

Cunninghame House,
Irvine.

7 January 2016

North Ayrshire Licensing Board

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Council Chambers, Cunninghame House, Irvine on **MONDAY 11 JANUARY 2016** at **10.00 am** to consider the undernoted business.

Yours faithfully

Clerk to the Licensing Board

1. Minutes

Confirm the Minutes of the Board Meetings held on 14 September 2015 and 9 November 2015.

2. Licences and Applications under the Licensing (Scotland) Act 2005

Submit report by the Clerk to the Licensing Board on applications under the Licensing (Scotland) Act 2005 (copy enclosed)

3. Consideration of the Board's draft Statement of Principles 2016-2019 - Gambling Act 2005 (Section 349)

Submit report to the Licensing Board for Consideration of the Board's draft Statement of Principles 2016-2019 (Gambling Act 2005, Section 349) (report enclosed)

4. Annual Joint Meeting with Local Licensing Forum

Submit report to the Licensing Board to update Members on the current position of the Local Licensing Forum as required by Section 10(3) of Licensing (Scotland) Act 2005 (report enclosed)

Licensing Board

Sederunt: Ian Clarkson (Convenor)
Tom Marshall (Vice-Convenor)
Robert Barr
John Bruce
John Easdale
Grace McLean
Catherine McMillan
Ronnie McNicol
Donald Reid

Chair:

Attending:

Apologies:

Meeting Ended:

Agenda Item 2

11 January 2016

North Ayrshire Licensing Board

Subject: **Licences and Applications under the Licensing (Scotland) Act 2005**

Purpose: To inform the Licensing Board on the background to applications received under the Licensing (Scotland) Act 2005.

Recommendation: That the Licensing Board determines the applications.

1. Introduction

- 1.1 The Licensing Board is responsible for determining applications made under the Licensing (Scotland) Act 2005, and for determining questions under that Act.
- 1.2 The Board has previously approved a Scheme of Delegation whereby certain matters can be delegated.

2. Current Position

- 2.1 The applications before the Board are set out in the attached appendices. Each appendix contains reports prepared by licensing staff for each individual case before the Board.
- 2.2 Appropriate consultation has taken place with Police Scotland and with the Council's Building Standards and Planning Sections. Where relevant the reports have been copied to the applicants and any persons making objections or representations. Any objections or representations have been copied to the applicants, so that a response might be made at the Board Hearing.

Clerk to the Licensing Board

Reference : WO'B/MC

For further information please contact William O'Brien, Solicitor Licensing , on 01294 324305

APPENDIX A

Premises Licence Applications or any other Applications requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comment
1.	0369	The Portland Arms (Scotland) Limited 11 Portland Road Kilmarnock KA1 2BT	Porthead Tavern 2-4 High Street Irvine KA12 0AY	Application for Variation of Premises Licence - Section 29
2.	0302	Lamlash Golf Club Lamlash Isle of Arran KA27 8JU	Lamlash Golf Club Lamlash Isle of Arran KA27 8JU	Application for Variation of Premises Licence - Section 29
3.	0080	Hillend Enterprises Limited 37 Greenock Road Largs KA30 8PJ	The Waterside 14 Bath Street Largs KA30 8BL	Application for Variation of Premises Licence - Section 29
4.	0043	Acre Lettings Limited 6 Stanlane Place Largs KA30 8DA	The Village Inn 46 Bay Street Fairlie Largs KA29 0AL	Application for Transfer of Premises Licence - Section 33 Clerk to Report
5.	NA/2039	Winston Tifferson		Application for Grant of Personal Licence - Section 74
6.	1058/15- 1061/15	Marston's Operating Limited Marston's House Brewery Road Wolverhampton WV1 4JT	The Red Squirrel & Lodge Ashenyards Park Stevenston	Applications for Occasional Licence - Section 56 Clerk to report

Application for Variation of Premises Licence - Section 29

Applicant	The Portland Arms (Scotland) Ltd.
Premises	Porthead Tavern, 2-4 High St., Irvine
Ref.	369

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 18 December 2015:

