

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

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr  
on 21st May 2014 at 10.00 a.m.

Present: R. Rennie (Chair), S. Horne, C. Andrew, Sergeant D. McIntosh,  
R. Shepherd, R. Russell, M. Ankers, A. Kelly, A. Bradford, R. MacLellan  
and M. McFadyean.

Apology: P. McCarroll.

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

Also Attending: 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 R. MacLellan 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. Minutes of previous meeting.**

The Minutes (issued) of the Local Licensing Forum meeting of 26th February 2014 were submitted.

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

5. **Matters Arising from Minutes of previous meeting.**

**Membership.**

M. Douglas advised that she was currently investigating whether the young person's representatives could be unnamed people to enable a representative to attend each Forum meeting.

**Decided:** to note the update on this matter.

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 12th February, 13th March and 24th April 2014.

7. **Matters Arising from Minutes of the Licensing Board Meetings.**

(1) **Personal Licence Holders' Refresher Training.**

The Chair referred to the update from the LSO at the Board meeting of 13th March 2014 when she had advised of the requirement for personal licence holders to undertake refresher training five years after the grant of their licence and C. Andrew further advised

- (a) that a personal licence lasted for ten years with refresher training requiring to be undertaken after five years and that, should a licence holder not undertake this training and not have their licence updated, their licence would be revoked which the Licensing Board had no discretion over and they could then not reapply for a personal licence within a five year period;
- (b) that, of the 600 people expected to undertake this training by the end of the year, only 53 had carried out the training by March 2014 with a similar picture existing throughout Scotland; and
- (c) that the Licensing Section had carried out a substantial amount of work reminding licence holders of their responsibility to undertake this training.

(2) **Reviews of Licences.**

The Chair referred to the Reviews of Premises and Personal Licences which had been heard at the Board meeting of 13th March 2014 and asked Sergeant McIntosh if Police Scotland were requesting more Reviews and he advised

- (a) that Police Scotland were taking a more stringent view on alcohol and links with violence and domestic violence and that a large percentage of their workload was due to the abuse of alcohol and also drugs;

- (b) that the introduction of Section 111 of the Licensing (Scotland) Act 2005 would allow Police Scotland to take action against a drunk person entering or in premises on which alcohol is sold, however, licence holders in Ayrshire were on the whole very responsible;
- (c) that, should a licence holder suspect that ID being shown was not genuine, the licence holder was permitted to seize the ID;
- (d) that licensed premises could utilise a mobile ID scanner which could identify fake ID cards; and
- (e) that should an incident occur where the victim had been consuming alcohol, the premises where the alcohol was purchased would be identified and staff questioned/CCTV examined to ascertain if there were failings on the part of the premises staff.

M. Douglas further advised that Police Scotland had requested at the May Board meeting that a condition be added to a licence which had been granted for home delivered food and alcohol whereby a mobile ID scanner be used and that the Board had requested a presentation from Police Scotland on this scanner to investigate the possibility of imposing this condition on licences and C. Andrew outlined that one problem identified by licence holders was young people using someone else's ID card which was challenging for licence holders.

R. MacLellan asked Sergeant McIntosh how a Police Officer would ascertain if someone was drunk or ill and Sergeant McIntosh advised that an Officer would assess the person's demeanour, if their pupils were dilated, if the person was unsteady on their feet, smelled of alcohol, etc. and make an assessment.

R. Shepherd then outlined her concerns regarding off-sales premises not having the same controls as on-sales leading to more sales and more consumption and that 70% of alcohol purchased was from off-sales premises.

C. Andrew advised

- (i) that a Review of a licence could be requested by a member of the public, Police Scotland or an LSO and that when a review was instigated the background to this was investigated and views requested from various parties including Police Scotland, the LSOs, Environmental Health, etc. as appropriate; and
- (ii) that the Board required to decide if the grounds for the review had been established and, if they were, what the sanction should be for the licence holder or premises.

Following questions from Forum Members, Sergeant McIntosh advised that attempting to use fake ID was a prosecutable offence, however this was at the discretion of the Procurator Fiscal whether to prosecute; that if someone with fake ID was refused entry to a premises and then attempted to enter another premises, this could not be traced through mobile ID scanners as they were not linked; and, should a door steward or licence holder identify false ID, they should contact Police Scotland and ask the person to remain with them until a Police Officer had arrived.

C. Andrew further advised on the matter of ID that the Licensing Section had undertaken work with Trading Standards and Police Scotland to encourage young people to carry a Young Scot card and that, should any young person attempt to falsely use this card by lending it to another or by using someone else's Young Scot card, a hearing would be conducted and the young person could advise of the circumstances, however, they could be banned from holding a Young Scot card for six months if found to have used the card fraudulently.

**(3) Extended Hours Applications.**

S. Horne outlined that licence holders had expressed concerns that various applications for extended hours had been heard by the Board before the Board had adjourned to consider all of the applications at once and C. Andrew advised that this was common practice in other authorities, however, this matter could be raised with the Board Members at the joint meeting following the Forum.

**8. East Ayrshire Local Licensing Forum.**

The Chair advised that East Ayrshire Local Licensing Forum had invited members of Local Licensing Forums from West of Scotland Authorities to attend one of their Forum meetings.

**Decided:** that the Chair and Vice-Chair would attend a meeting of the East Ayrshire Local Licensing Forum.

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

**(1) Licensing Policies.**

R. Russell enquired if East Ayrshire or North Ayrshire Licensing Boards had amended their Statement of Licensing Policies in relation to Over Provision and C. Andrew and Sergeant McIntosh outlined the East Ayrshire and North Ayrshire Policies in relation to Over Provision.

**(2) Matters to Discuss with the Licensing Board.**

The Forum then discussed the matters they wished to raise with the Licensing Board at the meeting following the conclusion of the Forum meeting.

**10. Date of Next Meeting.**

**Decided:** to note that the next meeting of the Local Licensing Forum would take place on Wednesday 27th August 2014 at 10.00 a.m. in the Troon Room, 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 10.55 a.m.