

Dear Convener,

Please see attached response from East Ayrshire Licensing Board:

### **East Ayrshire Licensing Board**

*What Boards see as the main challenges and opportunities to delivering public health objectives via the licensing system.* The Committee was interested in the question of whether Boards felt confident to pursue public health objectives, and to mitigate public health risks, via the licensing system. In particular, the Committee noted contrasting views in evidence, from the Scottish Government and from some stakeholders, as to whether current laws and policies empower boards, in appropriate cases, to refuse applications on grounds of overprovision (and the negative public health consequences associated with that), or whether they feel constrained in doing so because the law is insufficiently robust and clear on this point. The Committee would welcome your views on these issues.

**East Ayrshire Licensing Board can find the complex statistical information received from Health Boards difficult to understand and how the information provided relates to specific applications, particularly where the ‘data zones’ referred to by the Health Board do not always correlate the localities within the Licensing Board area.**

**In circumstances where appropriate levels of information are provided, East Ayrshire Licensing Board would not have any major difficulty in fully taking matters into account when considering an application.**

*Community planning, licensing, and public health:* The Committee notes paragraph 58 of the Scottish Government’s recently published *Alcohol Framework 2018: Preventing Harm*, which states that “Local communities have an important voice in local licensing decisions. However, the regime itself is not easily understood, formal in many instances and can be seen as bureaucratic.” This statement very much reflects the balance of views heard during our two evidence sessions. The Framework goes on to discuss the potential role for Community Planning Partnerships to help local communities “consider the impacts of alcohol and work towards the changes that they wish to see.” The Committee would welcome views from Boards on what role, if any, Boards could have in working with CPPs to advance public health objectives.

**East Ayrshire Licensing Board accepts that local communities have an important role to play, however have limited information on the Licensing regime. The Board would welcome the opportunity to work closely with CPPs in an effort to help local communities express concerns and work towards changes they would like to be effected in their local community. As many community groups view the Board Meetings as being too formal and intimidating, having help in relation to licensing matters could potentially see local communities taking a more active role.**

**The Board would welcome more input from local communities on Licensing matters as very little response is received when consulting in respect of applications (major variation and grant of new premises licence applications) and policy matters, particularly in relation to the revised Statement of Licensing Policy where significant changes were proposed.** *Licensing Standards Officers:* the Committee heard positive evidence about the role of LSOs. The Committee would be interested in obtaining more information about LSOs in your area. In particular, the Committee would welcome information on how many are in post; whether there has been an upward or downward trend in numbers since the post was created under the 2005 Act; and whether you consider overall that the post is adequately resourced in your area to enable officers to exercise their duties effectively.

**East Ayrshire Council currently employ two LSO's which is considered adequate for the geographical area. At the commencement of the Licensing (Scotland) Act 2005, the duties of the LSO's were solely in respect of liquor licensing. The LSO's duties have however since changed and are now split equally between liquor licensing and Civic Government/Misc. Licensing.**

**This could be seen as a downward trend, however, more recently Officers are of the view that the alcohol licensing system has embedded well over the years, with licence holders and designated premises managers ensuring that the legislation is complied with in the majority of premises. Complaints in relation to alcohol licensed premises are limited in number, thus freeing Officers to deal with other matters, always ensuring that they are available to provide guidance in relation to the licensing legislation as and when required, whether that be to licence holders or members of the public.**

**As well as being involved in the regulation of the Civic Government Legislation, Officers are also involved in various initiatives with other Council Officers, for example enforcement of the smoking legislation, as well as various initiatives with Police Scotland.**

Patricia Duncan  
Office Manager / Senior Licensing Board Administrator  
Governance Services - Legal  
East Ayrshire Council