

EAST AYRSHIRE LICENSING BOARD

Minute of the virtual joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum held via Microsoft Teams, on Tuesday 23 November 2021 following the completion of the East Ayrshire Licensing Board meeting.

SEDERUNT Councillor T Cook (Chair), Councillor J Campbell, Councillor I Grant, Councillor C Leitch, and Councillor J Todd, Mr N Dunipace (Chair of East Ayrshire Local Licensing Forum), Mr E Carmichael (East Ayrshire Children & Young People's Youth Cabinet), Mr J Wilson (Personal Licence Holder), Ms M Patterson (Young Person Representative), Mr G Piggott and Mr K Emery (Residents) and Mr D Little (Premises Licence Holder).

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

APOLOGIES: Councillor F Campbell, Councillor W Crawford, Councillor D Filson, Councillor G Mair and Councillor L Jones.

1. SEDERUNT

Noted.

2. EAST AYRSHIRE LICENSING BOARD : ANNUAL FINANCIAL REPORT

The Depute Clerk reminded the Board and Forum members of the Licensing Board's statutory obligation to prepare and publish an Annual Financial Report.

The Depute Clerk stated that there had been no guidance from the Scottish Government on how the financial information was to be collated to prepare the Report, which meant that it was difficult to compare Reports from other Licensing Board areas.

The Depute Clerk outlined the Annual Financial Report and highlighted that at the time of the Report being written, the deficit for the Licensing Board was £30,128. The Depute Clerk reported that this was an increase from the previous financial year which had been a deficit of £19,153. The Depute Clerk advised that the deficit would be met from Governance Services budget which would not cause a problem for this financial year. The Depute Clerk was hopeful that income would increase in the next financial year due to increased business as we recovered from the COVID-19 pandemic.

Mr Dunipace asked if there was an update on the review of the occasional licence application fee and the Depute Clerk confirmed there had been no update on this from the Scottish Government.

3. EAST AYRSHIRE LICENSING BOARD : ANNUAL FUNCTION REPORT

The Depute Clerk reminded the Board and Forum members of the Licensing Board's statutory obligation to prepare and publish an Annual Function Report.

The Depute Clerk outlined the work carried out by the Licensing Board during the year 2020/21. The Depute Clerk reminded the Forum members that the Report did not cover the work carried out under delegated powers but this work was reported to each meeting of the Licensing Board. The Forum members would have access to this information through the Minute of the Licensing Board meeting.

The Depute Clerk reported that the use of MS Teams to virtually conduct the business of the Licensing Board had been successful and that there had been positive feedback on the process. The Depute Clerk stated that a virtual Review Hearing had successfully taken place where the participant's first language was not English and that an Interpreter had been required, with no complaints from any of the participants. The Depute Clerk advised that the Scottish Government were looking at the possibility of continuing this format for meetings once the pandemic restrictions have been removed.

The Depute Clerk reported that the COVID-19 legislation may again be changing in respect of Vaccine Passports and this may increase the workload for the licensing staff. The Depute Clerk further reported that the Board would be operating the same festive policy as in previous years.

The Depute Clerk confirmed that the licensed premises within East Ayrshire were again operated successfully over the previous year and complied with all the COVID-19 legislation.

The Chair thanked the LSO's for the large amount of work undertaken by them due to the pandemic.

4. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Depute Clerk reminded the Forum Members that in terms of Section 349 of the Gambling Act, 2005, the Licensing Board must have a Statement of Principles, which requires to be reviewed every 3 years. The Depute Clerk advised that the draft Statement of Principles had been issued to the significant number of consultees listed in Appendix I of the Statement, with no responses being received. The Depute Clerk stated that as there were no responses, the draft Statement of Principles would be presented to the Licensing Board Members on 14 December 2021 for approval, with no amendments.

The Depute Clerk reported that there was a concern nationally in respect of gambling and that it was disappointing that the Gambling Commission did not make any comments on the Board's Policy. The Depute Clerk stated that it might have been due to this area having a small number of gambling premises and that the concern was the rise in on-line gambling during the pandemic.

The Chair stated that there were concerns within the Council regarding the harm from online gambling and that a Member/Officer Working Group had been set up. The Chair stated he was disappointed that there had been no responses to the draft Statement of Principles from any of the consultees.

Mr Dunipace stated that the Forum were not on the list of consultees but thanked the Board for providing them with a copy. Mr Dunipace confirmed that the Forum and the Community Council that he was a member of, were happy with the content of the Statement of Principles and did not feel the need to respond.

Councillor Grant pointed out that the main concern in respect of gambling came from the marketing of online gambling which the Board have no control over.

Mr Hiles, LSO, confirmed that he had been involved in a pilot exercise within East Ayrshire in conjunction with the Gambling Commission and reported that all premises were operating responsibly. He confirmed that at an online meeting with the Gambling Commission it had been noted that no response had been given in respect of the Draft Statement of Principles and that there may be a response being submitted in terms of health concerns.

Mr Piggett asked if there was a capacity limit on the number of gambling premises permitted within East Ayrshire, similar to the overprovision of alcohol licensed premises.

The Depute Clerk confirmed that it was in terms of Planning that the number of premises were monitored, through applications for new premises and change of use of existing buildings. The Depute Clerk confirmed that there had been a decrease in gambling premises within East Ayrshire.

5. AOB

Mr Dunipace asked if the Licensing Board Members had been able to review the Local Licensing Forum Members Guide.

The Chair confirmed that the Licensing Board Members had received the Guide but there had not been an opportunity to discuss it at a Licensing Board meeting. The Chair didn't think that the Forum had any concerns on how the Licensing Board operated.

Mr Dunipace stated that it was a very interesting document and that the Forum Members had agreed to review the document in greater detail to ascertain whether there could be different ways that the Forum could interact with the Licensing Board and Licensing Standards Officers.

Mr Dunipace asked if Forum Members could receive the same level of training as the Licensing Board Members.

The Chair pointed out that previously the Chair of the Licensing Forum had received the same level of training.

The Depute Clerk confirmed that there would be no objection to Forum Members receiving the same training but there may be cost implications and this would require investigation.

The Depute Clerk stated that due to the Local Government Elections in May 2022 there would be new Licensing Board Members. He further stated that in 2022 there would be

the requirement to review the Board's Statement of Licensing Policy which included the overprovision policy. The Depute Clerk asked if the Licensing Forum could begin gathering information, analysis and data to assist in the overprovision policy.

Mr Dunipace stated that a discussion by the Forum would be required to ascertain how this information could be obtained.

The Chair thanked everyone for attending the Joint meeting.

There being no further business the meeting ended at 12 Noon.