Briggs, Depute Clerk to the
South Ayrshire Board; and J. McClure, Committee Services Officer.
Council:

Also Attending: B. Borland, Youth Worker.

1. Chair's Remarks.

The Chair welcomed all members to the Forum.

2. Membership.

The Depute Clerk to the Board advised

- (1) that when the Forum had been established, guidance had been provided from the Scottish Government on who should sit on the Forum, however, it was for the Forum to consider if it was beneficial to have a Member of the Licensing Board on the Forum as the Forum should be a body independent from the Board;
- (2) that, as the Forum was a public meeting, any Councillors, members of the press or public would be entitled to attend the meeting to observe and one of the Forum's quarterly meetings was also a joint meeting with the Board Members;
- (3) that, should the Forum now feel that a Board Member should not sit on the Forum, the Constitution would require to be amended; and
- (4) that, as a Forum Member had resigned in June 2012, two vacant places now required to be advertised and filled.

There then followed a full discussion on the profession/background of the nominated member that would be preferred as a member of the Forum.

Decided:

- (a) that the Forum would prefer that a Board Member was not also a member of the Forum; and
- (b) that the Council be requested to advertise in hospitals to attempt to recruit a member of the medical profession for one of the vacancies and that the other vacancy should be advertised in the local press.

3. Minutes of previous meeting.

The Minutes (issued) of the Local Licensing Forum of 29th June 2012 were submitted.

Decided: to approve the Minutes as a correct record.

4. Matters Arising from Minutes of the Local Licensing Forum.

With reference to the Minutes (Page 2, paragraph 4) when the Chair had recommended that all Forum Members attend a meeting of the Licensing Board to familiarise them with the operation of the Board, the Chair outlined that A. Kelly had advised her that he attended the Board Meeting on 20th September 2012 and, having found this meeting to be very interesting and informative, he thought it would be of value to all Forum Members to attend a Board meeting.

S. Horne then proposed that a Forum Member attend every meeting of the Board and report back to the Forum on the decisions taken.

Decided: that a rota be created for Forum Members to attend Board meetings and report back to the next appropriate Forum meeting.

5. Board's Statement of Licensing Policy, Including Over Provision.

Reference was made to the Minutes of 29th June 2012 (Pages 2/3, paragraph 4) when it had been decided that the Forum would consider the Licensing Policy Statement and any comments would be submitted to the Board for its consideration and there was submitted (issued) the Board's Statement of Licensing Policy which had been approved by the Board at its meeting on 3rd February 2011.

The Depute Clerk to the Board advised

- (1) that the Board was working in conjunction with Ayrshire and Arran Health Board and the Alcohol and Drugs Partnership (ADP) and that the ADP had established a Sub-Group to collate statistics to assist the Board when it was reviewing its Statement of Licensing Policy; and
- (2) that the Forum could submit a statement to the Board outlining the areas it wished the Board to consider when reviewing its Policy and the geographical areas that the Forum believed to be over provided for.

There then followed a discussion on how to define over provision; who could raise a review and for what reasons; the Board endorsing a licence holder's licence; the Police notifying the Board should a licence holder obtain a conviction; the person responsible at a Club as Clubs were exempt and did not require a Premises Manager as it was run by members for members; whether the Board could place conditions on a Club's licence; when a Club required to obtain an Occasional Licence; the Health Board being a statutory consultee of the Board when considering its Statement of Licensing Policy; the Health Board being more concerned with off-sales premises as the majority of alcohol sold was from off-sales; the over provision statement covering both on-sales and off-sales licences; whether competition would drive prices down in towns already well provided for; and public house type premises and garages holding an off-sales licence.

Decided:

- (a) that Forum members should consider the issue of over provision and which areas in South Ayrshire they believed were over provided for; and that this issue would be considered at the next Forum meeting; and
- (b) that one Forum member should attend each meeting of the ADP Sub-Group and report back to the Forum on the discussions undertaken.

6. Reviews Considered by the Board and Subsequent Board Decisions.

Reference was made to the Minutes of 29th June 2012 (Pages 2/3, paragraph 4) when it had been decided that a list of all reviews considered by the Board and the subsequent Board decisions would be submitted to this meeting for consideration and there was submitted a report (issued) outlining the Premises Licence Reviews which had been considered by the Licensing Board and the decisions taken on these reviews.

The Licensing Standards Officer advised that reviews could be requested by Strathclyde Police, the Licensing Standards Officers, neighbours of the premises or members of the community for various reasons and that the Board would consider the reasons for requesting the review and then hear from the Premises Manager and decide if the grounds for the review had been established and, if the grounds for review were established, a number of options were open to the Board, eg take no action, issue a written warning, vary the licence, suspend the licence or revoke the licence.

Decided: to note the reviews deliberated by the Board and the subsequent decisions and to consider these reviews at each Forum meeting.

7. The Board's Views on the Requirement for Training.

Reference was made to the Minutes of 29th June 2012 (Pages 2/3, paragraph 4) when it had been decided that information should be requested from the Board in relation to how seriously the Board viewed the requirement for training and a letter was thereafter submitted to the Licensing Board by the Chair of the Licensing Forum, on behalf of the Forum, requesting information on the level of importance the Board placed on staff training, following a recent premises licence review when staff training had not been undertaken; and whether the Board viewed compliance with the mandatory conditions to relate more specifically to a premises licence holder or a personal licence holder.