1. *Until the Board has a Certificate of Display, it cannot determine the Application.*
2. *no details of comments from third parties are given here. If there any, the Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	<i>Change Sunday Opening for both on- and off-sales to 11.00</i>
2	<i>Amend access arrangements for under-18s in restaurant/lounge</i>
3	<i>Amend access arrangements for under-18s in upstairs lounge</i>

2. Issues

This gives the position for each of the numbered 'Variation Requests' summarised above. Where the legislation makes a decision mandatory, this is stated. Otherwise, the Board have a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

Variation 1: Change Sunday Opening for both on- and off-sales to 11.00

Grant (no statutory reason to refuse, and no breach of Board policy)

The Premises have the usual Policy Hours for a public house, except that the opening hours for Sunday are 12.30. The probable reason for this is related to the Transitional Regulations, as the 1976 Act's 'Permitted Hours' on Sunday started at 12.30. The Board have frequently been asked to amend other Premises' Licences, and such variations have always been granted.

Variation 2: Amend access arrangements for under-18s in restaurant/lounge

Discretionary refusal

Notes:

At present under-18s are admitted to 8.30 p.m., on condition that they are supervised by an adult and are taking a meal. The proposal is to increase the access time to 10.00 p.m..

Whenever there is a proposal to alter access for 'Children' (under 16, as opposed to 'young people' of 16 or 17) the Board should consider whether or not the proposal is inconsistent with Licensing Objective (e): 'protecting Children from harm'.

The Board would be entitled to defer a decision on this application:

- (a) pending an inspection by Board Members or
- (b) an oral report from the L.S.O..

However, the Clerk is not aware of any problems with the Premises and the Board may be prepared to proceed without either.

Variation 3: Amend access arrangements for under-18s in upstairs lounge

Discretionary refusal

Notes:

The access arrangements are the same as V2 and the considerations for the Board are the same.

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	Lamlash Golf Club
Premises	Clubhouse, Isle of Arran, KA27 8JU
Ref.	302

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 18 December 2015:

1. *Until the Board has a Certificate of Display, it cannot determine the Application.*
2. *no details of comments from third parties are given here. If there any, the Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	Add 'music' and 'live performances' to Operating Plan
2	Add off-sales facility
3	Add 'gaming' to Operating Plan

2. Issues

This gives the position for each of the numbered 'Variation Requests' summarised above. Where the legislation makes a decision mandatory, this is stated. Otherwise, the Board have a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

Variation 1: Add 'music' and 'live performances' to Operating Plan
Discretionary refusal
Notes: The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'. However, given that the Premises are not close to dwelling-houses, schools, hospitals, sheltered housing or other noise-sensitive premises the Board may consider that the variation may be granted. If the Board allow these activities but are later satisfied that this is inconsistent with any L.O. or that any Licence condition has been breached, it has the right to Vary the Licence so as to limit or remove the permission.

Variation 2: Add off-sales facility
Grant (no statutory reason to refuse, and no breach of Board policy)

Notes:

The proposal is to add an off-sales facility to Premises which already have an on-sales Licence, to operate 11.00 a.m. - 10.00 p.m. 7 days a week.

Usually such a proposal would be contrary to the Board's Overprovision Policy, and therefore there would be a presumption of refusal, but by statute the relevant ground of refusal is not available where the Premises are a 'Special Status' Club (i.e. one which satisfies Section 125 of the 2005 Act and the associated Regulations).

In the absence of any ground for refusal related to inconsistency with the statutory Licensing Objectives, the Board should grant.

As required by statute, this Application has been intimated to the Health Board. They have not responded. The Board would be entitled to form a view without a specific objection from the Health Board, but in the past has only done so after a specific objection (and in these cases, the objection has been linked to Overprovision).

The only L.O. which might be relevant here is L.O. (d): 'protecting & improving public health'. This L.O. expressly states 'improving'. Opinions may differ as to whether an increase in the ability to sell and consume alcohol damages public health, or makes no difference, but it is unlikely to improve it.

It may be claimed that the increase simply increases consumer choice, and will not lead to an overall increase in consumption. This argument has been disapproved by the Scottish Parliament, which has limited off-sale displays and alcohol advertisements.

