

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 12th November 2014 at 10.00 a.m.

Present: R. Rennie (Chair), R. MacLellan, C. Andrew, S. Horne, M. Ankers,
A. Bradford and M. McFadyean.

Apologies: P. McCarroll, Sergeant D. McIntosh, R. Shepherd and R. Russell.

Attending for South
Ayrshire Council: J. McClure, Committee Services Officer.

Also Attending: H. Ankers.

1. Chair's Remarks.

The Chair welcomed all members to the Forum.

2. Membership.

The Chair 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 and that, as B. Kidd had not attended the previous two meetings and was not present at this meeting, she would no longer be a Forum member.

Decided: that the vacancy on the Forum should be advertised and a new member appointed by South Ayrshire Council.

3. Minutes of previous meeting.

The Minutes of the Local Licensing Forum meeting of 27th August 2014 (issued) were submitted.

Decided: to approve the Minutes as a correct record.

4. Matters Arising from Minutes of previous meeting.

(1) Constitution.

The Chair outlined that she had contacted the Depute Clerk to the Board requesting an update on whether a member of the Youth Forum could attend each Forum meeting instead of a named member and the Depute Clerk had advised that the legislation did not allow for a group to be appointed to the Forum, only an individual member, however, she would raise this matter with the Scottish Government outlining the difficulties the Forum had been experiencing in retaining a young person member.

C. Andrew advised that she could contact a Youth Worker requesting that he attend the Forum meetings with a member of the Youth Forum.

Decided: to note the present position with regards to the young person representatives and that C. Andrew would contact a Youth Worker requesting that they attend future Forum meetings accompanying a young person.

(2) East Ayrshire Local Licensing Forum.

The Chair outlined that herself and the Vice-Chair would be attending a meeting of East Ayrshire Local Licensing Forum on 9th December 2014 and C. Andrew advised that the meeting should be interesting as all Forums were experiencing similar challenges with their membership and the non-attendance of members, that Chairs and Vice-Chairs of various Forums would be attending on this day and it would be an opportunity for everyone to discuss the problems they were experiencing and ask questions of other Forums.

Decided: to note that the Chair and Vice-Chair would provide an update on the East Ayrshire Local Licensing Forum at the next Forum meeting.

(3) Letter from Alcohol Focus Scotland on Review of Statements of Licensing Policy.

C. Andrew outlined that the Chair, on behalf of the Forum, had written to Alcohol Focus Scotland

- (a) confirming that in South Ayrshire the Forum was consulted by the Licensing Board during their latest consultation in relation to the update of the Policy Statement and that, in addition to this, the Forum had written to the Board on a few occasions to raise concerns or questions in relation to decisions which it was felt may not have been consistent or in keeping with local policy and that the Forum felt confident to question the Board at the annual meeting with them; and
- (b) outlining that, in South Ayrshire the Forum supported the local Alcohol and Drug Partnership to produce a survey in relation to overprovision, however the findings of this did not prove conclusive in terms of a link between provision and health and crime statistics for any particular area or zone which was a subject the Forum understood was a concern all over Scotland, however, the Forum was satisfied that the wording adopted by South Ayrshire Licensing Board in its policy statement accurately reflected the information presented.

Decided: to note that the Chair, on behalf of the Forum, had written to Alcohol Focus Scotland.

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 of 21st August and 16th September 2014.

6. Matters Arising from Minutes of the Licensing Board Meetings.

(1) Attendance of Forum Members at Licensing Board Meetings.

C. Andrew encouraged the Forum members to attend a Licensing Board meeting to experience the Board considering the applications and the debate which took place.

Decided: to note that the next meeting of the South Ayrshire Licensing Board would take place on Thursday, 27th November 2014 for any Forum member wishing to attend.

(2) Revocation of Personal Licences.

The Chair enquired if many personal licences had been revoked for failing to submit certification proving that they had undertaken refresher training and C. Andrew advised that the Board had granted delegated powers to the Clerk to the Board to revoke the licence of any licence holder who had failed to submit their training certificate and that at present just over 300 licence holders had still to do so and would have their licence revoked at the end of November if they had still not submitted their certificate by then.

Following questions from Forum Members, C. Andrew advised that in South Ayrshire no-one who was a Premises Manager was due to have their licence revoked, therefore, no businesses would be affected; that there were three training providers in South Ayrshire, therefore, courses were regularly available; that prior to the introduction of the Licensing (Scotland) Act, 2005, training was not a national requirement, however, it had been requested by South Ayrshire Licensing Board; and that a licence holder was required by law to notify the Licensing Section on changing their name or address, therefore, the Licensing Section database should be up-to-date and licence holders would, therefore, receive all correspondence issued to them.

Decided: to note the position with regard to the revocation of personal licences.

(3) Granting of a Licence.

The Chair noted that, at the Board meeting of 21st August 2014, a licence had been granted to a premises which had been operating for some time and C. Andrew advised that the premises had been operating for a number of years, however, the company had recently ceased trading and the licence had never been transferred, therefore the licence had ceased to be operational and the company had been operating a Bring Your Own Bottle policy since and had reapplied for their licence at the August 2014 Board meeting.

Decided: to note the position with regard to the granting of the new licence.

(4) Granting of Occasional Licences.

