

EAST AYRSHIRE COUNCIL

COUNCIL MEETING – 22 SEPTEMBER 2011

MEMBERSHIP OF EAST AYRSHIRE LOCAL LICENSING FORUM

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 To appraise members of proposed appointments to East Ayrshire Local Licensing Forum, and to recommend appointment of the applicants.

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 agreed at previous Council meetings, the most recent being the meeting of 23 March 2011 (Item 6, page 1584, 07/12).

3. MEMBERSHIP OF FORUM

- 3.1 The Forum must consist of such number (being not fewer than 5 and not more than 21) 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.

4. CURRENT MEMBERSHIP

- 4.1 Currently, East Ayrshire Local Licensing Forum has 14 members and the quorum is 7. Details of the membership is attached at Appendix I.
- 4.2 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.

4.3 Although the Council's current appointees, broadly cover these descriptions of persons, with the exception of young people, 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 are 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.

5. NEW APPOINTMENTS TO THE FORUM

5.1 With regard to the young person's element of the membership, this has been problematic and historically young people have been unable to attend Forum meetings. To date, the Forum has had three representatives and two substitutes from the young people's category. One representative was a member of the Youth Alcohol Commission and resigned shortly after joining the Forum as membership in the Youth Alcohol Commission ceased. The remaining four representatives/substitutes were secondary school pupils and were appointed following attendance by the Licensing Standards Officers at the Children and Young Persons Forum in September 2009. Although assistance was sought with guidance staff within the secondary schools and also with officers in Community Learning and Development to try to support the young people to attend the Forum meetings, the four representatives/substitutes did not attend any Forum meetings and subsequently their membership was terminated in March 2011.

5.2 in recognition of the difficulties in maintaining young people representatives, officers from the Forum met with colleagues from Community Learning and Development to determine appropriate means by which young people could be represented on the Forum. The outcome of the discussion was reported to the Forum meeting held on 19 April 2011, where the Forum agreed that the best way forward would be that a member of staff from Community Learning and Development Youth Work Team be represented on the Licensing Forum. This would ensure that the young people within East Ayrshire are engaged and consulted on relevant topics pertaining to the Licensing Forums business, and ensure that feedback, on the young people's behalf, is passed to the Forum.

5.3 It is envisaged that the Community Learning and Development Youth Work Team will consult young people through a variety of methods including through their Youth Outreach Project and the various structures within Dialogue Youth Initiative.

5.4 Should the young people be minded to present their views in person, the Community Learning and Development Officer will make the necessary arrangements to facilitate this, in consultation with the Chair of the Licensing Forum.

- 5.5 In light of the above, membership of the Forum was sought from Officers from Community Learning and Development and the following expressed an interest:-

PROPOSED REPRESENTATIVES	KEY INTEREST AREA	SUBSTITUTE
Kevin Wells, Team Leader	Young People	Margaret Gardiner, Senior Practitioner

- 5.6 As well as the above, an application has also been received from the following individual who owns 2 licensed premises within East Ayrshire:

- Niela Sarwar, 15 Young Wynd, Bellshill (holder of a Premises or Personal Licence)

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) appoint the applicant and substitute as detailed in Paragraph 5.5 of the report and the applicant as detailed in paragraph 5.6 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

14 July 2011
SMcH/SW

LIST OF BACKGROUND PAPERS

1. Correspondence from Kevin Wells, Team Leader, Community Learning and Development.
2. Application form from Niela Sarwar.

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.

APPENDIX I

	NAME	KEY INTEREST AREA
1	Councillor John Campbell	Licensing Board Member
2	Sergeant Menzies	Chief Constable for Police area
3	Dr Maggie Watts	Persons having functions relating to health, Education and Social Work
	Irene Campbell	Substitute for Dr Maggie Watts
4	Patrick Browne, Scottish Beer and Pub Association	Representing licence holders
5	Liam Wells	Persons having functions relating to health, Education and Social Work
6	Eric Brown	Licence holder/resident
7	Susan Wilson	Representing health, Education and Social Work.
8	David Little	Licence holder
9	Ian Hiles	Licensing Standards Officer
	Carolyn McEwan	Licensing Standards Officer
10	James Dunsmuir	Resident
11	Rosalie McCluskey	Other - Coalfield Communities Federation
12	Paul Moon	License Holder
13	Marco Sinforiani	Licence Holder
14	Stuart Wilson	Resident