

MINUTES of MEETING of ARGYLL AND BUTE LICENSING BOARD AND LOCAL LICENSING FORUM held in the COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD on THURSDAY, 12 DECEMBER 2013

Present: Councillor Rory Colville (Chair)

Kenneth Harrison, Chair, Local Licensing Forum
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor Sandy Taylor
Councillor Richard Trail
Raymond Boyle, Community Representative
Fred Bruce, Community Representative
J Russell Buchanan, Ex-Licensee
Roanna Clark, Young Scot Co-ordinator
Martin Donovan, Licensed Trade
Elaine Garman, NHS Highland
Calum MacLachlainn, Licensed Trade

Attending: S Mair, Legal Manager
G Forrester, Solicitor Legal Services
Scott Douglas, Youth Services
North Argyll Youth Forum

At the commencement of the meeting, the respective Chairs of the Licensing Board and the Licensing Forum announced that they had agreed to chair the meeting jointly.

1. APOLOGIES FOR ABSENCE

Apologies of absence were intimated by Councillor Gordon Blair, Iain MacNaughton, David Greenwell, Cath Cakebread, Eric Dearie, Tim Saul, Shelia Johnston and Inspector Stuart Watson.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The minutes of the joint meeting of Argyll and Bute Licensing Board and Local Licensing Forum of Wednesday 19 December 2012 were approved as a correct record.

4. PRESENTATION ON ALCOHOL TAX BY NORTH ARGYLL YOUTH FORUM

The Joint Group heard a presentation by North Argyll Youth Forum on implementing an alcohol tax within Argyll and Bute.

The Joint Group thanked North Argyll Youth Forum for their presentation and a

discussion took place regarding their idea.

The Group concluded that although it is a positive idea a great deal of work is required in order for it to become achievable. Several members of the Group, from both the Local Licensing Forum and Argyll and Bute Licensing Board volunteered to support and advise North Argyll Youth Forum in taking forward and advancing their project. The Group advised the Forum that in order to receive backing from the Argyll and Bute Licensing Board they would require to incorporate the five licensing objectives as laid out in the Licensing (Scotland) Act 2005. After being informed by North Argyll Youth Forum that an alcohol tax is operational in a region in Poland, the Joint Group suggested the forum carryout detailed research in order to establish how the scheme operates in Poland and use the findings to develop their project and establish if the scheme could operate in a similar way within Argyll and Bute.

Decision

The Group agreed North Argyll Youth Forum should take on board the suggestions provided by the Group together with utilizing the support offered by members of the Group to advance the project with a view to returning to the Licensing Board and the Local Licensing Forum when they have collated further information and created a plan of how their objectives can be achieved.

5. LICENSING POLICY STATEMENT

The Chair of the Licensing Board informed the Group that, due to changes within the Council, the Licensing Policy Statement has yet to be finalised. Following the consultation process, responses had been received from the Council's Regulatory Services, Police Scotland, Kilmore Community Council, CALA along with the response received from the Local Licensing Forum. The Chair advised the group that the Board would be meeting early in the New Year to finalise the Policy Statement with a view to it being ratified by the Board at their meeting on 18th February.

Decision

The Group noted the position and it was agreed that the finalised Licensing Policy Statement would be circulated to the members of the Local Licensing Forum prior to it being submitted to the Board Meeting on 18th February.

The Chair ruled, and the Group agreed, to adjourn for a short break at 2:50pm and reconvene at 3:05pm.

6. OVERPROVISION

The Chair of the Licensing Forum introduced the issue of overprovision, reminding the Group members that as stated in the Licensing (Scotland) Act 2005, the Licensing Board are required to issue a statement regarding overprovision. The statement in the Draft Licensing Policy is that currently an issue of overprovision has not been identified however the matter will be kept under review. The Group discussed the difficulties and the resources required to undertake research in order to determine if overprovision is present within Argyll and Bute. It was noted that the National Health Service have a vital role to play with regards to overprovision. The Group expressed the general view that the potential issue of overprovision lies in off-sales rather than on-sales.

Decision

As the Argyll and Bute Licensing Board are required to issue a statement in relation to overprovision as required by the Licensing (Scotland) Act 2005, the Group decided that S Mair, Legal Manager will provide a report to the next meeting of the Licensing Board in February on how the issue of assessing overprovision can be taken forward.

7. ONLINE SALES AND DELIVERIES OF ALCOHOL

The Group undertook in a discussion regarding online sales and delivery of alcohol. G Forrester, Corporate Solicitor explained to the Group that Argyll and Bute Licensing Board had recently seen a rise in applications from businesses within Argyll and Bute applying for online and delivery licenses. The Group acknowledged that Argyll and Bute Licensing Board should not refuse the licenses as companies from out with Argyll and Bute currently deliver to the area and if denied, consequently local businesses would suffer however they should aim to work together with local businesses to try and regain some control of the issue.

Decision

The Group acknowledged that online sales and deliveries are hard to control and contributes to the difficulties of identifying if an overprovision exists within Argyll and Bute .