

EAST AYRSHIRE LICENSING BOARD

Minute of the joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum held on Tuesday 23 October 2018 at 10.30am

SEDERUNT Councillor T Cook (Chair), Councillor J Campbell, Councillor W Crawford, Councillor I Grant, Councillor C Leitch, Councillor G Mair, Councillor J Todd, Chief Inspector G Docherty and Sergeant D Dougan (Police Scotland), Mr S Wilson (Chair of East Ayrshire Local Licensing Forum), Mr D Little (Licence Holder), Mr G Piggott (Resident), Miss K Dair (Representing Young People), Mr F Kerr (Graduate Intern), Miss A Stewart (NHS Representative), Mr N Dunipace (Resident), Mr J Wilson (Personal Licence Holder).

ATTENDING: Mr S McCall (Depute Clerk to the Licensing Board), Mr I Hiles and Mrs C McEwan (Licensing Standards Officers), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators) and Mark Currie (Work Experience)

APOLOGIES: Councillor F Campbell, Councillor D Filson, Councillor L Jones and Mr R Laurie (Forum Member).

1. SEDERUNT

Noted.

2. INTRODUCTIONS

Introductions were made.

3. LICENSING POLICY STATEMENT

The Depute Clerk reported that following the extensive consultation process, which included the Local Licensing Forum, the Board's Statement of Licensing Policy had been approved by the Board Members at the Licensing Board meeting on 23 October 2018. This Statement will remain in effect from 1 November 2018, subject to review, until 18 months after the next ordinary local government elections. It will be subject to regular review and monitoring and further consultation during this period. The Depute Clerk further reported that on the basis of the information provided following the extensive consultation process, and having regard to the Board's own knowledge, the Board had determined that the locality for the purposes of overprovision was East Ayrshire as a whole and that there was an overprovision of off-sales premises only within the locality. This would mean that there will be a presumption against the grant of an application for off-sales premises unless the applicant can demonstrate that the grant of the application would not undermine the licensing objections. The Depute Clerk also confirmed that premises which already had been granted a Provisional Licence prior to the approval of the over provision statement but had not yet Confirmed would not be the subject of the overprovision policy.

There followed a discussion on the overprovision statement and the role that the NHS and Alcohol Focus had in objecting to new applications and major variations and it was concluded that the NHS were only able to submit objections to applications where the statistical data showed that the premises were located in an area of concern. The discussion also concluded that the onus was on the applicant to persuade the Board that the application should be granted.

A discussion also took place in respect of the desensitisation of alcohol for young people and it was agreed that change to a healthier lifestyle would take a long time but that the overprovision of off-sales was a start in that process. It was also pointed out that the wording in the Policy Statement had been amended to put the responsibility on managers of licensed premises to ensure that children and young persons left the premises within a reasonable time after the consumption of a meal in compliance with the protecting children and young persons from harm licensing objective.

4. EAST AYRSHIRE LICENSING BOARD : ANNUAL FINANCIAL REPORT

The Depute Clerk reported that in terms of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015, Licensing Boards must prepare and publish an Annual Financial Report, not later than three months after the end of each financial year. The Depute Clerk outlined the report and pointed out that the Scottish Government had not provided Licensing Boards with the specification to be included in the report and it had resulted in Licensing Boards producing completely different reports. An analysis of Licensing Board reports for the whole of Scotland has been carried out would be circulated to Board Members and the Local Licensing Forum.

A discussion took place on the amount of work required in processing occasional licence applications for a fee of £10 and the Depute Clerk advised that the Scottish Government were considering increasing the £10 fee. The Depute Clerk also advised that the 10 year renewal process for a Personal Licence had commenced and that a fee of £50 had been agreed by the Scottish Government.

5. EAST AYRSHIRE LICENSING BOARD : ANNUAL FUNCTION REPORT

The Depute Clerk reported that in terms of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015, Licensing Boards must prepare and publish an Annual Function Report, not later than three months after the end of each financial year and the Depute Clerk outlined the work carried out by the Licensing Board.

6. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Depute Clerk reminded Members that, in terms of the Gambling Act 2005, all licensing Boards were required to prepare and publish an appropriate Statement of Principles which the Board would thereafter apply under the statutory regime. Each licensing authority required to publish a revised Statement of Principles every three years.

The Depute Clerk advised that a draft revised Statement of Principles had been produced for the purposes of consultation and a further report would be submitted to the Licensing Board meeting on 11 December 2018 for approval.

The Depute Clerk pointed out that the response to previous Statement of Principles had been very poor from all areas and urged the Local Licensing Forum to produce a response.

Councillor John Campbell left the meeting at 11.45am.

7. HOLYROOD – “What do Forums Do”

Stuart Wilson reported on his visit to Holyrood Evidence Session on National Licensing Forums and advised that the Scottish Government were aware that there were a number of problems facing Licensing Forums across the country. A follow up meeting had been due to take place in May 2018 between Alcohol Focus and the Scottish Government to look at the operation of Licensing Forums but this meeting had now been postponed to 2019. Mr

Wilson continued by stating that the Local Licensing Forum, the Licensing Board and Licensing Standards Officers worked well in East Ayrshire.

8. HEALTH BOARD DEVELOPMENTS

Angela Stewart of NHS reported on the initiatives to be carried out by the NHS over a 10 year period in respect of alcohol and drugs and that consideration had to take place on how the data collated from these initiatives would be used.

Councillor Todd, The Depute Clerk and Mr S Wilson left the meeting at 11.55am.

9. ALCOHOL PROFILE AND COMMUNITY CONSULTATION

Fraser Kerr, Graduate Intern, produced a presentation on the Alcohol Profile and Community Consultation.

The Members of the Joint Meeting thanked Mr Kerr for the work undertaken in producing the report and presentation and hoped that the decisions taken by the Licensing Board would assist in tackling alcohol problems.

A full discussion took place on the contents of the presentation. It was noted that it would be 18 months before the impact of minimum pricing could be properly assessed.

There being no further business the meeting ended at 12.30pm