

## **SOUTH AYRSHIRE LOCAL LICENSING FORUM.**

Minutes of meeting of South Ayrshire Local Licensing Forum in County Buildings, Ayr  
on 18th November 2011 at 2.00 p.m.

Present: R. Russell (Chair), Councillor D. Campbell, Sergeant U. Menzies, C. Andrew,  
E. Caldow, A. Monkhouse, P. Robertson, A. Kelly, S. Horne, R. Rennie,  
A. Bradford and R. Campbell.

Apology: J. Kerr.

Attending for  
South Ayrshire

Council: J. McClure, Committee Administrative Officer.

Also Attending: L. Bowie, Senior Officer (Public Health and Licensing), Alcohol Focus  
Scotland; C. Church, National Communities Officer, Alcohol Focus Scotland;  
and Constable I. Bain, Strathclyde Police.

### **1. Chair's Remarks.**

The Chair welcomed all Members to the Forum.

### **2. Minutes of previous meetings.**

The Minutes (issued) of the Local Licensing Forum of 26th August 2011 were  
submitted.

**Decided:** to approve the Minutes as a correct record.

### **3. 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.

### **4. Matters Arising.**

(1) With reference to the Minutes of South Ayrshire Licensing Board of  
29th September 2011 (Page 1, paragraph 1) entitled "Chair's Remarks",  
C. Andrew advised

- (a) of the various changes to the licensing legislation from 1st October 2011;
- (b) that the Challenge 25 Policy had been introduced within South Ayrshire  
from 1st October 2011 whereby licensees and their staff were now required  
to challenge any person who appeared to be 25 or under and the person  
would be required to supply appropriate photographic identification proving  
that they were over eighteen years of age to purchase alcohol;

- (c) that problems had been anticipated with the introduction of Challenge 25 due to the lack of media coverage, however, having spoken to licenceholders the Policy appeared to be operating well; and
- (d) that with regards to off-sales premises, promotions were now prohibited and bottles of wine/cases of beer required to be priced individually rather than, for example, three for £10 and the changes to the legislation also affected how alcohol could be advertised, with alcohol only permitted to be promoted within the alcohol sales area, no adverts could be displayed within 200m of the premises and supermarkets could no longer make public announcements regarding alcohol, all changes which were welcomed by the Licensing Board.

Questions were raised by Forum members regarding television advertisements with C. Andrew advising that television and newspapers adverts were still permitted; and who would monitor the advertising and C. Andrew advised that she would be monitoring this with colleagues from Strathclyde Police.

- (2) With reference to the Minutes of South Ayrshire Licensing Board of 29th September 2011 (Page 3, paragraph 6) entitled "Occasional Licences and Extended Hours Applications), C. Andrew advised
  - (a) that occasional licences were one-off licences granted for unlicensed premises or an unlicensed area; and
  - (b) that previously applicants had been required to provide 28 days notice for an occasional licence to be processed, however, if an applicant provided a valid reason for requiring the licence in less time, e.g. for a funeral, the licence could be provided under delegated powers by the Licensing Section, however, licenceholders were not encouraged to apply for occasional licences in less than the 28 days notice as the timescales existed for a reason.
- (3) With reference to the Minutes of a recent meeting of South Ayrshire Licensing Board held on 10th November 2011, C. Andrew advised
  - (a) that an off-sales premises had been brought to the attention of the Board by Strathclyde Police for failing a test purchase and the Board had suspended the premises licence for four days;
  - (b) that another premises brought to the Board's attention by Strathclyde Police had been the subject of a warning letter from the Board as legal proceedings were still ongoing and, dependent on the outcome of the legal proceedings, further action might be taken by the Board; and
  - (c) that she had submitted a report to the Board regarding a premises advertising drinks promotions and, following the Board's message that promotions and exploiting loopholes in the legislation to promote cheap alcohol would not be tolerated, she would now be working with colleagues from Trading Standards to investigate this matter.

Councillor Campbell then advised that each application for review was dealt with on its own merits and that premises should have systems in place to ensure that a 16 year old was not sold alcohol, however, the majority of those premises which had undergone a test purchase had passed.

C. Andrew further advised that she had been involved in the Police briefings for the test purchasing and the young people who acted as the test purchasers were not permitted to lie about their age, did not carry ID and all appeared to be sixteen years of age, therefore, if the premises tested had appropriate procedures in place, they would not fail the test and Sergeant Menzies supported this and further added that the staff member in question only had to challenge the young person regarding their age or request ID and, as the young person could not lie, they would identify that the young person was under the age of eighteen years.