The Board would be entitled (but not obliged) to defer consideration of this proposal and seek observations from the Health Board.

Variation 3: Add 'gaming' to Operating Plan

Grant (no statutory reason to refuse, and no breach of Board policy)

The Applicant proposes to use a 'Bandit' gaming machine.

Note to Applicant

This is not an issue the Board will take into account when deciding whether or not to grant this Application, but for the Applicant's information:

The provisions of the Gambling Act 2005:

- allowing "Equal Chance Gaming" (such as Poker) without a Permit
- allowing the use of Gaming Machines without a Permit (called "the Automatic Entitlement")
- allowing the playing of Bingo without a Licence

- Licensed Premises Gaming Machine Permits

only apply during the Core Licensed Hours.

If the Premises are open outside these hours then there must be no gaming and any Gaming Machines should be switched off (see Gambling Act 2005, Section 278(1)(c)).

The Application seeks Variation of the Premises Licence under the Licensing (Scotland) Act 2005 (the alcohol licence). Although that Licence can be varied so as to include 'gaming', this Variation is not enough to permit anything which is covered by the separate legislation in the Gambling Act 2005. Unless the proposed activities are covered by entitlements or exemptions under that legislation, separate Permits or Licences may be needed. The Applicant should contact the Board office for advice on what is required.

3. Licence Conditions

If Variation 2 is granted, the Conditions for Off-Sales (Part B) should be added

Application for Variation of Premises Licence - Section 29

Premises	"The Waterside", 14 Bath St., Largs
Premises Licence Holder	Hillend Enterprises Ltd.
Ref.	080

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 25 December 2015:

1. *Until the Board has a Certificate of Display, it cannot determine the Application.*

2. *no details of comments from third parties are given here. There have already been some, but since the period has not expired and there might be others, these are not detailed here. The Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	<i>Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.</i>
2	<i>Add dance facilities to the Operating Plan</i>

2. Issues

Variation 1: Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.

Discretionary refusal

Notes:

The current On-Sales hours are:

Mon - Wed 8.00 - 24.00

Thur - Sat 8.00 - 1.00

Sun 8.00 - 24.00

i.e. the terminal hours are Board Policy hours.

The Licence is subject to the usual Board conditions but also to a specific condition relating to nuisance. On 26 June 2012 the Board upheld a Review Application submitted by a neighbour of the Premises, Mr. Paul Castelvechi, Flat H, 18 Main St., Largs in relation to Licensing Objectives:

"(c) preventing public nuisance"

“(d) protecting and improving public health”

The Board varied the Licence by adding a further condition:

“Amplified music or noise will cease as 12.30 a.m. on a Friday and Saturday night and 11.30 p.m. on a Sunday night.”

The Board subsequently dealt with a second Review Application commenced by the Environmental Health Officer. This was continued on a number of occasions, pending noise-abatement works and monitoring by the EHO. At their Meeting on 18 December 2012 the Board noted that works had been carried out on the Premises with a view to remedying the problem raised by the Application, and that the PLH proposed to cease having live music 30 minutes before the Terminal Hour. In respect that it appeared to the Board that the matters raised by the Applicant had now been resolved, the Board determined to take no further action on the Application.

The Board should be aware of the potential relevance of the European Convention on Human Rights. Article 8(1) is:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

This right has been held to be relevant in noise-nuisance cases, e.g. in Moreno Gomez v Spain [2004] ECHR 633 a Spanish Council had designated the area where the complainer lived as an “acoustically saturated zones” but nevertheless granted a Licence to a disco-club. The European Court of Human Rights held that there had been a violation of Article 8 and awarded compensation against the Government.

The Board would have to consider:

- (a) whether or not the proposed variation was consistent with the Licensing Objectives, and
- (b) whether or not the proposed variation involves a disproportionate interference with the complainers' Human Rights;
- (c) can the problem suffered by any complainer be adequately mitigated, e.g. by sound-proofing.

If granting the hours requested, the Board may wish to limit the activities permitted on the Premises. The Board may also oblige the Applicants to give complainers prior notice of events after a specified time, and to notify the EHO so that these might be monitored.

