

# Information Note for North Ayrshire Local Licensing Forum

## What is the Local Licensing Forum?

The Alcohol Licensing system set up by the Licensing (Scotland) Act 2005 divides functions between two bodies of people:

### "Licensing Board"

This is a Committee of Councillors from North Ayrshire Council. They meet around every 3 months to decide applications to grant Licences to public houses, restaurants, off-sales shops and any other premises which sell alcohol. The Board also has many functions related to these Licences (for example, dealing with neighbour complaints). The Board's decisions can sometimes end in a Sheriff Court appeal. The Convenor of the Board is Councillor Eleanor Collier. The Board gets legal advice at its meetings by the "Clerk" (Raymond Lynch), the "Solicitor (Licensing)" (William O'Brien) or another Council Solicitor dealing with Licensing. As the Board is legally separate from the Forum, the Convenor, Clerk and the Solicitor do not usually attend Forum meetings.

### "Local Licensing Forum"

This is a Committee of people from outside the Licensing part of the Council (such as members of the public, and representatives from the Health Board and Police) who have a wide range of interests in the alcohol licensing system. It should meet at least 4 times a year and every year it should have a Joint Meeting with the Board (usually around January). The Forum elects its own Convenor and is independent of the Board.

The Licensing systems for other activities (such as driving taxis, street trading, public entertainment and gambling) use different legislation from the Licensing (Scotland) Act 2005 and do not have Forums.

## Who should be on the Forum?

The Forum should represent:

- a) Licence Holders (both "Premises Licences" and "Personal Licences")
- b) Police
- c) Education or Social Work
- d) Health Board
- e) "Young People" (persons aged 16-17)
- f) Residents

g) "Licensing Standards Officer"

The "Licensing Standards Officer" is a Council employee whose functions include monitoring and enforcing the licensing legislation, and reporting to the Board. The LSO in North Ayrshire is Grace Cullen. She visits licensed premises and meets licensees daily.

The 2005 Act distinguishes between:

"Children" – persons aged 0 – 15 years, and

"Young People" - persons aged 16-17

and some of the licensing rules are different.

## What does the Forum do?

The functions of the Forum are stated in Section 11 of the Licensing (Scotland) Act 2005:

- a) keeping under review the operation of the Licensing Board,
- b) giving advice and making recommendations to the Licensing Board.

The Act is clear that a Forum **cannot** deal with how the Licensing Board has acted in a particular case (for example, if the Board has decided to grant a Licence, the Forum cannot deal with an appeal from an objecting neighbour).

There won't be many occasions when the Forum has a chance to give advice and recommendations to the Board about a particular case, because usually the Board's staff try to get cases (for example, applications for a new Licence) to the earliest available Board meeting - the time between a person applying and the Board dealing with the case might be weeks rather than months, and the Forum might not meet in that time.

Examples of what the Forum does:

- Every 4 or 5 years the Board is legally obliged to revise its "Licensing Policy Statement". This sets out the Board's Policy on many Licensing issues. To prepare this the Board consults many stakeholders, including the Forum. The next review is to be completed by November 2023;
- Every year the Board is legally obliged to have a Joint Meeting with the Forum. This is to encourage the exchange of opinions and information, so that the Board's Policy decisions in the future will be better-informed. The Forum can make policy recommendations to the Board at any time and does not have to wait for the annual Joint Meeting.

### In summary:

- **the Board decides individual cases, and**
- **the Forum advises on Policy.**

## Where can the Forum get information?

### From the Board

Under Section 12(2) of the Licensing (Scotland) Act 2005 the Board must give the Forum Statistical Information if the Forum asks for it. This means:

- statistics the Board itself has obtained from the Police, Health Board or Council for the purpose of producing its own Licensing Policy Statement, as opposed to
- statistics which the Board itself might produce, e.g. as to the number of Licences granted.

A lot of information is on our [Licensing Board page](#). Note that some of these documents are very long, for example the LPS is 80 pages long.

The documents on the website include:

- the current list of Premises, Premises Licence Holders and Premises Managers
- the Board's meeting schedule, minutes and related documents
- the current Licensing Policy Statement (and all the supporting documents, such as statistical information from the Police and Health Board)
- advice on how to make a Complaint or Review Application

Future Forum meetings can include a report by the LSO summarising recent Board decisions.

### From the Police

Under Section 12A of the Licensing (Scotland) Act 2005 the Chief Constable must give annual reports to both the Board and the Forum. The reports are to emphasise particularly any steps the Chief Constable has taken during that year, and intends to take in the following year, to prevent the sale or supply of alcohol to under-18s. If requested, the Police must attend both Board and Forum to discuss the report.

### From the Health Board

The Health Board is an important consultee when the Board is reviewing the Licensing Policy Statement and can supply a lot of statistical data.

## Where can I get the Law?

- The [Licensing \(Scotland\) Act 2005](#) is published on a free Government website.
- The rules about the [Local Licensing Forum](#) are in [Schedule 2](#).