

**MINUTES of MEETING of LOCAL LICENSING FORUM held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on WEDNESDAY, 28 APRIL 2010**

Present: Eric Box, Community Representative (Chair)

Eric Dearie, Licensing Standards Officer
Cath Cakebread, Argyll and Bute Addiction Team Manager
David Greenwell, ADAT
Roanna Taylor, Young Scot
Sheila Johnston, Community Representative
Calum MacLachlainn, Licence Trade
Fred Bruce, Community Representative
J Russel Buchanan, Ex-licensee
Kenneth Harrison, Health Representative
Susan Mair, Clerk to the Licensing Board
Charles Reppke, Head of Governance and Law

The Chair advised that he had received a resignation from Louise Walker, Local Training Provider. It was agreed that a letter would be sent to Louise thanking her for her contribution to the Forum.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Superintendent Park, Strathclyde Police; Catherine Dobbie, Quality Improvement Officer; Brian Kupris, Community Representative and Louise Walker, Local Training Provider.

2. MINUTES OF MEETING HELD ON 27 JANUARY 2010

The Minutes of the meeting of the Local Licensing Forum held on 27 January 2010 were approved as a correct record.

3. OFFSALES LICENCES FOR SALE OF GIFTS CONTAINING ALCOHOL

At the previous meeting on 27 January 2010 J Russell Buchanan had reported that smaller premises selling gifts containing alcohol had been giving up their licences because they were having to specify where on the premises the goods were to be displayed and due to the large set up costs. He said the problem with specifying where on the premises the alcohol was to be displayed was because it was not easy for the shop to change its layout if and when desired. Also the large set up costs could not be justified by the small amount of alcohol being sold. He advised that many of the items being sold contained only 1.8cl of alcohol and in his opinion allowances should be made under the new regulations for the sale of gifts. He added that under the old system the whole of the shop was covered by a licence and not just a designated area. Making representation to the Government to amend these regulations for the sale of gifts containing alcohol was suggested.

Susan Mair confirmed that within the new regulations premises had to specify on a plan a designated area on the shop floor for the display of alcohol that was accessible to the public and advised that in addition a premise could also have a second display behind the counter or in a locked cabinet that was not accessible to the public.

Charles Reppke advised that representation could be made to the Government but advised that this had been done in the past and had not been addressed. He advised that the Forum would need to provide strong evidence on the effect this had had on businesses in Argyll and Bute before representation could be made and was unsure if he would be happy to provide the resource for this.

Sheila Johnston advised that the smallest annual fee was £220 and enquired as to whether there could be a breakdown in fees for smaller businesses. Susan Mair advised that the Licensing Board had set fees at the maximum when the new regulations came into place but had committed to review them once the new regulations had been embedded.

The Forum noted the position with regard to licences for gifts containing alcohol and agreed that this would be brought back to a future meeting once the Board had completed their review of licensing fees.

4. REVIEW OF ARGYLL AND BUTE LICENSING BOARD POLICY STATEMENT

Susan Mair had submitted a report advising that the Argyll and Bute Licensing Board Policy Statement was due for revision. Susan advised that the Board had agreed at their recent meeting that this would go out to consultation with a return date of the end of July 2010. The new Policy Statement would be required to be in place by November 2010. Susan highlighted the areas of the Policy that required revision and invited the Forum to provide comment. She suggested that this be focused on at the next meeting of the Forum on 13 July 2010. Charles advised that because there were a number of different views on the document, the Forum had 3 options; option 1 for everyone on the Forum to provide their own personal response; option 2 for the formation of a Group to discuss and provide a response on behalf of the Forum and Option 3 for the Forum to discuss at a separate meeting, come to a conclusion and provide a joint response.

After discussion it was agreed that a date would be agreed with the Chair for a workshop to be held for the Forum to discuss the review of the Policy Statement and provide a joint response to the Board. The details of this workshop would be conveyed to the Forum once agreed.

Sheila Johnston requested that additional background information be provided on the areas highlighted for review by Susan. Susan agreed that she would provide this.

5. SCHEDULE OF ARGYLL AND BUTE LICENSING BOARD MEETINGS

A schedule of Licensing Board meetings for 2010 was provided to allow the opportunity for Forum Members to attend if they so wished. These were noted by the Forum.

6. DUTY TO TRADE

It had been agreed at the meeting on 27 January to obtain details of the results of a Court case involving duty to trade to obtain clarification on what the position was with regards to closing premises during the opening hours stated on a licence. Susan advised that she had investigated this and had discovered that the case had been withdrawn and therefore she could not provide any further detail. This was noted and it was agreed that if any further information came to light it would be brought to the attention of the Forum.

