

**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on WEDNESDAY, 14 NOVEMBER 2007**

Present:

Gordon Tran (Chair)

Louise Ballantyne
Russell Buchanan
Eric Box
Kenneth Harrison

Brian Kupris
Calum MacLachlainn
Kenny Boyter
George Ross

Attending:

Susan Mair, Clerk to the Licensing Board
Rona Stewart, Licensing Assistant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Fred Bruce, Catherine Dobbie, Violet MacLean, Cath Cakebread, Steven Shaw and Raymond Park.

2. MINUTES OF LAST MEETING

The Minutes of the Meeting held on 28 August 2007 were submitted and approved.

3. CONSIDERATION OF THE DRAFT POLICY STATEMENT

Prior to consideration of the draft policy statement, Susan Mair advised that she had had discussions with the Scottish Executive who have advised that they intend to distribute information packs on the new Act to all licensees at the beginning of December. She also advised that they had indicated a willingness to participate in any training/information events which may be organised locally by the Licensing Board. The members agreed that this would be of considerable assistance as many licensee are unaware of the full implications of the new Act. Gordon Tran suggested that the minutes of the Local Licensing Forum go to the Licensing Board and a meeting be arranged with them in the new year. Kenneth Harrison suggested that the members of the Local Licensing Forum be trained on the new Act before the licensees as it is their place to explain proposals to the licensees. Susan Mair then explained that she hoped to get a series of training days organised early in the new year. The purpose of those would be to inform licensees of the relevant provisions of the new Act and to provide guidance on the completion of applications and associated operating plans.

In connection with the constitution, Susan Mair apologised for the delay in this being issued but intended to have it available for the next meeting.

As the vacancy on the Local Licensing Forum has not yet been filled, Callum MacLachlainn felt that they require some sort of representation from younger people, i.e 18-25. The members suggested several ways in which the post could be advertised. Louise suggested posters at Argyll College, Callum though it would be good to get a 6th year pupil in school

who would be able to represent younger people's views. Kenneth then suggested that a committee be set up of several pupils from different schools throughout Argyll & Bute, who could attend the meetings. Calum MacLachlainn then volunteered himself to visit all the secondary schools to encourage pupils to join. Susan Mair confirmed that she would speak to Ronnie Gould, Head of Education on the matter. Gordon asked all the members if they would be happy with this and Eric Box responded that he wouldn't as he thought there was already a youth forum and explained that he still wasn't sure why the forum wanted a younger person. James Buchanan explained to him that young people are the future and therefore their views need to be heard. The forum agreed to await for Susan Mair to report back.

Susan Mair then left the meeting for the discussion of the draft policy statement. The Chairman agreed to go through the policy statement first with the members of the forum to highlight the points which they wanted to discuss and draw to the attention of the Licensing Board.

On page 4 of the policy statement Calum MacLachlainn asked for clarification of 'public drunkenness'. He explained that if a licensee refused to serve a customer, the customer would then go outside and the licensee wouldn't be able to move them along the street, as it would need to be the police. Inspector Boyter assured Calum MacLachlainn that Strathclyde Police were always watching out but if the customer had been causing a nuisance, the Licensee should contact Strathclyde Police. Eric Box proposed that the point 'public drunkenness' be removed, James Buchanan agreed. Inspector Boyter disagreed and felt that there should be something there about drunkenness as people are inclined to consume alcohol at their house prior to going to the pub and wouldn't be fair on the licensee if they hadn't served the alcohol. He explained that the licensee's should call Strathclyde Police no matter what the problem was. After much discussion between the members, Gordon Tran suggested that would be an area of discussion with the Licensing Board. James Buchanan recommended that they propose to delete the point. The forum agreed to discuss with the Board Members.

On page 5, the last paragraph, it was agreed that the statement was unclear. After discussion, Gordon Tran proposed that it be deleted. This was agreed by the forum.

In 5.3(i), the fifth bullet point which states that the licensee could consider involvement in a local PubWatch or similar scheme to demonstrate their commitment to preventing crime and disorder on a wider community basis, Calum MacLachlainn felt that there should be something that brought all licensees and police to work closely together. Inspector Boyter advised that Helensburgh have a very efficient scheme which creates a better working environment. Gordon Tran suggested that the word 'could' be replaced by 'should' in the opening paragraph. Members agreed to recommend to amend the 5th bullet point to read 'Every licensed venue to demonstrate their commitment to prevent crime and disorder on a wider community basis'. The rationale for the amendment was that the term 'Pub Watch' was synonymous with pubs only.

