

## **EAST AYRSHIRE COUNCIL**

### **EAST AYRSHIRE LOCAL LICENSING FORUM**

#### **MINUTES OF MEETING HELD ON THURSDAY 24 JANUARY 2008 AT 1600 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** James Boyd, Resident; Sharon Flynn, NHS Ayrshire and Arran; James Kelly, Resident; Eric Brown, Scottish Licensed Trade Association; Patrick Browne, Scottish Beer and Pub Association; Ian Hiles and Carolyn McEwan, Licensing Standards Officers; Councillor John Campbell, Licensing Board Member; and Dr Maggie Watts, ADAT Lodge.

**ATTENDING:** David Mitchell, Clerk to the Licensing Board; Stuart McCall, Depute Clerk to the Licensing Board; and Christine Baillie, Administrative Officer.

**ALSO ATTENDING:** John McFarlane, National Licensing Officer, Alcohol Focus Scotland.

**APOLOGIES:** Jack Campbell, Resident; and Liam Wells, Social Work Department, East Ayrshire Council.

**CHAIR:** James Boyd, Chair.

#### **APPOINTMENT OF CHAIR**

1. The Clerk to the Licensing Board invited the Forum to appoint a Chair and it was unanimously agreed that James Boyd be appointed.

James Boyd then took the Chair and expressed his thanks to Jack Campbell for carrying out the duties previously as Chair.

#### **MINUTES OF PREVIOUS MEETING**

2. There were submitted and approved as a correct record, the Minutes of meeting held on 24 October 2007 (circulated).

#### **LICENSING (SCOTLAND) ACT 2005: FEES**

3. There was submitted a report dated 24 January 2008 (circulated at the meeting) by the Clerk to the Licensing Board which invited the Forum to give consideration to the various fees which the Licensing Board required to set and which would be payable by applicants in terms of the Licensing (Scotland) Act 2005, principally in relation to applications for premises licences and annual fees.

The Forum agreed:-

- (i) to support the view that fees be fixed at 80%;
- (ii) that any other views be forwarded to the Clerk to the Licensing Board by 5 February 2008;
- (iii) that the Forum's view be circulated with the Agenda for the Licensing Board for its consideration when determining the various fee levels at its meeting on 5 February 2008; and

- (iv) otherwise, to note the contents of the report.

### **TEST PURCHASING**

4. There was submitted an update letter dated 14 January 2008 (circulated at the meeting) from Superintendent Elizabeth Weir, Strathclyde Police, on Test Purchasing.

The Clerk to the Licensing Board provided a further update on the figures relating to the number of test purchases in off-sales within East Ayrshire and it was noted that 25 premises had now been test purchased within East Ayrshire with all but three premises passing the test.

The Forum agreed:-

- (i) that the Clerk to the Licensing Board would request that the Police be in attendance at future Forum Meetings to allow further discussion on items; and
- (ii) otherwise, to note the contents of the letter.

### **REGISTERED CLUBS**

5. There was submitted a letter dated 16 November 2007 (circulated) from the Scottish Licensed Trade Association which expressed concerns that Registered Clubs were not required to have either a Premises Manager or a Personal Licence Holder on the premises, unless they remained open after 1.00 a.m.

The Forum agreed, that whilst being aware that Section 125 of the Licensing (Scotland) Act 2005 provided for exemption from part of the Act for clubs as detailed above, the Licensing Board be advised that the Forum would wish the Board to consider that it would be best practice to ask clubs to consider appointing a Personal Licence Holder on the premises when selling alcohol.

### **EAST AYRSHIRE LICENSING BOARD - DISABILITY DISCRIMINATION ACT 1995**

6. There was submitted East Ayrshire Licensing Board's Disability Equality Scheme together with their first Annual Report.

The Depute Clerk to the Licensing Board advised that this would be a standing item on every Licensing Forum Agenda and the Forum agreed to note the contents of the report.

### **NATIONAL LICENSING FORUM**

7. There was submitted details of a request from John McFarlane, National Licensing Officer, Alcohol Focus Scotland, which asked the Forum to consider whether the National Forum be reconvened.

John McFarlane provided additional background on the National Forum to Members.

Following discussion, the Forum agreed there would be no additional benefit to reconvene a National Licensing Forum and to remit to the Administrative Officer to convey this view formally to John McFarlane.

## **NATIONAL ASSOCIATION OF LICENSING FORUMS**

8. John McFarlane then provided information on the proposed establishment of a National Association of Licensing Forums which would establish a national body with Chairperson, Secretary and other Stakeholders from the community nationwide. The National Association would invite Churches, National Association of Community Councils, Scottish National Consumer Council and other bodies directly linked to the Licensing Trade and health promotion throughout Scotland.

Following discussion, the Forum agreed that they would wish to see the establishment of a National Association of Licensing Forums and to remit to the Administrative Officer to write to John McFarlane to convey this view formally.

## **ANY OTHER COMPETENT BUSINESS**

### **9.1 Young Person's Representative**

- 9.1.1 The Forum discussed the difficulty in recruiting and maintaining a Young Person's Representative on this type of Forum.

The Forum agreed that Sharon Flynn would discuss the problem with colleagues in Community Learning and Development.

### **9.2 Bottle Marking Scheme**

- 9.2.1 The Forum discussed the Bottle Marking Initiative and expressed concerns that the supermarkets were not included in this Scheme.

It was agreed that the Licensing Standards Officers would provide an update on the Scheme to the next meeting.

The Forum agreed that the item "Any Other Competent Business" would not be included as a standard item on future meetings but that Forum Members were encouraged to raise potential Agenda items with either Stuart McCall, Depute Clerk to the Licensing Board or Christine Baillie, Administrative Officer, timeously, in order that they could be included on the next Agenda.

## **DATE OF NEXT MEETING**

10. The Forum noted the date of the next meeting being 24 April 2008 and agreed that all meetings would now commence at 1400 hours.

The meeting terminated at 1800 hours.