

## **EAST AYRSHIRE COUNCIL**

### **COUNCIL MEETING – 3 DECEMBER 2009**

#### **MEMBERSHIP OF EAST AYRSHIRE LOCAL LICENSING FORUM**

##### **Report by the Depute Chief Executive/Executive Director of Corporate Support**

### **1. PURPOSE OF REPORT**

- 1.1** To apprise Members of applications received in respect of membership of East Ayrshire Local Licensing Forum and to recommend the appointment of the applicants; and recommending termination in respect of the appointment of 2 members of 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 appointments to the Forum were also agreed at the Council meeting of 11 October 2007 (Item 9, Page 136, 07/12), 23 April 2009 (Item 6, Page 693, 07/12) and 8 October 2009 (Item 10.2, Page 876, 07/12).
- 2.3** In terms of membership numbers, the requirements are that the Forum must consist of such numbers (being not fewer than 5 and more than 20) as the Council may determine. Currently, East Ayrshire Local Licensing Forum has 16 members, including the Licensing Standard Officers and Councillor John Campbell, as the representative from the Licensing Board.

### **3. RECRUITMENT AND MEMBERSHIP OF THE FORUM**

- 3.1** 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 licenses;
  - 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.

**3.2** 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.

**3.3** As referred to above, the requirement to establish the East Ayrshire Local Licensing Forum is an obligation upon the Council by virtue of the Licensing (Scotland) Act 2005. As the obligation is not only to initially establish the Forum, but to thereafter maintain its existence, it is proposed to continue to provide membership application functionality in the Council's website on a permanent basis to allow vacancies to be filled as the Forum develops.

**3.4** An application for membership of the Forum has been received from:-

- Rosalie McCluskey, resident of Drongan (Resident)

**3.5** A further 4 individuals from the Young Persons Category have also applied for membership of the Local Licensing Forum. In light of the availability of spaces on the Forum and to ensure an even spread from representatives as outlined in paragraph 3.1. It is recommended that 2 representatives and 2 substitutes are appointed as follows;

<b>REPRESENTATIVE</b>	<b>SUBSTITUTE</b>
Scott Holland, resident of Logan	Wendy McTurk, resident of Cumnock
Kyle Stewart, resident of Dalmellington	Marie Reid, resident of Bellsbank

#### **4. TERMINATION OF MEMBERSHIP**

**4.1** Since the first meeting of the Local Licensing Forum on 4 September 2007, 1 member, namely Alan Stewart, License Holder has not attended meetings of the Local Licensing Forum (and did not submit apologies); and a further member, namely Jack Campbell, Resident has not attended a meeting since 24 January 2008, and last submitted apologies for the meeting held on 4 November 2008.

**4.2** Both members of the Local Licensing Forum have been written to in relation to their non-attendance at meetings of the Local Licensing Forum and were offered a deadline of 20 November 2009 to indicate their intention to continue with their membership or resign.

**4.3** To date no indication has been received from either member, and as such, and in light of the number of individuals who have expressed interest in membership of the Local Licensing Forum, it is recommended that the membership of both Alan Stewart, License Holder and Jack Campbell, Resident be terminated.

## **5. LEGAL/POLICY/FINANCIAL/COMMUNITY PLANNING IMPLICATIONS**

**5.1** 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 applications arising directly from the contents of this report.

**5.2** 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.

## **6. RECOMMENDATIONS**

**6.1** It is recommended that Council:-

- (i) appoint the applicant as detailed in Paragraph 3.4 of the report to serve on East Ayrshire Local Licensing Forum;
- (ii) appoint the applicants in terms of representatives and substitutes as detailed in paragraph 3.5 of the report to serve on East Ayrshire Local Licensing Forum;
- (iii) terminate the appointment of the members as detailed in Section 4 of the report; and
- (iv) otherwise, note the contents of the report.

Elizabeth Morton  
Depute Chief Executive/  
Executive Director of Corporate Support

25 November 2009  
LY/KS

### **LIST OF BACKGROUND PAPERS**

1. Application forms for membership of East Ayrshire Local Licensing Forum from Rosalie McCluskey; Scott Holland; Wendy McTurk; Kyle Stewart; and Marie Reid.
2. Correspondence to Alan Stewart and Jack Campbell.

Any person wish to inspect the background papers in respect of this report should contact Lynn Young, Administrative Officer, on Tel No (01563) 576283.

**Implementation Officer: Lynn Young, Administrative Officer.**