

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 20th November 2009 at 2.00 p.m.

Present: R. Russell (Chair); M. Caird, Councillor D. Campbell, Sergeant A. Kelly;
C. Andrew, M. Ankers; R. Rennie, A. Bradford, M. Anderson and S. Horne.

Apologies: Dr. C. Lind and P. Robertson.

In Attendance: F. Murfit (for Dr. C. Lind).

Attending for
South Ayrshire

Council: J. McClure, Committee Administrative Officer.

Apology: D. Russell, Clerk to the Licensing Board.

1. Chair's Remarks.

The Chair welcomed those present to this meeting of the South Ayrshire Local Licensing Forum.

2. Minutes of previous meeting.

The Minutes (issued) of the Local Licensing Forum of 14th August 2009 were submitted.

Decided: to approve the Minutes as a correct record.

3. Matters Arising.

Forum Membership.

C. Andrew advised

(1) that, following the Forum's decision at the last meeting to replace the member who had not attended three consecutive meetings, she was liaising with a Community Education Officer with a view to obtaining the name of a young person who could be appointed to the Local Licensing Forum; and

(2) that, as Dr. Lind was not available to attend Forum meetings due to work commitments on Fridays, it was hoped to replace him with another member of the Alcohol and Drugs Partnership (ADP).

Decided: to note that two members of the Forum would be replaced at the first suitable meeting of South Ayrshire Council.

4. Minutes of previous Licensing Board meetings.

The Minutes (issued) of the meetings of South Ayrshire Licensing Board which had taken place since the previous Forum meeting were submitted.

Decided: to note the Minutes of the Licensing Board meetings.

5. Matters Arising.

Licensing Board Review Hearings.

C. Andrew advised

- (1) that the Licensing Board (Special) meeting of 1st October 2009 had been held following a request from Strathclyde Police to hold review hearings in relation to three premises;
- (2) that a review hearing could be requested by herself, Strathclyde Police or a member of the public and the licenceholder was invited to attend the hearing to discuss the reasons why the review had been requested and to explain to the Board what steps had been taken to ensure that this did not recur; and
- (3) that the Board had various sanctions available and, at this hearing, had suspended one of the licences for two weeks, had issued a warning to the second licenceholder and had taken no action in relation to the third premises.

Decided: to note the position in relation to Licensing Board Review Hearings.

6. Late Opening Hours.

C. Andrew advised

- (1) that the Board's Policy Statement outlined the hours that it would be willing to grant to premises, however, premises could make a case before the Board for longer hours and an establishment in Prestwick had recently been granted opening hours until 1.30 a.m. every Wednesday to Saturday;
- (2) that following the grant of these hours, other premises had now applied for operating hours until 1.30 a.m. and an application had also been received from a nightclub for opening hours until 3.30 a.m. as nightclubs still wished to have a differential between themselves and pub-like establishments and that the Board would consider each application on its own merits; and
- (3) that the Board would be reviewing the impact these operating hours had on the community and the effects on the licensed trade, taxi trade, etc.

Councillor Campbell further advised that when premises had previously been granted an extra hour's operating time at the festive period people had left premises at various times resulting in smaller queues for taxis and late hours catering premises, therefore, it was for the Board to decide if it should depart from 12.30 a.m. opening hours for pub-type premises and 2.30 a.m. opening hours for entertainment premises, which would result in people leaving licensed premises at various times and assist them in getting home quicker as taxi queues would be smaller.

Sergeant Kelly then outlined that North Ayrshire and East Ayrshire Licensing Boards both operated a curfew system whereby patrons required to be in an establishment by a certain time specified by the Board.

Decided: to note the position with regard to late opening of premises.

7. **A.O.C.B.**

(1) **Festive Opening Hours.**

Having heard a member of the Forum enquire as to the Board's decision on opening hours over the festive period, C. Andrew advised

- (a) that the hours granted would be as applied for in the applicant's Operating Plan;
- (b) that the additional hours had been granted by the Board from 1st December to 2nd January inclusive each year, however, licenceholders were not obliged to operate their premises for these hours each day; and
- (c) that any premises which had not applied for the additional hours in their Operating Plan could make an application for extended hours.

Decided: to note the position with regard to opening hours.

(2) **Licensing Board Meetings.**

The Chair advised that he had attended the Licensing Board meeting on 12th November 2009 which had been very informative and he would recommend that members of the Forum attend a Licensing Board meeting for their interest.

Decided: to note that Licensing Board meetings were held four-weekly within the County Buildings.

(3) Implications of the Licensing (Scotland) Act 2005.

C. Andrew advised

- (a) that the Licensing (Scotland) Act 2005 had come into force on 1st September 2009 and that, under this Act, all premises which sold alcohol must have a premises licence and each premises must have a premises manager who in turn must hold a personal licence with any premises failing to nominate a premises manager by 1st December 2009 being deemed to have their licence revoked;
- (b) that there were still premises within South Ayrshire which had been granted a premises licence but which had not, as yet, nominated a premises manager; and
- (c) that the Licensing (Transitional and Saving Provisions) (Scotland) (Order) 2007 Section 24(2) provided that where the Licensing Board had not been advised of a premises manager by 1st December 2009, any premises licence would be deemed to be revoked as at 1st December 2009 and that all of the affected premises had been advised of this in writing and, where possible, by e-mail or personal visit from the Licensing Standards Officer.

Having heard members of the Forum enquire

- (i) if premises were entitled to nominate a Premises Manager then not trade, Sergeant Kelly advised that this was acceptable provided the Premises Manager was not the designated manager of any other premises;
- (ii) if premises holding a licence but not operating were preventing other premises from obtaining a licence, C. Andrew advised that this would not occur as the Board had not stated that over-provision existed; and
- (iii) if guidance was provided to licensed premises on pricing, Councillor Campbell advised that it was not.

Decided: to note the present position.

8. Date of Next Meeting.

Decided: to agree that the next meeting of the Local Licensing Forum would take place with the Licensing Board on Friday, 26th February 2010 at 2.00 p.m. in the County Hall, County Buildings, Wellington Square, Ayr.

9. Closing Remarks.

The Chair thanked the members of the Forum for their attendance and contribution and wished Catrina Andrew well during her maternity leave.

The meeting ended at 3.05 p.m.