

**SOUTH AYRSHIRE LICENSING BOARD/
SOUTH AYRSHIRE LOCAL LICENSING FORUM.**

Minutes of the Joint Meeting in County Hall, County Buildings, Ayr,
on 21st May 2014 at 11.00 a.m.

Attending for Licensing Board: Councillors Ann Galbraith (Chair of Licensing Board), Peter Convery, Allan Dorans, Ian Douglas, Sandra Goldie and Mary Kilpatrick.

Apologies: Councillors Andy Campbell and Rita Miller.

Attending for Local Licensing Forum: R. Rennie (Chair), S. Horne, C. Andrew, Sergeant D. McIntosh, R. Shepherd, R. Russell, M. Ankers, A. Kelly, A. Bradford, R. MacLellan M. McFadyean, P. Singh and P. Mason.

Apology: P. McCarroll.

Also Attending: H. Ankers.

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

1. Chair's Remarks.

Councillor Galbraith, Chair of the Licensing Board welcomed members of the Licensing Board and the Local Licensing Forum to this joint meeting.

2. Minutes of the previous meeting of the Local Licensing Forum.

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

Decided: to note the Minutes of the previous Forum meeting.

3. A.O.C.B.

(1) Extended Hours Applications.

The Chair of the Forum enquired why the Board, at its meeting of 24th April 2014, had adjourned to consider all seven applications for extended hours at one time and the Chair advised that the Statement of Licensing Policy which was recently amended outlined that applications for hours beyond 2.30 a.m. required to be considered by the Board and could not just be granted under delegated powers and that the applicants required to explain why they required the additional hours and, as this was the first batch of applications received since the amendment to the Policy, the Board wished to hear all applicants before making any decisions but confirmed that each application was dealt with on its own merits.

(2) Later Opening Hours.

The Chair of the Forum outlined that when one premises in an area applied for later hours, others then applied and enquired if Board Members thought this was having an impact on the area and Councillor Dorans advised that there had been a number of applications received for extended hours and that the Board's Policy was in place and working satisfactorily, that each case was considered on its own merits and problems only occasionally occurred when the premises did not utilise the later hours granted as this created a problem for Police Scotland.

The Depute Clerk to the Board further advised that there was no "duty to trade" in South Ayrshire and, although a premises could have a licence to operate until 1.00 a.m., they were not required to, however, over the festive period premises had been requested to give an indication of the evenings they were intending to open later to Police Scotland and the Chair outlined that she had been pleased to note the Police's report after the festive season outlining that there had been no additional incidents recorded.

(3) Occasional Licences.

R. MacLellan enquired as to the reason for applications for later hours on occasional licences and the Chair advised that applications could be for a wedding, festival or one-off event and that the policy was to grant no later than midnight, that each application was considered on its own merits, however, should an application for an isolated premises be received, it was more likely to be granted as there were no neighbours to be disturbed.

(4) Licences Granted for Delivery of Alcohol with Home Delivery Food.

R. MacLellan referred to the granting of two licences for delivery of alcohol with home delivered food and enquired how this would be monitored and Councillor Douglas outlined

- (a) that, as supermarkets were permitted to deliver alcohol, these licence holders had also applied to deliver alcohol with their home delivered takeaway meals and that safeguards were in place to ensure that young people below the age of 18 would not take delivery of the alcohol; and
- (b) that Police Scotland had requested that the Board attach a condition to the licences whereby the use of a mobile ID scanner be used, however, the Board had requested that Police Scotland give a presentation on the use of these scanners prior to the Board making a decision on whether to include this condition on the licence.

Councillor Dorans further advised that conditions presently on this licence were that the person delivering the alcohol must be a personal licence holder, they must operate the Challenge 25 scheme, the customer must place their order over the telephone and not the internet, that the amount of alcohol ordered must be proportionate to the food being ordered and that orders for alcohol being delivered with food could not be placed beyond 9.00 p.m. and that Police Scotland monitored these licence holders.

The Depute Clerk to the Board outlined

- (a) that the licensing objectives must still be met by these licence holders and, were they not met, a review of the licence could be heard by the Board; and
- (b) that there were requirements in the legislation for when delivery of alcohol was made, however, the Board had also added the further conditions to the licences.

C. Andrew reported that the first premises to be granted a licence of this type had a limit to the amount of alcohol they would sell related to the amount of food ordered, which was outlined on their website.

R. Shepherd advised that the Act outlined that each application should be considered on its own merits, however, at previous Board meetings she had heard applicants refer to previous applications granted to assist their case suggesting that a precedent had been set and the Chair outlined that the Board took cognisance of everything an applicant said, however, each application was still dealt with on its own merits and the Board was very conscious of setting a precedent.

R. Russell outlined that both of these applications had been granted to established restaurants which also offered home deliveries but should the Board receive applications from small takeaways, would these licences also be granted and the Chair advised that, as with all applications, these applications would be considered on their own merits.

(5) Statement of Licensing Policy.

R. Shepherd outlined that the Licensing Forum had considered the Statement of Licensing Policy and had submitted comments to the Board for consideration prior to approving the Policy and enquired how the Forum could present any further information to the Board and the Depute Clerk to the Board advised that the Board had a requirement to consider and amend if necessary the Statement of Licensing Policy every three years, however, this could be looked at before the three year period and the Forum could make a request that the Board re-examine the Policy at any time.

(6) Attendance at Licensing Board Meetings.

The Chair suggested that Forum Members should attend a Board meeting if possible for their interest.

4. Chair's Remarks.

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

The meeting ended at 11.30 a.m.