

EAST AYRSHIRE COUNCIL

COUNCIL MEETING – 23 MARCH 2011

MEMBERSHIP OF EAST AYRSHIRE LOCAL LICENSING FORUM

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to inform Council of Membership issues, resignations and new proposed appointments for the East Ayrshire Local Licensing Forum.

2. BACKGROUND

- 2.1** In terms of Sections 10-13 and Schedule 2 of the Licensing (Scotland) Act 2005, East Ayrshire Council is required to establish, and thereafter maintain on an ongoing basis, a Local Licensing Forum for the East Ayrshire area.
- 2.2** The Forum's statutory remit requires it to consider a range of preparatory licensing issues with specific emphasis on East Ayrshire Licensing Board statement of licensing policy. Accordingly, at the Council meeting of 21 June 2007 (Item 4.3, Page 46, 07/12), Members agreed to the establishment of the Forum and also to the appointment thereto of a number of individuals who had submitted applications for membership. Further changes to the membership of the Forum were also agreed at the Council meetings of 11 October 2007 (Item 9, Page 136, 07/12), 23 April 2009 (Item 6, Page 693, 07/12), 8 October 2009 (Item 10.2, Page 876, 07/12) and 3 December 2009 (Item 9, Page 954, 07/12).

3. MEMBERSHIP OF FORUM

- 3.1** The Forum must consist of such number (being not fewer than 5 and not more than 20) of members as the Council may determine. The quorum for a meeting of a Forum is one half of the numbers of Members (but in any case not fewer than 3). Accordingly, the Local Licensing Forum is required to appoint new applicants as required and to recommend termination of appointments where appropriate.
- 3.2** Currently, East Ayrshire Local Licensing Forum has 17 members and the quorum is currently 9.
- 3.3** The Council is required to ensure that the membership of the Forum, as far as possible, is representative of persons or descriptions of persons who have an interest which is relevant to the Forum's general functions. Those persons are stated to be:-

- holders of premises and personal licences;
- the Chief Constable for the Police area in which the Forum's area is situated;
- persons having functions relating to Health, Educational and Social Work;
- young people; and
- persons resident within the Forum's area.

3.4 Although the Council's current appointees, broadly cover these descriptions of persons, the ongoing nature of the Forum's activities require that interest in membership will be required to be sought on an ongoing basis. Such efforts will be designed to ensure that East Ayrshire Council can continue to populate an effective and representative Forum to carry out its statutory functions under the Act.

3.5 In addition to establishing a Forum, there is an obligation to maintain Membership in line with the guiding principles as referred to in paragraph 3.3 above.

3.6 With regard to the young person's element of the membership, this has been problematic and indeed the existing members have been unable to attend Forum Meetings and it has now been confirmed that they are no longer in a position to continue with their membership due to other commitments.

3.7 In recognition of the difficulties in maintaining young people representatives, discussions have been initiated with Community Learning and Development to determine appropriate means by which young people can be appropriately represented on the Forum.

3.8 In addition, it has been established that one member from Alcohol Focus Group can no longer continue with his membership.

3.9 Furthermore, the Council has received two resignations with immediate effect from

- James Kelly, Resident; and
- Brian Kelly, holder of a Premises/ Personal Licence.

4. TERMINATION OF MEMBERSHIP

4.1 Due to the fact that the quorum is half the total members, and the members as detailed in paragraphs 3.6 and 3.8 do not attend the Forum meetings, this has resulted in a number of meetings being inquorate. Accordingly, it is recommended that the following memberships be terminated:-

REPRESENTATIVE	KEY INTEREST AREA	SUBSTITUTE
James Kelly	Resident	n/a
Brian Kelly	Holder of a Premises/ Personal Licence	n/a
Damien Cohen, Alcohol Focus Group	Persons having functions relating to Health, Educational and Social Work	n/a
S Holland	Young People	W McTurk
K Stuart	Young People	M Reid

5. NEW APPOINTMENTS

- 5.1** Two Applications for membership of the Forum have been received and it is recommended that the two proposed representatives, as detailed below, be appointed:-

PROPOSED REPRESENTATIVES	KEY INTEREST AREA	SUBSTITUTE
Stuart J Wilson, Chairperson, Kilmarnock and District History Group	Resident	n/a
Mr Marco Sinforiani, Kilmarnock Retail Trade	Holder of a Premises/ Personal Licence	n/a

6. LEGAL/POLICY/FINANCIAL/COMMUNITY PLANNING IMPLICATIONS

- 6.1** Other than the ongoing maintenance of the Forum being in accordance with the Council's statutory obligations in terms of the Licensing (Scotland) Act 2005, there are no legal, policy or financial implications arising directly from the contents of this report.
- 6.2** The establishment and ongoing maintenance of the Local Licensing Forum can also be regarded as an example of partnership working involving the public, private, voluntary and community sectors. As one of the Forum's principle functions will be to review and offer advice to the Licensing Board on the formation and development of all future Licensing Policy and thus be included in East Ayrshire Council's strategic approach to policy making its establishment, although based on a statutory obligation, is fully in accordance with the Council's wider aims in terms of the Community Plan.

7. RECOMMENDATIONS

7.1 It is recommended that Council:-

- (i) note the termination of Membership of 5 Members and 2 substitute members of the Forum as outlined in paragraphs 4.1 of the report;
- (ii) note that Community Learning and Development will be working with officers from the Forum to determine appropriate means by which young people can be appropriately represented on the Forum;
- (iii) appoint the 2 applicants as detailed in Paragraph 5.1 of the report to serve on East Ayrshire Local Licensing Forum; and
- (iv) otherwise, note the contents of the report.

Alex McPhee
Executive Director of Finance and Corporate Support

9 March 2011
SMcH/SW

LIST OF BACKGROUND PAPERS

1. Application forms for membership of East Ayrshire Local Licensing Forum namely, Stuart J Wilson and Mr Marco Sinforiani.
2. Letter of Resignation from Brian Kelly.

Any person wish to inspect the background papers in respect of this report should contact Sharon McHarg, Administrative Officer, on Tel No (01563) 576131.

Implementation Officer: Sharon McHarg, Administrative Officer.