If the Board allow the variation, and are later satisfied that this is inconsistent with any L.O. or that any Licence condition has been breached, they have the right to Vary the Licence so as to limit or remove the permission.

Variation 2: Add dance facilities to the Operating Plan

Discretionary refusal

Notes:

The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'.

The considerations are similar to those for V1.

3. Licence Conditions

If either Variation is granted, the Board should consider what variation, if any, should be made to the Conditions. Possible conditions might:

- (a) limit the activities permitted on the Premises.
- (b) oblige the Applicants to give complainers prior notice of events after a specified time
- (c) oblige the Applicants and to notify the EHO so that these might be monitored.

Application for Grant of Personal Licence - Section 74

Applicant	Winston Tifferson
Ref.	2039

1. Summary

The Applicant has applied for a Personal Licence. The Application is not advertised and the only consultation involves the Chief Constable, who is to provide the Board with a letter confirming whether or not the Applicant has been convicted of 'relevant or foreign offences'.

The Chief Constable has reported that the Applicant has been convicted of one or more such offences. A copy of the letter will be given to Members.

The information was also supplied by the Applicant.

2. Police Recommendation

If the Chief Constable considers that it is necessary for the purposes of any of the Licensing Objectives that the Application should be refused, he may recommend this under Section 73(4). He has not done so.

3. Procedure

A copy of the Police letter and of this Report has been sent to the Applicant, together with Intimation of the Board Hearing.

At the Hearing, the Board must have regard to

- (a) the Chief Constable's letter
- (b) any comments made by the Applicant.

4. Board's Powers

If the Board are satisfied that it is necessary to refuse the Application for the purposes of any of the Licensing Objectives, they must do so. Otherwise, they must grant the Application.

All Personal Licences are valid for 10 years, and can be renewed indefinitely at 10 year intervals. The Board cannot limit the length of the grant or attach conditions.

5. Subsequently

The Applicant can appeal to the Sheriff if the Application is refused. The Chief Constable cannot appeal if the Application is granted.

After a decision to grant, if any of these occur:

- (a) the Licence Holder is convicted of an offence during the currency of the Licence, or
- (b) the Board, while dealing with a Premises Licence Review, makes a finding that the Holder has acted in a manner which was inconsistent with any of the Licensing Objectives, or
- (c) the Chief Constable considers that the Holder has acted in a manner which is inconsistent with any of the Licensing Objectives,

the Board will be entitled to hold a Hearing which may lead to the Revocation, Suspension for up to 6 months, or the Endorsement of the Licence. If 3 Endorsements are imposed within a 5-year period, the Board may Suspend or Revoke the Licence.

The Holder must obtain a fresh Licensing Qualification every 5 years, failing which the Licence is automatically revoked, without Board discretion or Appeal to the Sheriff.

Report

to

North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject:	Gambling Act 2005 - Statement of Principles
Recommendation:	That the Board should adopt a Statement for 2016-2019

1. The Board are the 'Licensing Authority' for the purposes of the Gambling Act 2005.

2. Licensing Authorities are required by Section 349 to publish a Statement of the Principles which they propose to apply when exercising their functions. This Statement must be published at least every three years. The next Statement must be adopted by 31 January 2016.

3. A draft Statement has been prepared by the Solicitor (Licensing) and published on the Board's website, and attached to this Report. The draft has taken into account revised guidance issued by the Gambling Commission ("Guidance to Licensing Authorities", edition 5, September 2015 - referred to as "GLA5").

4. Notices inviting representations have been:

- (a) displayed on the public TV at Council Headquarters;
- (b) published on the Board's website;
- (c) sent to the "Responsible Authorities" listed in Annex 1 of the draft Statement, and
- (d) sent to the persons and bodies listed in Annex 2 ("Consultee List").

Any representations should be made in writing to the Clerk no later than 12 noon on Friday 8 January 2016. Any representations received will be copied to Members at the later Meeting. The Board should consider the draft Statement and any representations, and then adopt a final Statement. This will then be published on the Board's website.

