

## **EAST AYRSHIRE LOCAL LICENSING FORUM**

**Minute of the Meeting of East Ayrshire Local Licensing Forum  
held on Tuesday 4 September 2007 at 10am within the Main Meeting Room,  
Council Headquarters, London Road, Kilmarnock**

**SEDERUNT** : Inspector Derek Ireland (Strathclyde Police), Dr Maggie Watts (ADAT), Eric Brown (SLTA), Jack Campbell (Resident), David Little (Licensee), Liam Wells (Social Work – Children & Families), James Kelly (Community Warden & Resident) and Councillor John Campbell (Licensing Board Member).

**ATTENDING** : Mr D Mitchell (Clerk to the Licensing Board), Mr S McCall (Depute Clerk to the Licensing Board), Mrs P Duncan and Ms S Gillies (Licensing Board Administrators).

### **1. WELCOME AND INTRODUCTIONS**

The Clerk to the Licensing Board welcomed everyone to the first meeting of East Ayrshire Local Licensing Forum and introductions were made. He then continued to explain the role and responsibilities of the Forum and highlighted that consideration of additional membership of the Forum was ongoing.

### **2. APPOINTMENT OF CHAIR**

The Clerk invited nominations for the appointment of a Chair. Eric Brown proposed that appointment of the Chair be deferred to a future meeting when more Members of the Forum were in attendance, however James Kelly nominated Jack Campbell. There being no further nominations, Mr Campbell took the Chair.

### **3. LICENSING POLICY STATEMENT**

The Clerk explained that Section 6 of the Licensing (Scotland) Act 2005 requires all Licensing Boards to publish, every three years, a Statement of Licensing Policy. In carrying out its statutory role and fulfilling its responsibilities under the Act, the Board would require to have regard to its Licensing Policy Statement.

He then sought the views of the Members of the Forum on various areas which would be included in East Ayrshire Licensing Board's Policy Statement.

- **Licensing Hours and Extended Hours**

The Clerk advised the Members of the Forum of the permitted hours under the Licensing (Scotland) Act, 1976 and the Board's current guidelines for regular extension of permitted hours. After discussing operating hours the Members agreed that the current permitted hours worked well and should be included in the

Policy Statement. It was felt that the operation of the 1.15am curfew for premises operating later at night should also remain in place.

The Members noted that under the current legislation public houses were the only licensed premises unable to open earlier than 12.30pm on Sundays. The Clerk advised that this would fall under the Licensing (Scotland) Act 2005.

Concerns were expressed with regard to 'hybrid' type premises where operators may want to open both early in the morning and later at night. Members asked if conditions could be imposed on the licences for such types of premises.

The Clerk stated that every effort would be made to address such issues in the draft Statement of Policy and that the Forum would have an opportunity to comment on the draft.

- **Children in Licensing Premises**

The Clerk advised that the 1976 Act was difficult to understand in relation to children in licensed premises. In terms of the 2005 Act children would not be allowed in licensed premises unless the licensee opted to have them in their premises. Details of the areas to which children would have access would require to be included in operating plans.

A full discussion took place with regard to children in licensed premises and concerns were expressed with regard to proper supervision of children who were in licensed premises, children being able to access alcohol and cut off times when no children should be within licensed premises. It was suggested that perhaps child protection training could be incorporated within the mandatory licensee and staff training. It was proposed that, should a licensee opt to have children within their premises, a child protection statement and details of the facilities to be available for children should be included in their operating plan.

Members asked how the public would know which licensed premises allowed children. The Depute Clerk advised that in terms of Section 9 of the Licensing (Scotland) Act, 2005 each Licensing Board must keep a register containing information relating to premises licences, personal licences and occasional licences issued by the Board. This information would be available to members of the public.

