

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the Joint Meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum, held within the Council Chambers, East Ayrshire Council Headquarters, London Road, Kilmarnock and digitally through Microsoft Teams, on Tuesday 14 November 2023 at 11am.**

**SEDERUNT:** Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Stephen Canning, Councillor Elaine Cowan, Councillor June Kyle, Councillor Claire Leitch, Councillor Kevin McGregor, Councillor David Richardson, PC Kathryne Thornton and PC Ian Robertson (Police Scotland), Mr Ewan Carmichael (Chair of East Ayrshire Local Licensing Forum), Mr Gordon Anthony (Licence Holder) and Mr Liam Wells (ADP Coordinator).

**ATTENDING:** David Mitchell (Clerk to the Licensing Board), Ms Carolyn McEwan (Licensing Standards Officer) Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

**APOLOGIES:** Councillor William Crawford and Councillor Lillian Jones.

**1. SEDERUNT**

Noted.

**2. INTRODUCTIONS**

Introductions were made.

The Clerk appreciated attendance at the meeting as he was aware of the ongoing struggle with the operation of Licensing Forums and encouraged ideas on how to improve the operation of the Licensing Forum.

Liam Wells advised that a wide and varied discussion on the operation of Licensing Forums had taken place at a meeting of the Forum that morning.

Ewan Carmichael advised that new, young members were joining East Ayrshire Licensing Forum and that conversations were continuing nationally on how to improve the operation of Licensing Forums.

**3. BEST BAR NONE**

Mrs McEwan., LSO, updated Members of the Licensing Board and Licensing Forum on the current position as regards the Best Bar None Scheme.

Ms McEwan reminded Members that Best Bar None is a National Award Scheme which is co-ordinated nationally by Retailers Against Crime, a national, not for profit crime partnership who work alongside Police Scotland by linking into police intelligence units to tackle force wide and cross border criminality. They also work alongside local policing teams in an attempt to disrupt criminal activity at a local level.

The Scheme is a national accreditation and award scheme for licensed premises, where participants are given support and advice to improve the safety of their staff, premises and customers and are encouraged to adopt high management standards in support of a safe night out.

Ms McEwan continued that the scheme was first piloted in East Ayrshire in 2017 and 9 premises, all located within Kilmarnock Town Centre, had participated in the scheme. The number of participating premises increased over the years, with the scheme being extended beyond Kilmarnock Town Centre. Prior to Covid there were 22 premises either participating or who had expressed an interest in being part of the scheme.

Ms McEwan explained that premises were offered training on issues such as Drug Awareness, Child Sexual Exploitation, Counter Terrorism and Crime Scheme Management, as well as CPR Training, Emergency First Aid Training at Work, and training in the administration of Naloxone, a drug used to reverse an opioid overdose. All participating premises were Keepsafe Premises (an initiative led by Police Scotland in response to feedback from the disabled community that there were times they did not feel safe when travelling independently in the community). Staff of Keepsafe premises were offered training to identify and help vulnerable people, whether that be through learning or physical disabilities or mental health problems, helping them to feel safe when they are out and about in the community.

Annual local assessments are carried out, with premises who meet a certain standard of operation being awarded accreditation. Following local assessments, National Best Bar None host an award ceremony and all top gold award winners from the local awards are invited to attend, with premises competing from all over Scotland.

In the first year of operation, East Ayrshire did very well at National Level with WG13 winning Best Specialist Entertainment Venue and being crowned National Champion which was an excellent achievement and a credit to East Ayrshire. The Brass and Granite, which is currently closed and not operating at the moment, were awarded Best Newcomer at the ceremony, again an excellent achievement given the level of competition involved.

East Ayrshire did equally as well the following year with Rock Diner winning Best Independent Bar, Aces Nightclub winning Best Newcomer and WG13 winning Best Specialist Entertainment Venue for the second year in a row.

Ms McEwan advised that, unfortunately, due to the Covid pandemic, the National Award Ceremony has not taken place since 2019.

Ms McEwan reported that Best Bar None has not been fully operational in East Ayrshire post Covid. This is partly due to the then Local Co-ordinator within Police Scotland, who was the driving force behind the scheme being rolled out in East Ayrshire, being re-located to another position within the force and his replacement not being able to fully commit to the scheme, and licensing staff not being able to lead on the scheme due to other work commitments.

Although not fully operational at the current time, participants are still being advised of training events being offered which they can participate in and any matter of interest to the trade is being circulated for information. It is hoped however that, going forward,

the scheme will be able to operate at full capacity once again. The Alcohol and Drug Partnership are also keen for the scheme to be operational again and are willing to continue providing funding to assist in the operation of the scheme.

Ms McEwan pointed out that Members of the Licensing Board, at a meeting on 26 September 2017, agreed to support the scheme and the Board's current Policy Statement encourages Licence Holders to participate in any scheme aimed at raising standards within licensed premises.

Ms McEwan concluded that, although not fully operational at the current time, it is hoped the scheme will be re-established at some point in the near future.

The Chair thanked Ms McEwan for her hard work in trying to keep the BBN Scheme going.

Councillor Cowan thought that the Best Bar None was an excellent scheme, which incited confidence for members of the public that premises operated responsibly. Councillor Cowan asked what it would take to get the scheme operational again.

The Clerk explained that PC Marshall was the driving force behind the scheme, however PC Marshall had been re-located to another position and was no longer involved. He advised that there was a lot of administration involved in the operation of the scheme and that conversations would be required with Police Scotland, ADP, etc to re-launch the scheme.

Ms McEwan reported that the scheme generated a lot of work for Licensing staff as well as being a big commitment for licence holders. She continued that an attempt had already been made to establish the scheme, however with the licensed trade recovering after Covid, this had not been the right time.

Ms McEwan advised that, going forward, the interest of the trade would require to be determined.

The general view of Members was that the BBN Scheme was worthwhile and every effort should be made to re-establish the scheme in the near future.

#### **4. MARTYN'S LAW**

PC Ian Robertson, Divisional Counter Terrorism Liaison Officer, delivered a presentation on the draft Terrorism (Protection of Premises) Bill, also known as 'Martyn's Law', which sets out the requirements that venues and other organisations will have to meet to ensure public safety. 'Martyn's Law' is a tribute to Martyn Hett who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

PC Robertson reported that in December 2022, the government announced that Martyn's Law will introduce a tiered model for certain locations, depending on the capacity of the premises or event and the activity taking place, to prevent unnecessary burden to business. The legislation will ensure venues are prepared and ready to respond in the event of an attack.

He advised that the Bill will apply across the UK to all publicly accessible premises and venues and sets out two capacity thresholds:

- Standard Tier – 100-799 persons max capacity
- Enhanced Tier - 800+ persons max capacity

The Bill will impose a duty on the owners and operators of certain locations to increase their preparedness for, and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there. The aim is to ensure staff are better prepared to respond quickly to evolving situations, aware of what processes they should follow, able to make rapid decisions and carry out actions that will save lives.

He concluded that the Bill is currently in draft and will be subject to pre-legislative scrutiny prior to formal introduction.

Councillor Cowan expressed concern regarding the extra burden for local communities and asked if Martyn's Law would affect events like gala days.

Ms McEwan explained that a Public Entertainment Licence (PEL) would be required for a gala day and that, once introduced, Martyn's Law would be written into the PEL process.

The Chair thanked PC Robertson for his very informative presentation.