The Chair noted that a premises had applied for two occasional licences at Halloween and had only been granted one of these and enquired if this was Board Policy and C. Andrew advised that the Board had taken a decision to only grant one date for Halloween to all premises which applied.

Decided: to note the position with regard to the granting of occasional licences at Halloween.

(5) Site Visit to Premises.

The Chair enquired why it was agreed, at the Board meeting of 16th September 2014, to conduct a site visit to premises applying for a variation to its licence and C. Andrew advised that, as the application was to allow children in the bar area of the premises and, in accordance with the Protecting Children from Harm licensing objective, the Board wished to inspect the premises prior to making a decision.

Decided: to note the reason for the site visit to these premises.

(6) Extended Hours for the Referendum.

The Chair referred to an application for extended hours from a hotel for the evening of the referendum and C. Andrew advised that Police Scotland had submitted an objection to this application which the Board had considered and had then refused the application for opening until 4.30 a.m.

Decided: to note that the application until 4.30 a.m. had been refused.

7. Occasional Licences.

The Chair enquired if premises granted an occasional licence with hours beyond 1.00 a.m. were required to provide stewards, CCTV and a first aider and C. Andrew advised that these were only requirements when a premises core hours were beyond 1.00 a.m., not for when an occasional licence was granted, as this was not a requirement in the legislation, however, any occasional licence application for hours beyond midnight required to be considered by the Board and the Board could apply conditions to an occasional licence.

A discussion then followed on the number of applications received for occasional licences, the number of applications for occasional licences refused, the reasons for refusal and the number of occasional licences permitted annually for each applicant.

Decided: to note the position with regard to occasional licences.

8. Events on the Low Green.

M. Ankers advised that he had attended the recent event on the Low Green and that it had been very well attended and that the licensed facilities had been well managed.

A discussion then took place on whether this event would have been as successful without a bar; the attendance of many families with children; that there had been no reports of disorder at the event; the dissatisfaction of local hoteliers with attendees of the event wishing to use their toilet facilities; the Licensing Standards Officer's objection to events on the Low Green; the success of the event at attracting visitors to Ayr; and the Board's recent refusal of another application for an Occasional Licence where children would be present.

Decided: to note the position.

9. Policy on Late Applications.

The Chair advised that, on behalf of the Forum, she had written to the Licensing Board

- (1) outlining the Forum's concerns that a special Board meeting had been convened on 5th June 2014 to consider an application which had been received outwith the timescale and for a terminal hour beyond the Board's policy of midnight;
- (2) enquiring why the Board felt that this particular application warranted a special hearing;
- (3) requesting details of the Board's policy for holding such special meetings as the Forum was concerned about the cost of organising the meeting and the time involved for officers and Board members; and
- (4) reporting that, although the Forum was aware that the event was for a local, well know charity, it was keen to ensure a consistent approach was taken when dealing with applications and, whilst it was aware that there had been a small number of special Board meetings since the introduction of the Licensing (Scotland) Act 2005, these appeared to have been at the request of or for the benefit of the Board or Police Scotland and not an individual applicant.

C. Andrew advised that this letter would be considered at the next Licensing Board meeting scheduled to be held on 27th November 2014 and that, following that meeting, the Clerk to the Board would respond to the Chair of the Forum.

A discussion then took place on the reasons for the lateness of the application, how far outwith the timescales the application was received; the procedures for granting an Occasional Licence; and the Clerk's delegated powers to grant an Occasional Licence until midnight.

Decided: to note that feedback was awaited from the Clerk to the Board on this matter.

10. Proposed Dates of Future Licensing Forum Meetings.

There was submitted a report (issued) of November 2014 proposing dates for 2015 meetings of this Forum.

Decided: to agree the dates for future Licensing Forum meetings as follows:-

- Wednesday, 25th February 2015 at 10.00 a.m. in the Troon Room, County Buildings, Ayr;
- Thursday, 14th May 2015 at 10.00 a.m. in the Troon Room, County Buildings, Ayr;
- Thursday, 14th May 2015 at 11.00 a.m. in the County Hall, County Buildings, Ayr (joint meeting with the Licensing Board);
- Wednesday, 26th August 2015 at 10.00 in the Troon Room, County Buildings, Ayr; and
- Wednesday, 11th November 2015 at 10.00 a.m. in the Troon Room, County Buildings, Ayr.

11. Dates of 2015 Licensing Board Meetings.

There was submitted a report (issued) of November 2014 outlining the dates of the 2015 Licensing Board meetings.

Decided: to note the dates of the 2015 Licensing Board meetings as follows:-

- Thursday, 15th January 2015;
- Thursday, 12th February 2015;
- Thursday, 12th March 2015;
- Thursday, 23rd April 2015;
- Wednesday, 20th May 2015;
- Wednesday, 17th June 2015;
- Thursday, 20th August 2015;
- Thursday, 17th September 2015;
- Thursday, 29th October 2015; and
- Thursday 26th November 2015.

12. Date of Next Meeting.

Decided: to note that the next meeting of the Local Licensing Forum would take place on Wednesday, 25th February 2015 at 10.00 a.m. in the County Buildings, Wellington Square, Ayr.

13. Closing Remarks.

The Chair thanked the members of the Forum for their attendance and contribution and wished everyone a Merry Christmas and Happy New Year.

The meeting ended at 11.30 a.m.