

**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on TUESDAY, 22 APRIL 2008**

Present:

Eric Box (Chair)

Louise Bannatyne
Fred Bruce
Russell Buchanan
David Greenwell
Kenneth Harrison

Brian Kupris
Calum MacLachlainn
George Ross
Raymond Park

Attending:

Verona MacDonald, Support Services and Licensing Manager
Samantha Taylor, Licensing Assistant

1. RESIGNATION OF CHAIR

Verona advised the Members of Gordon Tran's resignation from the Forum due to ill health.

Calum nominated Eric Box to be appointed as the new Chairman, this was seconded by Brian Kupris. Eric accepted the nomination.

The Chairman, Eric Box, then suggested that a written acknowledgement is sent to Gordon Tran regarding his resignation and sending the Forum's best wishes to him. All Members agreed.

2. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Violet MacLean, Cath Cakebread, Catherine Dobbie, Roanna Taylor and Steven Shaw.

3. APPROVAL OF PREVIOUS MINUTES

The Note of Meeting of 14 November 2007 was unanimously approved.

George Ross advised that in relation to the Note of Meeting of 18 March 2008, his apology was not included. It was agreed that this will be amended. The Minute was approved subject to this amendment.

4. CONSIDERATION OF DRAFT CODE OF CONDUCT

Brian advised that he was satisfied with the draft Code of Conduct but asked where it came from. Verona advised that it was taken from Glasgow City Council's Code of Conduct for their own Local Licensing

Forum and amended to suit the needs of Argyll and Bute Licensing Forum. Verona also advised that she had contacted the National Licensing Officer to establish if there was a standard Code of Conduct and was advised that this does not exist.

Verona added that in terms of establishing Standing Orders for the Forum, it would be appropriate for the Council's Standing Orders to be used as the Forum was appointed by the Council. This was noted by the Forum Members.

The Chairman expressed concern regarding point 1.6 of the Code of Conduct, about notices of meetings being posted on the Council website, and said this may not be substantial enough to reach as many people as possible. He suggested that notice is emailed to Community Councils. Verona advised that this would not be practicable as many of the Community Council's do not have email addresses.

Calum suggested that it was the responsibility of Community Councils to check for notice of meetings. The Chairman agreed that this should be the case, however added that many will not check as often as they could. Brian supported Calum in the view that it is the responsibility of the Community Councils to get the appropriate information as it is freely available to them and easily accessible.

The Chairman suggested that we write to the Community Councils that do not appear to have email contacts and ask that they provide an email address if they wish contact to be made with regard to notice of Forum meetings.

Verona advised that it may be easier to write to them all and inform them that the relevant information is on the Council's website. It was agreed that this would suffice.

Russell felt that point 2.2 of the Code, regarding no fewer than 3 Members for a quorum, is too small and suggested changing it to a third of the total number of Members. All Members agreed.

The Chairman advised there was no provision in the document for failure to attend a meeting. Verona advised that a change was made to point 1.4, where it had previously stated that members 'should' intimate apologies, it now states that they 'must'. She added that if the Forum decided that a Member should be replaced due to non attendance at meetings, this would need to be referred to the Council as all appointments had been made by the Council.

Calum asked if anyone had failed to attend several meetings. Verona advised that James Robertson had been written to to ascertain if he wishes to remain a Member because he had failed to respond to all emails, letters and had been absent from several meetings. She added that the report to the Council Committee with regard to the resignation of Gordon Tran, should also include the situation regarding James Robertson.

The Chairman suggested that Verona's advice be accepted and each circumstance judged on its own merit. This was agreed

Calum asked for clarification on whether he could nominate a

replacement in any possible absence from the Forum, Verona advised that, only members representing organisations for example Strathclyde Police, could nominate a replacement and that his appointment had been as an individual.

Eric advised that there was nothing in the Code of Conduct regarding the powers and duties of the Chairman, for example, if there was a situation whereby a Member was being intentionally difficult or aggressive, what powers would the Chairman have to deal with this. He continued by noting that the Standing Orders for Community Councils had 9 paragraphs dedicated to the powers of the Chairman, albeit he felt that this could probably be summarised into one paragraph.

It was suggested by Fred that one line stating that aggressive or difficult members will be asked to leave the meeting should be sufficient.

Brian suggested that the issue should be looked at only if the problem arises in the future. This was agreed.

Calum asked for clarification of point 8.1. He suggested that guidance may be needed in order to decide if an interest should be declared. The chairman suggested that the Forum members can help to guide each other in this regard, however, Verona advised that it has to be the decision of the individual.

It was agreed that the amendments listed above would be made and the Code of Conduct approved.

5. COMPARISON OF RECOMMENDATIONS MADE TO THE BOARD FOR THE POLICY STATEMENT

Louise questioned whether point 8.3 of the Policy Statement, which states that premises are expected to remain open for the hours granted, is practical in all cases. She used an example of a club which opens only 2 days a week in the summer and is run entirely by volunteers.

