

## **EAST AYRSHIRE COUNCIL**

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

#### **MINUTES OF MEETING HELD ON TUESDAY 16 JUNE 2009 AT 1430 HOURS IN THE CONFERENCE ROOM, NORTHWEST KILMARNOCK AREA CENTRE, WESTERN ROAD, KILMARNOCK**

**PRESENT:** James Boyd, Resident; Ian Hiles, Licensing Standards Officer; Carolyn McEwan, Licensing Standards Officer; Patrick Browne, Scottish Beer and Pub Association; and Brian Kelly, Licence Holder.

**ATTENDING:** Stuart McCall, Depute Clerk to the Licensing Board; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Dr Maggie Watts, NHS Ayrshire and Arran; James Kelly, Resident; Councillor John Campbell; Eric Brown, Licence Holder/Resident; and David Little, Licence Holder.

**CHAIR:** James Boyd, Chair.

#### **INQUORATE MEETING**

1. The Chair advised that since only 5 Members of the Forum were present and an attendance of 9 Members was required for a quorum, the meeting was, therefore, inquorate. However, bearing in mind that the matters which the Forum were being consulted on at today's meeting were due to be determined by the East Ayrshire Licensing Board on 23 June 2009, it was proposed to proceed to consider the matters in hand and forward comments to the Licensing Board as the views of Members of the Forum as expressed at an informal meeting, and this approach was agreed by those present.

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

2. There was submitted a report dated 3 June 2009 (circulated) by the Clerk to the Licensing Board to consult with the Forum relating to the Board's intention to:-
  - (i) reconsider application fees, which were previously set at 80% of the maximum permissible fees for the various categories during the transitional period of the Licensing (Scotland) Act 2005;
  - (ii) set the annual fees which will be payable by licensees in terms of the Licensing (Scotland) Act 2005; and
  - (iii) further, to seek the Forum's view in respect of the permissible payment methods of the annual fee (i.e. 4 or 12 equal instalments over the course of the year following the day on which the fee would otherwise be due).

Following a full discussion, and having heard the Depute Clerk to the Licensing Board in explanation of various relevant matters raised, it was agreed to advise the East Ayrshire Licensing Board that the views expressed at this informal meeting of Members of East Ayrshire Licensing Forum are as follows, namely:-

- (a) that, at the current time, annual fees and premises application fees should be fixed at 100% of the maximum permissible fees for all categories (i) having regard to the estimated income and administration costs for the years

2009/2010 and 2010/2011 for East Ayrshire Licensing Board, as set out in the report, which showed a substantial deficit between income and expenditure for both years, and bearing in mind the Scottish Government's expression that local licensing systems should be self financing; and (ii) subject to the level of fees being subject to ongoing review in the light of future re-assessment of Licensing Board administration costs; and

- (b) that the annual fee should be payable by one payment when the fee is due (i) bearing in mind that the large majority of licensed premises within East Ayrshire are included within the lower rateable value categories, the fees in respect of which it is proposed will be set at a level which it was not anticipated would present difficulties for payment on a one-off basis, by a financially sustainable business; and (ii) on the basis that a one-off payment would be likely to result in lower collection costs and thereby assist in offsetting Licensing Board administration costs.

The meeting terminated at 1520 hours.