

## **EAST AYRSHIRE COUNCIL**

### **COUNCIL REPORT - 11 OCTOBER 2007**

#### **THE EAST AYRSHIRE LOCAL LICENSING FORUM – APPOINTMENT OF ADDITIONAL MEMBERS**

##### **Report by Solicitor to the Council/Clerk to the Licensing Board**

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

- 1.1** To apprise Members of a number of additional applications received in respect of membership of the Forum and to recommend the appointment to the Forum of such additional applicants as Members may deem appropriate and necessary.

### **2. BACKGROUND**

- 2.1** Members will recall that, 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. Although the Act does not fully come into force until 1 September 2009, the Forum's statutory remit requires it to consider a range of preparatory licensing issues with specific emphasis on East Ayrshire Licensing Board's Statement of Licensing Policy which must be finalised and published by 30 November 2007. Accordingly, at the Council meeting on 21 June 2007, 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.
- 2.2** In terms of numbers, the legislative requirements are that the Forum must consist of such numbers (being not fewer than five and not more than twenty) as the Council may determine. At the meeting on 21 June the Council agreed to the initial establishment of the Forum which resulted in the appointment of ten members to which number the two recently appointed Licensing Standards Officers and Councillor John Campbell as the representative from the Licensing Board must be added to bring the current membership to thirteen.

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

- 3.1** The Council is required to ensure that the membership of the Forum so far as possible is representative of the interests 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, education or social work,
- young people, and
- persons resident within the Forum's area

**3.2** Although the Council's original appointees, with the exception of young people, broadly covered these descriptions of persons the ongoing nature of the Forum's activities require that interest in membership will require 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 effectively 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 a new 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 on the Council's website on a permanent basis to allow vacancies to be filled as the Forum develops.

**3.4** Consequently, since June 2007, applications for membership of the Forum have been received from the undernoted persons:

- Kyle Burns, 2 Sherwood Road, Hurlford (young people)
- James Boyd, 33 McQueen Avenue, Cumnock (resident)
- Sharon Flynn, Public Health, Strathlea Resource Centre, Kilmarnock (health)
- [It is hoped that a further application will be received prior to the meeting from a youth representative]

Taking all of the above factors into account it is suggested that the appointment of these additional members of the Forum would facilitate a wider membership base as well as ensuring its ongoing operative functionality.

#### **4. OPERATION OF THE FORUM**

**4.1** The Forum is legally obliged, in each calendar year, with the exception of 2007 only, to meet in public on at least four occasions. In addition, the Licensing Board is also required to hold at least one joint meeting with the Forum in each calendar year. The first meeting of the Forum took place on 4 September 2007 with the next meeting being scheduled for 24 October. This meeting has been scheduled to allow the Forum to make a collective response in relation to the Board's draft statement of licensing policy which is currently the subject of a consultation exercise which is due to end on Friday 9 November 2007.

## **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 implications arising directly from the contents of this report.
- 5.2** As detailed in the earlier report of 21 June, the successful 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 principal 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. RECOMMENDATION**

- 6.1** It is therefore recommended that the Council proceed to appoint the applicants as detailed in paragraph 3.4 to this report to serve on the East Ayrshire Local Licensing Forum, and
- 6.2** Otherwise to note the content of this report.

David Mitchell  
Solicitor to the Council/Clerk to the Licensing Board  
DM/SMcC  
28 September 2007

## **LIST OF BACKGROUND PAPERS**

1. Report on the establishment of the East Ayrshire Local Licensing Forum to East Ayrshire Council on 21 June 2007.

Anyone wishing any further information, or to inspect any background papers relating to this report, should contact Stuart McCall (Tel. 01563 576085), or by email to [stuart.mccall@east-ayrshire.gov.uk](mailto:stuart.mccall@east-ayrshire.gov.uk)