Susan had tabled an article on suspension and withdrawal of licences to the Forum for their information. She advised that, to date, there had been no suspensions in Argyll and Bute. This was noted by the Forum.

7. TACKLING ALCOHOL MISUSE CONFERENCE 23 MARCH 2010 - VERBAL REPORT FROM CHAIR

Eric reported that he had attended the Alcohol Misuse Conference in Edinburgh on 23 March 2010. He advised that the Conference had been split into two sections. The first section on the review of the 2005 Act and how it was bedding down and the second section on the Alcohol Etc (Scotland) Bill that is currently with the Scottish Parliament. He reported that among other speakers Jackie Baillie MSP had provided an interesting talk on the Bill. The Forum discussed the Bill and the links between alcohol pricing and consumption. Sheila enquired as to whether there had been any clarification on whether or not the new Bill would include restrictions on sales promotions. Susan confirmed that the new Bill would provide for this. Eric's verbal report was noted by the Forum.

8. POLICE STATISTICS

Inspector Wallace reported on the number of visits to licensed premises and the number of STORM incidents for the months of February and March 2010. He highlighted that the rise in the number of visits to premises had been due to the introduction of new shift patterns that had provided additional resources to complete visits. He added that Strathclyde Police had received very positive assistance from licensees. He reported that the STORM incident figures were generally low.

Calum asked if Pubwatch had helped lower figures in Oban. Inspector Wallace replied that it definitely had. He advised that many individuals felt that a ban from licensed premises was worse than a Court sentencing. He advised that the Police had run initiatives on Old Firm days and that a lot of licensed premises had made a conscious effort to close early which had made a difference also.

9. UPDATE FROM LSO

Eric Dearie, Licensing Standards Officer, gave a verbal update on the work he'd undertaken since the last meeting of the Forum. He advised that in terms of joint working he had formed relationships with staff within the Licensing Section, Environmental Health, Trading Standards and Planning and Regulatory Services. He advised that the Memorandum of Agreement was still to be signed off by Strathclyde

Police. His main tasks had been to provide training to licensees, provide specimens to the licensing Board, attend Licensing Board meetings, Forum meetings, and to undertake visits to Licensed Premises. He advised that he had received 16 complaints, all of which had been related to noise nuisance. He advised that he had now been appointed as a consultee for licensing appeals. Eric reported that he had worked with Sheila recently to produce a CD Rom containing training material for licensees. This had been issued to 56 licensed clubs, voluntary clubs and libraries. He added that the Licensing Standards Service Plan 2010 – 2011 had been completed and asked if this could be circulated with the Minutes of the meeting.

Charles reported that due to the restructure within the Council, the recruitment of 2 additional LSOs had not yet taken place. He advised that he hoped a decision would be taken very soon. The Forum expressed their concern over what would happen to the funding if the 2 posts were not filled. Charles informed them that the funding had been ring fenced for the posts and would not be taken away. He added that he would inform the Forum as soon as he knew what was happening.

Susan advised that the CD Rom produced by Eric, LSO and Sheila had been very worthwhile. Calum reported that a lot of clubs in Argyll and Bute had been abusing their licences by serving underage people. Many clubs had been hosting 18th birthday parties as other licensed premises would not host them. The Forum had a lengthy discussion on the policing of clubs and how they are not given the same attention as other licensed premises even through new regulations allowed for this to happen. Neil advised that he would take this issue back to the Police for discussion on the possibility of policing clubs on a more regular basis.

10. ISSUE TRACKER

Charles took the Forum through the issue tracker and the following was noted –

1. That letters had been issued to Community Councils promoting the Local Licensing Forum
2. Cath Cakebread had emailed the Head of Training at AFS regarding the website and had received a response saying that the website would be updated. It was agreed that Cath would forward the e-mail to Eric.
3. That Susan would provide a report on overprovision for the next meeting of the Forum.
4. That the new Communications Manager was now in post and Charles would set up a discussion between her and Eric.

The Forum then discussed the recruitment of new Members. It was agreed that advice would be sought from the Communications Manager and a new advertisement issued. Roanna enquired about the young person representative, Thomas Gray Stephens, who had been appointed to the Forum and whether he had attended any meetings. Roanna informed the Forum that she provided support to young people who had been appointed to such Forums by briefing them before meetings. It was agreed that a letter would be written to Thomas asking if he still wished to be on the Forum.

Sheila asked Susan when the rest of the premises licences would be issued. Susan informed her that the rest of the licences would be issued by the end of May.

11. DATE OF NEXT MEETING

It was noted that next meeting would be held on 13 July 2010.

