

## **SOUTH AYRSHIRE LOCAL LICENSING FORUM.**

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr  
on 29th June 2012 at 2.00 p.m.

Present: R. Rennie (Chair), S. Horne, C. Andrew, Councillor A. Galbraith, E. Caldow, A. Bradford, R. Russell, M. McFadyean, R. Campbell, S. Sandor and M. McGough.

Apologies: Sergeant U. Menzies, P. McCaroll, A. Monkhouse and P. Robertson.

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

Council:

Also Attending: Councillor A. Galbraith; Constable K. Reynolds and Constable C. McLean, Strathclyde Police.

### **1. Chair's Remarks.**

The Chair welcomed Sophie Sandor and Maria McGough to their first meeting of South Ayrshire Local Licensing Forum as new members.

### **2. Membership and Remit of Forum.**

C. Andrew advised

- (1) that following the recent appointment of Rachael Rennie and Sandra Horne as Chair and Vice-Chair respectively of the Forum, she had been requested to compile information regarding the remit of the Forum and she had now gathered this information into a report (tabled) for the Forum Members' information;
- (2) that Patricia Robertson had submitted her resignation from the Forum and this vacancy would require to be filled;
- (3) that, as Licensing Standards Officer, she required to be a Forum Member and, as Peter McCaroll had also recently been appointed as Licensing Standards Officer, he may attend the Forum in her place;
- (4) that the representatives from Strathclyde Police and Ayrshire and Arran Health Board were entitled to send a substitute to the meeting who had full voting rights, however, all other members could not send a substitute to vote in their absence;
- (5) that, as this was a public meeting and the agenda and reports were published on the Council website, members of the press or public may attend;
- (6) that Sophie and Maria had been appointed as members of the Forum by South Ayrshire Council at its meeting on Thursday, 28th June 2012 and were attending to give the views of the young people in South Ayrshire as the two previous young persons representatives had failed to attend three consecutive meetings and were therefore removed from the Forum; and

- (7) that the Clerk to the Board or one of the Depute Clerks would attend Forum meetings to provide legal advice when required.

The Chair further advised that herself and the Vice-Chair had met to discuss the way forward for the Forum and had decided that the Board minutes should be considered at each meeting of the Forum and Board decisions discussed, with all Members encouraged to give their opinion.

### **3. Minutes of previous meeting.**

The Minutes (issued) of the Local Licensing Forum of 24th February 2012 at 1.00 p.m. and 24th February 2012 at 2.00 p.m. (joint meeting with South Ayrshire Licensing Board) were submitted.

**Decided:** to approve the Minutes as a correct record.

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

- (1) Having heard a Forum Member enquire if there had been further developments regarding the practice of nightclubs offering free entry and £1 drinks, C. Andrew advised that she had not been requested to pursue this matter as the Board had no authority to determine pricing, however, with the imminent introduction of minimum pricing the Board would re-examine this matter at a later date.
- (2) The Chair outlined that she hoped more Licensing Board Members would attend the next joint meeting of the Board and the Forum.

### **5. 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.

### **4. Matters Arising from the Minutes of the Licensing Board.**

C. Andrew advised

- (1) that she had compiled a report outlining the remit of the Licensing Board and that the Forum would now examine the decisions of the Board and the Board's Policy;
- (2) of the composition of the Board and that it was a non-political body;
- (3) of the various applications that the Board considered; and
- (4) of the review hearings undertaken by the Board and the options open to the Board when making its decision.

The Chair then recommended that all Forum Members attend a Board meeting to familiarise them with the operation of the Board.

The Vice-Chair advised that the Forum should examine the Board's decisions and, if an application was refused, the Forum should request information on the reasons for refusal if necessary, or in the case of a review hearing, request information if it was felt that the punishment did not fit the misdemeanour.

M. Douglas outlined

- (a) that the Board had a Licensing Policy Statement which the Forum should keep under review and that, until now, no new applications had been refused, however, the Forum could request that the Board amend its Policy with regards to Over Provision if it felt that too many licences had been granted;
- (b) that, in line with the Board's Policy, occasional licences were not granted under delegated powers beyond midnight and any applications for hours beyond midnight were considered by the Board when it could decide to approve these applications and the Forum may comment that too many applications were being granted beyond midnight;
- (c) that the Board could not produce a Policy regarding review hearings as each review required to be considered on its own merits;
- (d) that when the Board adjourned following a review hearing, it would consider all aspects of the case, including any Court decisions and any mitigating circumstances prior to making it's decision;
- (e) that she would provide a copy of the Board's Statement of Licensing Policy to the next Forum meeting and that it was open to the Forum to examine the Policy and request that the Board consider making changes to the Policy; and
- (f) the legislation in relation to licences being granted to petrol stations.

C. Andrew, in response to a question from a Forum Member, advised that a Licensing Standards Officer was required to issue a notice to a premises or licenceholder prior to requesting a review and that she was unaware of any other cases in Scotland where the LSO had requested a review in relation to training.

**Decided:**

- (i) that the Forum, at its next meeting, would consider the Licensing Policy Statement and any comments to be submitted to the Board for its consideration;
- (ii) that a list of all reviews considered by the Board and the subsequent Board decisions would be submitted to the next Forum meeting for consideration;
- (iii) that information should be requested from the Board in relation to
  - (A) how seriously the Board viewed the requirement for training;
  - (B) why the Policy was not adhered to when an application for adult entertainment was granted;
- (iv) to request that the Board consider reviewing its Policy in relation to over provision; and
- (v) that all of these issues be considered at the next Forum meeting.

6. **Any Other Business.**

(1) **Bottle Marking Initiative.**

Constable Reynolds advised that the bottle marking initiative had been re-introduced whereby if a group of youths were drinking alcohol in public, Strathclyde Police Officers could identify where the alcohol had been purchased, however, the Police were relying on the honesty of the premises to mark the bottles.

(2) **Challenge 25.**

C. Andrew advised that Challenge 25 had been introduced in September 2011 and required that ID was requested from anyone who appeared to be under the age of 25 years, however, the law had not changed and alcohol could still be sold to an 18 year old.

(3) **Shifting the Culture.**

E. Caldw advised of 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 that she would submit a copy of this document and the response from NHS Ayrshire and Arran to the next Forum meeting for its information.

7. **Date of Next Meeting.**

**Decided:** to agree that the next meeting of the Local Licensing Forum would take place on Friday, 28th September 2012 at 2.00 p.m. in the Troon Room, County Buildings, Wellington Square, Ayr.

8. **Closing Remarks.**

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

The meeting ended at 3.25 p.m.