Verona advised that with the new legislation, hours like these should be included in the Operating Plan.

Russell questioned the economic viability of opening a club for 2 nights and suggested that in these situations it may be more appropriate for the clubs to meet in a licensed such as a hotel or public house.

The Chairman asked if there were any recommendations not adopted by the Licensing Board that the Forum Members feel particularly strongly about.

Calum expressed that point 5.3, which reads that a “no ID, no sale” policy be adopted, should be changed to read that all persons who appear under 21 years of age should be asked for ID. Raymond agreed and advised that the proposed change to this point would improve the situation in terms of policing.

Calum also expressed concern, particularly in relation to this point, that no written explanation was provided by the Licensing Board for not including this recommendation. Verona advised that it may be appropriate to bring this up at a meeting with the Board. The chairman disagreed and advised that the Board have to give a written response if they do not take on recommendations.

Verona advised that she had had further talks with Susan Mair in this regard and it was Susan's opinion that the necessity for a response did not necessarily refer to the Policy Statement at first creation. Calum was unsatisfied with this explanation and questioned why it would not have been possible to respond yet still meet the deadline.

Verona advised that it may be the case that the Board have taken legal advice and been advised that changing this point (5.3) may lead to challenges in court. Calum took this on board, however reiterated that this could still be expressed in writing by the Board.

The Chairman proposed that this point be made when they meet with the Board and Verona undertook to advise Susan of the discussion.

6. APPOINTMENT OF YOUNG PERSON TO FORUM

Verona advised that Robin Finlay, Head of Social Education at Lochgilphead High School, had been contacted with regard to appointing a young person from the school who is aged between 16 and 18 years. Information leaflets regarding the role of the Forum had been sent to him. Verona suggested that be included on the agenda for the next meeting and hoped that progress would will have been made by that time.

7. CONTACT DETAILS FOR NATIONAL LICENSING WEBSITE

Verona advised that the National Licensing Officer had requested the contact details for 2 Forum Members which would be put on to the website, to enable the public to have direct contact for the Forum. It was agreed that the contacts relating to the Chairman and Louise be forwarded to the National Licensing Officer.

8. ANY OTHER BUSINESS LICENSING STANDARDS OFFICERS

The Chairman asked Verona about the progress of the Licensing Standards Officers. Verona advised that job descriptions had been drawn up and it was hope that officers would be appointed shortly. Calum asked how many officers there would be in Argyll and Bute, and Verona advised that there will hopefully be 2.

Kenneth asked that until there were LSOs appointed, could a point of contact for premises needing information or clarification be established. Verona advised that the Council's Licensing Board do give guidance to a point, however, cannot give legal advice and therefore any indepth guidance that is needed with regard to a specific premises would need to be provided by solicitors. She confirmed that contact details for licensing staff are well publicised.

JOINT MEETING WITH BOARD

The Chairman suggested that it might be appropriate to meet with the Board later in the year to allow further issues for discussion to arise. This was agreed and members were asked to consider for discussion at the next meeting the issues to be raised.

ROLE OF THE FORUM

Brian suggested that the Forum had to define its role. He commented that it had considered the Policy Statement and needed to focus on the issues it had to address. The Chairman suggested that the Forum monitor the progress of premises and personal licences.

Calum added that he felt the Forum should be seeking to raise the standards of licensed premises and assist the Board in doing so.

Verona suggested that Samantha and she would check what other Forums are doing and report back at the next meeting.

Verona suggested that the profile of the Forum could with a view to publicising it's existence and getting the public and organisations more involved. Russell suggested that issue of a release to the press detailing what has been achieved by the Forum to date. Calum advised that if this route is taken it would be appropriate to appoint a Member to communicate with the press. Verona advised that there is a page on the Council's website dedicated to the Forum and this could be "beefed up". She also suggested that an advert could be placed in the local papers to say who the Forum members are and a point of contact, for example the Licensing inbox. She added that the difficulty with press releases is that it may not even be included, however an advert, paid for, would be. Raymond suggested that a way around this problem may be to invite the press to a meeting.

Discussion also took place re producing a leaflet, poster display locally to raise awareness of the Forum. Verona and Samantha undertook to draft these for consideration at the next meeting.

TEST PURCHASES – DUNOON

Raymond advised that police in Dunoon had completed their first test purchases, and no premises tested sold alcohol to the under age testers. Calum enquired whether the premises were on or off sales.

Raymond advised they were all off sales. Louise and Eric commented that the problem of adults purchasing for children and young persons was at the route of alcohol consumption by young persons.

9. DATE OF NEXT MEETING

It was agreed that the next meeting of the Forum would be held on 3 July 2008 at 10.15am in the Council Chamber, Kilmory, Lochgilphead, and that the following meeting would be the held on 9 October 2008 at 10.15am in the Council Chamber, Kilmory, Lochgilphead.