

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

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr  
on 1st May 2013 at 10.00 a.m.

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

Apologies: A. Kelly, R. Campbell and S. Sandor.

Attending for M. Douglas, Depute Clerk to the Board (for items 1 and 2 only);  
South Ayrshire A. Monkhouse, GIS Analyst (for item 11 only); and J. McClure, Committee  
Council: Services Officer.

Also Attending: P.C. Donna Jenkins, Police Scotland; and H. Ankers.

### **1. Appointment of Chair of Local Licensing Forum.**

M. Douglas invited nominations for the appointment of Chair of the Local Licensing Forum for the ensuing year.

**Decided:** unanimously that R. Rennie 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.**

M. Douglas invited nominations for the appointment of Vice-Chair of the Local Licensing Forum for the ensuing year.

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

### **3. Chair's Remarks.**

The Chair welcomed all members to the Forum.

### **4. Forum Membership.**

C. Andrew advised that, as outlined in the Forum's constitution, should a member fail to attend three consecutive meetings, they would be voted off the Forum and replaced with a new member as approved by the Council and that as R. Campbell was now in that position and had not attended the last three Forum meetings, he was now no longer a member of the Forum and this vacancy should be filled.

### **5. Minutes of previous meeting.**

The Minutes (issued) of the Local Licensing Forum of 25th January 2013 were submitted.

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

**6. Matters Arising from the Previous Minutes of the Local Licensing Forum.**

**(1) Membership.**

Reference was made to the Minutes (Page 1, paragraph 2) and C. Andrew advised that a press release had been compiled and was presently in the local press advertising the vacancies in the Local Licensing Forum with all interested parties being advised to contact her for an application form and that a report would then be submitted to the next appropriate meeting of South Ayrshire Council for a decision to be made on the new members.

**Decided:** to note that the vacancies were presently being advertised.

**(2) Attendance at Board Meetings.**

Reference was made to the Minutes (Page 2, paragraph 5) when the Forum noted that the Chair would compile a rota for all Forum members to attend the meetings of the Licensing Board and the Chair apologised that she had been unable to complete this due to work commitments, however, she had attended a recent Board meeting and encouraged all Forum members to attend as she had found it very interesting.

C. Andrew then advised that the Board meetings were public meetings which took place at 10.00 a.m. in the County Hall, County Buildings, Ayr and that the two meetings prior to the Summer recess were on:-

Thursday, 16th May 2013; and  
Thursday 13th June 2013.

**Decided:** to note the dates of the next two Licensing Board meetings.

**(3) A Whole Population Approach to Alcohol : Achieving a Shift to Prevention and Early Intervention - Event.**

Reference was made to the Minutes (Page 4, paragraph 11) when it had been outlined that this event would be taking place on Friday, 1st March 2013 hosted by the ADP.

S. Horne advised that she had attended this very worthwhile event and E. Caldow reported that the ADP was keen to have an annual or bi-annual event and that there was an evaluation report compiled by the ADP which she would circulate to Forum members.

**Decided:** to note the success of the recent event held by the ADP.

**7. 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 20th December 2012, 7th February 2013 and 7th March 2013.

## **8. Matters Arising from Minutes of the Licensing Board Meetings.**

The Chair advised

- (1) that at the meeting of the Board in December 2012, it had been minuted that a number of premises had taken advantage of the extra trading hour and that a nightclub-type premises in Ayr had applied for opening hours until 3.00 a.m. at this meeting, however, this decision had been continued to a future meeting;
- (2) that at the February 2013 Board meeting, the Licensing Standards Officer had advised that there had been no issues to bring to the Board's attention following the Festive period, however, the local press had reported of problems in Troon over the past year and especially over the festive season;
- (3) that also at the February 2013 Board meeting, there had been eleven transfers of premises licences showing that premises were changing hands a lot more frequently than previously and that eight licences had been surrendered and three licences now ceased to exist;
- (4) that also at that meeting, a Troon premises had applied for and was granted a licence until 2.30 a.m. on a Saturday, following a previous application for a 1.30 a.m. licence showing that licenceholders were applying for an hour at a time in order to obtain later licences;
- (5) that the Board had considered an application from a nightclub-type premises for opening hours until 3.00 a.m. at its March 2013 meeting, however, the Board had adhered to its policy and had refused that part of the application; and
- (6) that it would be helpful to receive information on the numbers of premises within South Ayrshire which opened beyond 1.00 a.m. and C. Andrew agreed to obtain this information.

C. Andrew outlined

- (a) that premises generally opened until 12.30 a.m., however, a number of premises had applied for opening hours after 1.00 a.m. at which time the mandatory conditions then came into force, e.g. CCTV being required, the requirement for door stewards, a first aider being on the premises and a personal licence holder being on the premises;
- (b) that, although the majority of premises previously opened until 12.30 a.m., she had noticed a pattern emerging where premises were requesting an additional half hour or an hour and, if this was granted, neighbouring premises were also requesting this additional trading time;
- (c) that the Board generally granted a maximum of 14½ hours per day with the latest trading hour being until 2.30 a.m. and that when the Board's Policy had been introduced, many premises had applied to amend their hours and begin trading for their 14½ hours later to enable them to trade until 2.30 a.m.; and

- (d) that the Board was presently reviewing its Policy Statement and that this would be going out to consultation and would be considered by the year end, therefore, the Forum could consider the Policy at its next meeting and submit any comments to the Board on this.