On page 9, the third bullet point states that there should, during all operating times, be at least one member of staff on duty who has been trained in first aid. Gordon suggested that they get clarification if it is stated in the Act. When Susan returned, she confirmed that these are just suggestions and the Board have no intention of making it mandatory. It was accepted by the members.

On page 9, in the seventh bullet point, Inspector Boyter was pleased that the Board support the use of CCTV but felt that point 7 was very discouraging for licensees. The members agreed that CCTV should be encouraged but not a 'must have' as it is costly.

On page 9, second bullet point of (iii) concerned Callum MacLachlainn as he is a licensee and said that he would be concerned if he asked his staff to clean up rubbish which resulted in the occurrence of an accident for insurance purposes. After discussion, it was agreed that the members would propose to put a full stop after environment and delete the rest of the paragraph, leaving the statement reading 'All licensed premises should demonstrate their commitment to a cleaner environment'. It was noted that the Environmental Protection Act can be invoked by the Council should 'rubbish' be attributable to the activities of the premises to ensure that the licensee is responsible for cleaning up.

On page 10, with regard to the second bullet point, Calum MacLachlainn addressed the fact that it's very difficult to stop smoke and noise pollution rising and drifting into neighbouring premises or back into the licensed premises. James Buchanan suggested that as long as licensees had measures in place to prove that they were attempting to prevent such problems, it would suffice. This was accepted.

On page 10, Part (v), third bullet point, Calum MacLachlainn felt very strongly that every person under the age of 25 should be enforced to have ID and have to show it when purchasing alcohol as he stated that it would make it easier for the licensees. The members agreed to discuss with the Board that any person under the age of 21 must have ID as they are aware that the Scottish Government are concerned about the issue also.

On page 11, with regard to point 8.2, the members felt that the licensing hours for on-sale premises was too late as it states that the sale of alcohol for consumption shall be no earlier than 11am. Before which time there could be a funeral or shift workers visit the premises. Gordon asked for confirmation from Susan where the hours came from. Susan informed the members that it is not in the Act but it is a view expressed by the Board. Although the Board don't have policies, Susan advised that they make views as they are required to have some sort of consistency. After much discussion on that criterion, Gordon proposed that they discuss the matter with the Board.

On page 12 of the policy statement, section (ii) raised concern for the members. Callum MacLachlainn expressed the fact that there is not enough money in small premises to provide entertainment all week, therefore, they would have to close at the proposed hours, resulting in a

loss of money. Inspector Boyter took a different approach to the statement and read it as a guideline that could be extended by presenting a case to the Board, providing the premises was well run. After further discussion and a vote (6 to 3), the members agreed to put the following proposal to the Board –

Standard Hours for all on-sales but different hours for both earlier or later closing can be applied for in the operating plan -

Sunday, Monday, Tuesday, Wednesday – 12 midnight
Thursday, Friday, Saturday – 1am

Louise Ballantyne didn't agree with **point 8.3 on page 13** as she didn't think licensees should be obliged to stay open for the licensed hours they applied for and were granted by the Board. Callum MacLachlainn advised her that it should be put in the licensees operating plan if they require to close early. This was accepted by the members.

On page 14, point 8.6, the members agreed that they would propose to remove the last sentence.

On page 15, point 9.1 suggests that the holder of a premises licence, the holder of a personal licence and a representative of any voluntary organisation may make an application for an occasional licence. James Buchanan suggested that anyone applying for an occasional licence should be trained. In the interest of public safety, after discussion, the members agreed to recommend that 9.1 (iii) and 9.7 be removed.

On page 21, section 19 part (iii) the members agreed to propose that the wording be changed to

'The Licensing Board must provide any relevant statistical information requested by the Forum'

On page 23, section 21.2 Eric Box explained his concerns with alcohol being available at petrol stations. Gordon Tran asked that the last sentence of the paragraph be deleted. After further discussions between the members, it was agreed to leave it as it is.

4. DATE OF NEXT MEETING

It was agreed that the next meeting of the Local Licensing Forum would be held on 5 February 2007 at 10.30am in the Council Chambers, Kilmory.