Questions were raised by members of the Forum regarding what was appropriate ID and C. Andrew listed the appropriate forms of ID; and whether any premises had failed a test purchase more than once and how this was dealt with and Councillor Campbell advised that if a premises failed it was retested but none had failed a second test purchase, however, the Board had a range of sanctions to impose on the premises should they fail the test purchase and he further added that agent sales were more problematic and that off-sales should ensure that staff were trained and have systems in place to ensure that sales to agents did not occur.

## **5. Presentation on Licensing Forums.**

Linda Bowie, Senior Officer (Public Health and Licensing) from Alcohol Focus Scotland gave a presentation to the Forum on the functions of Licensing Forums.

Questions were then raised by members of the Forum in relation to other Licensing Boards and their views on Over Provision; and the possibility of South Ayrshire Licensing Board attaching a condition to supermarket off-sales licences that a designated till be appointed for the sale of alcohol and Linda Bowie responded accordingly.

**Decided:** to thank Linda for her interesting and informative presentation.

## **6. Intermediate Data Zones in South Ayrshire.**

With reference to the Minutes of 26th August 2011 (Page 2, paragraph 5) when statistics had been discussed, E. Caldow advised that the Alcohol and Drug Partnership was supportive of working with the Local Licensing Forum and that funding was available for researching where alcohol was purchased, how far customers would travel to purchase alcohol, etc. and that further data could be gathered when the Forum had decided how it wished to progress this matter.

There was then submitted (tabled) by C. Andrew a list of Intermediate Data Zones and a full discussion then followed on numbers of licensed premises in areas; Members' Clubs; the relationship between people with alcohol conditions and deprivation; and there being no link between crime statistics and number of licensed premises.

**Decided:** to note the statistics provided and to note that E. Caldow would request further information at the Alcohol and Drugs Partnership meeting on 23rd November 2011.

## **7. Over Provision.**

With reference to the Minutes of 26th August 2011 (Page 3, paragraph 6) when it had been agreed that statistics be provided to this meeting on those premises in South Ayrshire that were vacant but still had a licence, there was submitted (tabled) a list of these premises and C. Andrew advised

- (1) that the Licensing (Scotland) Act 2005 stated that as long as the licence fees were paid by the due date of 1st October each year, the licence was still in existence even if the premises were not trading;
- (2) that Premises Licenceholders were not obligated to inform the Licensing Section if the premises had closed; and
- (3) that the premises on the list were closed for various reasons, e.g. being marketed for sale or working towards opening.

Questions were raised by members of the Forum in relation to whether Building Standards and Environmental Health inspected closed premises regularly; and if premises were not marketed within a certain timescale could the Board demand an explanation and C. Andrew responded accordingly and advised that the Licensing Board had no policy regarding closed premises, however, should the Forum feel strongly about this, they could forward comments to the Board recommending that a Policy should be adopted.

Councillor Campbell advised

- (a) that, due to a recent appeal of a Board decision to grant a licence, the Board had delayed consulting on over provision and was now seeking guidance from the Forum on this issue; and
- (b) that the Board wished consumers to drink in controlled on-sales premises with trained staff rather than drinking excessive amounts at home.

**Decided:** to note the position in relation to closed premises and over provision.

8. **Scottish Parliament's Health and Sport Committee – Call for Written Evidence on the Alcohol (Minimum Pricing) (Scotland) Bill.**

There was submitted a report (issued) by the Scottish Parliament's Health and Sport Committee seeking views from all interested parties on the general principles of the Alcohol (Minimum Pricing) (Scotland) Bill.

C. Andrew advised

- (1) that should the Forum wish to provide feedback to the Scottish Government on minimum pricing she would prepare a response on behalf of the Forum stating the views of the Forum members; and
- (2) that the proposal presently was for 45p per unit to be the minimum price.

The Chair then outlined the effect on the price of certain alcoholic beverages should the minimum price of 45p per unit be introduced and advised that the biggest increase would be to cheaper alcohol which was targeted at younger people.

**Decided:** to note that C. Andrew would compile a response to the Scottish Government in support of minimum pricing on behalf of the Forum.

9. **Date of Next Meeting.**

**Decided:** to agree that the next meeting of the Local Licensing Forum would take place on Friday, 24th February 2012 at 1.00 p.m. and thereafter with the Licensing Board at 2.00 p.m. on that day.

10. **Closing Remarks.**

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

The meeting ended at 3.55 p.m.