Sergeant McIntosh then reported

- (i) that Police Scotland were not in a position to object to applications but had made observations on all applications for later operating hours as the granting of these applications had an impact on Police Scotland;
- (ii) that Police Scotland shift patterns were structured in such a way to service the night time economy, however, Police resources reduced dramatically at 4.00 a.m. so, should later operating hours be granted, late hours catering premises would also be opening later which would have implications for Police Scotland and further resources would require to be obtained from outlying divisions; and
- (iii) that when considering a review, the Board could not suspend a licence as a punitive action but required to give a reason for suspension, e.g. to allow all staff to be trained.

There then followed a discussion on the problems experienced with premises opening later, the effects on the economy and the knock on effects on late hours catering premises, taxi operators, Police Scotland and hospitals; whether the Board's decision to grant a written warning to a premises which had been subject to a review was appropriate; the rigidity of the 10.00 a.m. to 10.00 p.m. off-sales hours; the overheads to be paid by nightclub-type premises despite only operating for a short time; and whether it was commercially viable for premises to remain open until 3.00 a.m.

**Decided:**

- (A) that C. Andrew would obtain information on premises in South Ayrshire open after 1.00 a.m. and what hours these premises operated and circulate this information to all Forum Members; and
- (B) that the Forum would consider the Statement of Licensing Policy at its next meeting.

**9. Further Options for Alcohol Licensing.**

E. Caldwell advised that the ADP's response to the Consultation Paper had been circulated to all Forum Members.

**Decided:** to note the ADP's response.

## 10. Extended Hours/Late Opening.

P. McCarroll reported

- (1) that a premises licence holder could submit an application for later opening hours via a variation application which would be advertised on the Council website prior to the Board considering the application to allow any objectors to submit their objections and, should this application be granted, the premises Operating Plan would be varied permanently to take account of these later hours;
- (2) that a premises could make a one-off extended hours application for holding a special event or event of national significance at a cost of £10 per application;
- (3) that if the extended hours application was for one hour, this could be commented on by Police Scotland and a Licensing Standards Officer and granted by delegated authority by the Clerk to the Board, however, any application for more than one hour required to be considered by the Board;
- (4) that for the Festive season, all premises could utilise one hour's later opening from 1st December to 2nd January each year, if contained within the Operating Plan or the premises Licenceholder could apply for this via an extended hours application for a fee of £10; and
- (5) that premises could apply for extended hours on 24 occasions within a year, however, if premises applied for extended hours on 24 occasions the Board could take a view that the premises should apply for a variation of its licence.

Sergeant McIntosh then outlined his concerns at the Festive Season variation allowing premises to open one hour later for a whole month as the premises did not always notify Police Scotland when they were intending to utilise this hour which created problems for the Police and advised that it would be preferable if this additional hour was only granted for the latter two weeks of the month.

C. Andrew advised that previously "duty to trade" had applied and premises were required to open on those days when they had been granted an additional hour, however, that was not now the case and Police Scotland had to gauge when patrons would be congregating in Town Centres to provide additional resources.

The Chair advised that she had recently received a letter from a member of the public outlining that the noise from nearby premises was significantly impacting on her life and her ability to sleep, that the hours of the premises were continually increasing and that she was concerned about how many other premises in the area would also be granted hours to 2.30 a.m. and that she had notified this lady that she would advise the Board of her concerns.

Following an enquiry about the effects of longer trading hours, E. Caldow advised that research had shown that where premises were opening longer, this increased consumption and harm and affected the locality and residents of nearby premises.

**Decided:** to note the difference between extended hours and late opening.

## 11. Response from Licensing Board to Forum's Letter.

There was submitted a letter (issued) of 23rd April 2013 to the Chair of the Forum from the Depute Clerk to the Licensing Board noting the concerns of the Forum and responding to the Forum's enquiries.

**Decided:** to note the response from the Licensing Board.

## 12. Over Provision.

E. Caldwell referred to the report from the ADP entitled "Evidence Report to Inform the Review of the South Ayrshire Licensing Policy Statement and Overprovision Assessment 2013" which provided the Forum with a draft alcohol profile for South Ayrshire in relation to alcohol related harm and local availability and advised

- (1) that this document had been considered by the ADP, was now with the Forum for any comments and would then be submitted to the meeting of the Board scheduled to be held on Thursday, 16th May 2013 for its approval;
- (2) that this report had examined the evidence and links between alcohol harm and availability and had examined the data against each of the five licensing objectives;
- (3) that the data had been examined, where available, over Scotland as a whole, over South Ayrshire and also over small geographical areas of South Ayrshire;
- (4) that a survey of shoppers had been carried out outside supermarkets, convenience stores and off-sales premises and recorded how far they had travelled to obtain alcohol, motivations for buying at the chosen premises, etc. and that a survey of the on-sales trade had also been carried out when the view had been that there was no over provision in South Ayrshire;
- (5) that there were a number of points of caution to note, e.g. it was not possible to make a direct casual link between the licensed premises in an area and alcohol related harm and it was not possible to advise the Board on the number of premises required to reduce harm, just what the research showed;
- (6) that South Ayrshire had a higher than average rate of licensed premises than Scotland as a whole and there were particular areas which the Board should examine based on the ADP's findings; and
- (7) of those areas where there was a higher rate of hospital discharges, referrals of alcohol services, crime rates, anti-social behaviour, neighbourhood disputes and rate of licensed premises, etc.

A. Monkhouse, GIS Analyst then gave a presentation to the Forum on Geographic Information Systems (GIS) and the information which can be obtained from these maps and, following a full discussion on the data included within this system, the Chair thanked Mr. Monkhouse for his interesting presentation.

**Decided:** to agree that the report from the ADP now be submitted to the Licensing Board for its consideration.

**13. Date of Next Meeting.**

**Decided:** to agree that the next meeting of the Local Licensing Forum would take place on Wednesday, 14th August 2013 at 10.00 a.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 11.30 a.m.