

Agenda Item

**East Ayrshire Local Licensing Forum  
Meeting – 21<sup>st</sup> August 2008.**

**Update on Transitional Applications**

**Report by Clerk to the Licensing Board**

**1. PURPOSE OF REPORT**

- 1.1** To update forum members on the progress of transitional applications from the start of the transitional period, the 1<sup>st</sup> February 2008 to the current date.

**2. BACKGROUND**

- 2.1** As the forum will be aware, the transitional phase of the Licensing ( Scotland ) Act 2005 commenced. This was the first date that licensed premises throughout Scotland could submit Premises Licence applications or individuals could submit Personal licence applications to their relevant Local Authority. The forum will also be aware that there are four dates to which licensed premises ( this doesn't include registered clubs ) would have to submit their transitional applications by in order that grandfather rights would be maintained. This date being the month of the quarterly meeting to which their existing licence is due to expire ( the year of expiry being irrelevant ) These dates being the 7<sup>th</sup> March, 6<sup>th</sup> June, 3<sup>rd</sup> October 2008 and the 16<sup>th</sup> January 2009.
- 2.2** Within East Ayrshire, we currently have 402 premises that currently hold an existing licence under the 1976 Act, this includes all public houses, restaurants, hotels, off sales and registered clubs. In order to ensure a controlled flow of applications, we divided the 60 registered clubs up into batches of 15 and they were allocated one of the four lodging dates.

- 2.3 The two Licensing Standards Officers have continued to be very busy by going out and visiting the licensed premises that were due to submit their applications in March and June 2008. They are now making contact and visiting the premises that are due to submit applications in October 2008 as well as some from January 2009. In their role of guidance, they have continued to assist numerous premises and individuals with the completion of their application forms. The LSO's have continued to build up a good relationship with the licensee's within East Ayrshire with whom they have dealt with. The LSO's in their role of mediation have also dealt with various complaints such as noise, condition of premises and allegations of sales to under age persons. The LSO's have also been involved in inter-agency visits such as smoking enforcement and SIA steward registration checking by working with the Environmental Health Dept and Police/SIA respectively.
- 2.4 There were 107 premises that were expected to apply for a premises licence by the March lodging date, out of these, we received 98 applications. The other nine were premises that could all be accounted for. These included premises that were already closed, in the process of being sold, premises who were not going to apply as they were not intending to sell alcohol, as well as two post offices that didn't apply as they were waiting for a decision as to whether they would be remaining open.
- 2.5 There were 87 premises that were expected to apply for a premises licence by the June lodging date, out of these we received 72 applications. The other fifteen were premises that could all be accounted for. These included premises that were already closed, in the process of being sold and premises who were not going to apply as they were not intending to sell alcohol. We also received four applications from premises prior to their lodging dates in October and January.
- 2.5 By the 12<sup>th</sup> August 2008, we had received 120 Personal Licence applications.
- 2.6 Since the last lodgement date of the 6<sup>th</sup> June, we have received 6 Premises Licence applications in advance of the 3<sup>rd</sup> October 2008 lodgement date.

2.7 In the period leading up to the first lodgement date, the applications were being received by ourselves on a steady basis, as expected, during the final two weeks, there was more of a rush. In the period leading up to the June lodgement date, a good quantity of applications were received in advance of the final lodgement date and as a result, there wasn't a last minute rush of applications. Since then, the Licensing Board team have continued to work hard in dealing the numerous administrative duties including arranging Licensing Board hearings, checking all applications and clearing up any queries on the applications. It has been and still is a learning exercise and will continue to be so but with everyone working together as a team, the first two periods of the transitional period have passed fairly smoothly.

### **3. CONCLUSION**

3.1 As East Ayrshire have now dealt with approximately half of the expected applications, we expect that we will be able to deal with the rest of the applications expeditiously and we are continuing to encourage licensee's and clubs to submit their applications in early and in advance of their last lodgement date.

### **4. RECOMMENDATIONS**

It is recommended that forums members :-

4.1 Note the contents of this report for information purposes.

David Mitchell  
Clerk to the Licensing Board

21<sup>th</sup> August 2008.