- **Entertainment in Licensed Premises**

The Clerk explained that details of all entertainment required within licensed premises must be included in operating plans, however the policy statement should indicate types of entertainment which would be permitted. A discussion took place with regards to the type of entertainment which would be permitted within licensed premises and in particular the playing of poker. In terms of the Gambling Act 2005 a limited amount of low stakes poker may now be played within licensed premises. The Clerk expressed concerns that such limited gambling within licences premises would be extremely difficult to enforce.

- **Vertical Drinking and Occupancy Capacity**

The Clerk explained that other Licensing Boards were including within their Policy Statement that particular attention would be paid to applications for premises licences where large numbers of patrons would be provided in the premises, or part of the premises, only with standing accommodation and that all such premises would be expected to provide patrons with a minimum of 25% seating space. He further explained that the Board would require to include a statement on over provision within the policy statement and that occupancy capacity would be part of that assessment.

Members of the Forum were of the view that licensees may not be able to provide 25% seating within their premises, particularly at busier times, and that licensees should take a common sense approach to occupancy capacity within their premises.

- **Noise Nuisance / Smoking**

It was agreed that the Policy Statement should include a general requirement for licensees to operate on a good neighbour basis and that all measures should be taken to prevent noise escape. The Policy Statement could only reflect the legal position with regard to smoking, however operating plans should indicate any outside areas set aside for smoking.

- **Door Supervision**

The Clerk advised that from 1 November 2007 all door stewards will require to be registered with the Security Industry Authority. Accordingly the Policy Statement would require to include a statement that any stewards used require to be registered.

After discussing the matter the Members were of the view that licensees who operated premises over a certain occupancy capacity and which opened late at night should employ stewards, particularly premises within town centres.

- **Over Provision**

The Clerk explained that section 7 of the Act required Boards to produce a statement as to the extent that the Board considers there to be over provision of licences premises or licences premises of a particular description in any locality within the Board's area. Although this provision would not come into effect until September 2009, a statement of the Board's intention would require to be included within this Statement of Policy.

- **Outside Seating**

The Clerk advised that any outside seating areas would have to be detailed on operating plans and proposed that a statement be inserted in the Policy Statement to reflect the safety of these areas. The Members agreed.

- **Adult Entertainment**

The Clerk advised that East Ayrshire Licensing Board currently do not allow any male or female strippers or erotic and/or exotic dancers to appear within licensed premises. He also advised that conditions were currently attached to events such as hypnotists.

After discussing the matter, the Members were of the opinion that the current position should be reflected in the Policy Statement.

- **Garages**

The Clerk explained that petrol stations and motorway service stations would become excluded premises under the Licensing (Scotland) Act 2005 and that no premises licence or occasional licence could be obtained for excluded premises. However, if an application for premises licence in respect of a garage could be granted only if persons resident in the locality in which the premises are situated are reliant on the premises as a principal source of petrol or groceries. A statement to this effect would be inserted in the Statement of Policy.

#### **4. CONDITIONS ATTACHED TO LICENCES**

The Depute Clerk advised Members of the mandatory conditions to be applied to premises licences and occasional licences and further advised that the Board would have powers to impose additional conditions.

A discussion took place in respect of the Voluntary Code for off-sales and the bottle marking initiative which were currently in place and Members proposed that these remain in place, however consideration should be given to the bottle marking initiative being rolled out to include supermarkets.

Members of the Forum expressed concern with regard to under age sales and third party sales and the Clerk advised that test purchasing would be a possibility under the new Act, which would be led and controlled by Strathclyde Police.

#### **5. DELEGATED FUNCTIONS**

The Clerk explained that the Policy Statement would set out all matters which would be dealt with by the Board and all matters which could be dealt with by him, under delegated powers.

#### **6. LICENSING STANDARDS OFFICERS**

The Clerk advised that 2 Licensing Standards Officers had now been employed and were currently undertaking mandatory training. The Licensing Standards Officers would be present at future meetings of the Forum.

## **7. FUTURE MEETINGS OF THE FORUM**

It was agreed that the next meeting of the Forum would take place on Wednesday 24 October 2007 at 4pm.

There being no other competent business, the meeting ended at 12.50pm.