There was then submitted a letter of response (tabled) of 25th September 2012 from the Depute Clerk to the Licensing Board, on behalf of the Board, advising

- (1) that on the question of reviews, the Board must consider each case on its merits and deal with it accordingly, however, there were a number of sanctions open to the Board and the Board must decide on a proportionate sanction in each case with the need for the sanction to be proportionate recently highlighted by the courts;
- (2) that initially it would normally be the premises licence which would be reviewed but it should be noted that it was open to the Board to take action against a personal licence holder if the Board made a finding that the personal licence holder's behaviour had been inconsistent with the licensing objectives; and

- (3) that it should be borne in mind that the guidance issued in connection with the Licensing (Scotland) Act 2005 provided that “the named Premises Manager will be responsible for the day to day running of the premises, responsible for the training and supervising of the staff and ensuring the premises is run in accordance with the requirements of the licence. The Act requires a named Premises Manager for each premises since this carries a greater responsibility, as the sale and supply of alcohol can have a wide impact on the wider community and on crime and anti-social behaviour. It is therefore important to have one responsible person who will be required to be knowledgeable of the law and experienced in the supervision and training of staff and suitability qualified. Ultimately the designated Premises will be held responsible by the Licensing Board”.

Decided: following discussion, to note the response from the Board in relation to training.

8. The Granting of an Adult Entertainment Licence.

Reference was made to the Minutes of 29th June 2012 (Pages 2/3, paragraph 4) when it had been decided that information should be requested from the Board in relation to why the Policy was not adhered to when an application for adult entertainment had been granted and a letter was thereafter submitted to the Licensing Board by the Chair of the Licensing Forum, on behalf of the Forum, requesting information on why the Policy was not adhered to when an application for adult entertainment was granted.

There was then submitted a letter of response (tabled) of 25th September 2012 from the Depute Clerk to the Licensing Board, on behalf of the Board, advising that while the Board had a policy on Adult Entertainment providing that “following consultation carried out in May 2009, the Board will not normally permit adult entertainment in any premises”, it was, however, open to any applicant to make their case and the Board must consider each application on its merits and, taking into account the applicant’s case, the lack of objections and current case law, the Board had granted one application to permit adult entertainment, however, there had been no change in policy.

Decided: following discussion, to note the response from the Board in relation to the granting of an Adult Entertainment Licence.

9. Minutes of previous Licensing Board meetings.

The Minutes (issued) of the Licensing Board meeting of 21st June 2012 were submitted.

Decided: to note the Minutes of the Licensing Board meeting.

10. Shifting the Culture.

There was submitted a report (issued) of March 2012 on a Members Bill Consultation by Dr Richard Simpson MSP and Graeme Pearson MSP entitled "Shifting the Culture" which was a proposal for a Bill to bring forward measures to help change culture in relation to alcohol in Scotland and the NHS response to this consultation (issued).

Decided: in the absence of E. Caldow, to continue discussion of this item to the next meeting of the Forum.

11. Annual Update Report from the Chief Constable, Strathclyde Police.

There was submitted a letter (issued) of 14th August 2012 from the Chief Constable, Strathclyde Police in accordance with Section 12A of the Licensing (Scotland) Act 2005 relating to Police performance and activities undertaken in the financial year April 2011 to March 2012 and advising

- (1) that the report was divided into two distinct parts, namely
 - (a) the Chief Constable's views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year and also looking forward and identifying areas he intended to address or focus on in the coming year; and
 - (b) highlighting the steps that officers had taken and intended to take to prevent the sale or supply of alcohol to children or young people in the Board's area;
- (2) that all areas of South Ayrshire would continue to be policed robustly in ensuring that the provisions of the Licensing (Scotland) Act 2005 were adhered to and, as could be seen in the report, the link between alcohol, anti-social behaviour, disorder and the obtaining and consumption of alcohol by children had been targeted;
- (3) that this proactive approach had led to greater awareness on the part of licence holders and had reiterated to these licensees that problem persons or premises would not be tolerated; and
- (4) that the forthcoming year would see a continued proactive and dedicated approach to enforcing the provisions of the legislation, with the Licensing Board playing a key part in the education and discipline of those failing.

Decided: to note the report from the Chief Constable.

12. Cost of Alcohol in South Ayrshire.

There was submitted a report (issued) of September 2012 by Alcohol Focus Scotland providing a summary of the estimated cost of alcohol-related harm to South Ayrshire which was compiled following the publication of the 2010 report by the Scottish Government entitled "The Societal Cost of Alcohol Misuse in Scotland for 2007" which estimated a central cost of £3.6b.

Decided: to note the report.

13. Date of Next Meeting.

Decided: to agree that the next meeting of the Local Licensing Forum would take place on Friday, 16th November 2012 at 2.00 p.m. in the Troon Room, County Buildings, Wellington Square, Ayr.

14. Closing Remarks.

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

The meeting ended at 3.30 p.m.