

SOUTH AYRSHIRE LOCAL LICENSING FORUM.

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr
on 26th February 2010 at 1.30 p.m.

Present: R. Russell (Chair), Councillor D. Campbell, Sergeant. A. Kelly, A. Campbell, F. Murfet, (for Dr. Lind), R. Rennie, S. Horne, M. Ankers, M. Caird, A. Monkhouse, P. Robertson and A. Kelly.

Apology: M. Anderson.

Attending for V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer; South Ayrshire and J. McClure, Committee Administrative Officer.
Council:

Also Attending: H. Ankers.

1. Welcome.

V. Andrews welcomed Alistair Campbell, Licensing Standards Officer during Catrina Andrew's maternity leave, to his first meeting of the Forum and advised that, as Alistair had now gained a new position outwith the Council, he would shortly be leaving the Licensing Section.

2. Appointment of Chair of Local Licensing Forum.

V. Andrews invited nominations for the appointment of Chair of the Local Licensing Forum for the ensuing year.

A. Kelly, seconded by R. Rennie, moved that R. Russell should be appointed Chair.

Decided: unanimously that R. Russell be elected to the post of Chair of the Local Licensing Forum for the ensuing year.

3. Appointment of Vice-Chair of Local Licensing Forum.

V. Andrews invited nominations for the appointment of Vice-Chair of the Local Licensing Forum for the ensuing year.

R. Russell, seconded by A. Kelly, moved that M. Caird should be appointed Vice-Chair.

Decided: unanimously that M. Caird be elected to the post of Vice-Chair of the Local Licensing Forum for the ensuing year.

4. Chair.

R. Russell then took the Chair.

5. Minutes of previous meeting.

The Minutes (issued) of the Local Licensing Forum of 20th November 2009 were submitted.

Decided: to approve the Minutes as a correct record subject to the addition of A. Kelly's apology.

6. 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.

7. Alcohol Etc. (Scotland) Bill.

There was submitted a report (issued) of 8th February 2010 by the Executive Director of Corporate Services advising

- (1) that the Licensing (Scotland) Act 2005 had come into force on 1st September 2009 but it had already been accepted by most interested parties that amendments required to be made to the legislation and, therefore, the Alcohol Etc. (Scotland) Bill had been introduced to the Scottish Parliament on 25th November 2009;
- (2) that the key proposals of the Bill were:-
 - (a) minimum pricing to reduce alcohol consumption and harm and to stop high strength alcohol being sold at "pocket money prices";
 - (b) further bans on irresponsible promotions and restricting marketing activity in off-sales locations such as supermarkets;
 - (c) ensuring smaller measures of wine were made available in on-sales;
 - (d) placing a duty on Licensing Boards to consider raising the purchase age of alcohol to twenty one in all or part of their area; and
 - (e) establishing the power to introduce a Social Responsibility Fee for some retailers;
- (3) that on launching the Bill, Health Secretary Nicola Sturgeon had said that Scotland had a "once in a generation chance" to tackle the country's alcohol problems and that radical measures rooted in evidence were required to help reduce the £2.25 billion cost of alcohol misuse to Scotland's public services and economy;

- (4) that the minimum price provision would, according to the Government, raise the cost of the cheapest ciders, lagers and low-grade spirits favoured by problem drinkers, with the value of the unit being set by Ministers;
- (5) that the proposed minimum price provision had been supported by health advisers, chief police officers and publicans who had complained of unfair competition by supermarkets, however, the Scotch whisky industry had warned that it could lead to other countries imposing tariffs, cutting exports of Scotch and putting jobs at risk and Labour had indicated that they would not support the concept of minimum pricing;
- (6) that it was also likely that minimum pricing provision would face a legal challenge as contrary to European competition law;
- (7) that the Scottish Parliament's Health Committee, the lead Committee on the Bill, had issued a call for evidence, including views on what level the minimum price should be set at; and
- (8) that South Ayrshire Licensing Board had written to the Committee expressing support for the measures in the Bill and the South Ayrshire Alcohol and Drug Partnership had also submitted a detailed response, attached as an Appendix to the report.

M. Douglas then outlined the background to the Alcohol Etc. (Scotland) Bill and advised that the Board had written to local MSPs outlining its support of the proposals.

There then followed a full discussion on minimum pricing; how much the minimum price per unit of alcohol should be set at; the price at present of alcohol which is marketed towards young people; how much prices would rise if minimum pricing was introduced; whether a liquor licence was required to sell home brew; and who would gain from the increase in the price of alcohol.

Decided:

- (i) to note the position in relation to the Alcohol Etc. (Scotland) Bill; and
- (ii) that the Forum was in favour of the introduction of minimum pricing.

8. Licensing Board's Decision on Extended Opening Hours.

Councillor Campbell advised

- (1) that under the Licensing (Scotland) Act, 1976 licences had been issued on a premises type basis and that public houses and hotels had closed at 12.30 a.m. and entertainment premises had closed at 2.30 a.m. with an additional hour granted to public houses, hotels, nightclubs and late hours catering premises at the festive season;
- (2) that under the Licensing (Scotland) Act 2005 licences were issued in accordance with the premises Operating Plan and that the Board had now received four applications to vary hours in the Operating Plan;

- (3) that the Board was required to grant hours on the basis of its policy which stated that substantial entertainment was required to achieve a 2.30 a.m. closure, however, the Board had not outlined what it regarded as substantial entertainment, only that karaoke, darts, dominoes, etc. were not substantial entertainment;
- (4) that a pub-type premises in Prestwick had applied for opening hours until 1.30 a.m. and was providing substantial entertainment, therefore, the Board had granted this application, however, the application was approved for the internal area only;
- (5) that an entertainment type premises in Troon had now applied for opening hours until 3.30 a.m. and the representative for the premises had made a case to the Board on competition grounds due to the impact that the Prestwick premises having late opening was having on the applicant premises, however, the Board had viewed that it was not the responsibility of the Board to regulate competition, therefore, the application was refused as 2.30 a.m. was the terminal hour in the Board's policy;
- (6) that two further applications from pub-type premises in Prestwick had also been received with no substantial entertainment being provided, only karaoke in one and a DJ with small dance area in the other but proposing no control over access to the premises and the Board had taken the view that neither application merited the grant of extended core hours as the premises were not providing substantial entertainment; and
- (7) that it was now a matter for the Board to decide what constituted 'substantial entertainment' and to consider whether it was satisfied with 10.00 a.m. to 2.30 a.m. as the maximum hours available for entertainment type premises with an extra hour at the festive period or whether to review the hours available to premises.

Members of the Forum then outlined

- (a) that the problems existed when premises in residential areas closed and patrons were leaving the premises and creating noise nuisance; and
- (b) that nightclub type premises had higher running costs than pub-type premises and, should pub-type premises have opening hours until 1.30 a.m., entertainment type premises would also seek additional opening hours to compete.

Decided: to note the Board's position with regard to granting extended operating hours.

9. Date of Next Meeting.

Decided: to agree that the next meeting of the Local Licensing Forum would take place on Friday, 14th May 2010 at 2.00 p.m. in the County Buildings, Wellington Square, Ayr.

10. Closing Remarks.

The Chair thanked the members of the Forum for their attendance and contribution.

The meeting ended at 2.15 p.m.