5. The meeting on 11 January 2016 is the last available scheduled meeting before the deadline of 31 January 2016 (the next scheduled meeting of the Board is on 22 February 2016). If the Board wish to have more time for consultation and consideration, a Special Meeting would have to be convened.

6. The relevant Regulations oblige the Board to:

- (a) publish the Statement its website; and
- (b) make the Statement publicly available,

for a period of at least four weeks immediately prior to the date on which the Statement will come into effect.

Draft

**NORTH AYRSHIRE LICENSING BOARD
GAMBLING ACT 2005, SECTION 349
STATEMENT OF PRINCIPLES 2016-2019**

Part A – Introduction

A.1. References here:

- (a) to Acts (e.g. 'Section 349') are to the Gambling Act 2005;
- (b) to Regulations (e.g. 'Regulation 4') are to the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006, No. 154;
- (c) to the "Commission" are to the Gambling Commission;
- (d) to Guidance are to the document "Guidance to Licensing Authorities" (5 ed., September 2015) issued by the Commission (here referred to as 'GLA5'),

unless otherwise specified.

A.2. North Ayrshire Licensing Board is the Licensing Board for North Ayrshire continued in existence by Section 5 of the Licensing (Scotland) Act 2005. It is therefore the 'Licensing Authority' for the purposes of the Act (Section 2(1)(c)).

A.3. Licensing Authorities are required every three years by to prepare and publish a Statement of the Principles which they propose to apply when exercising their functions (Section 349. The "first appointed day" was set as 31st January 2007 by Order S.I. 2006 No. 637), so the dates for future Statements are 31st January in 2010, 2013, 2016 and so on.)

In preparing this Statement of Principles the Board:

- (a) has consulted with the Responsible Authorities listed in Annex 1 and the persons and bodies listed in Annex 2 ('Consultee List'),
- (b) has published notices in local newspapers, and on its website, inviting representations.

A.4. North Ayrshire is part of the former Strathclyde region of Scotland. The Council area has a population of 138,146, divided into age groups (comparing the proportions locally with the whole of Scotland):

Age group	Total number	Local (%)	Scotland (%)
Children (0 to 15)	24,483	17.7	17.3
Working age (16-64)	87,765	63.5	65.9
Pensionable age (64+)	25,898	18.7	16.8
Total	138,146		

[data from 2011 Census]

The area covers 886 square kilometres. The Council area is both rural and urban and includes part of the mainland and also the Isle of Arran and the Cumbraes. The main settlements are Irvine, Kilwinning, Ardrossan, Saltcoats, Stevenston, Beith, Dalry, Kilbirnie, Largs, Dreghorn, Springside, West Kilbride, Seamill, Fairlie, Skelmorlie, Brodick and Millport.

A.5. Part 8 of the Act (Sections 150 - 213) deals with the Grant, Variation, Transfer and Review of Premises Licences, the Reinstatement of a lapsed Licence, and the issue of a Provisional Statement. Boards also:

- (a) Regulate Members Clubs and Miners Welfare Institutes who wish to undertake certain gaming activities via issuing 'Club Gaming Permits' (Sections 271 & 285) and/or 'Club Machine Permits' (Sections 273 & 285);
- (b) Issue 'Club Machine Permits' to Commercial Clubs;
- (c) Grant permits for the use of certain lower stake Gaming Machines at 'Unlicensed Family Entertainment Centres'.
- (d) For alcohol-licensed Premises:
 - (i) Receive "automatic entitlement" notifications for the use of two or fewer Gaming Machines (Section 282);
 - (ii) Grant 'Licensed Premises Gaming Machine Permits' for more than two machines to Premises licensed to sell or supply alcohol for consumption on the Licensed Premises (Sections 283 & 285);
- (e) Register 'Small Society Lotteries' below prescribed thresholds (Schedule 11, Part 4);
- (f) Issue 'Prize Gaming Permits' (Part 13 and Schedule 14);
- (g) Provide information to the Gambling Commission regarding details of Licences issued.

A.6. The following Premises Licences are in force in the Board's area:

Betting Premises = 30

Adult Gaming Centre Premises = 6

Bingo Premises = 5

Family Entertainment Centre Premises = 4

Part B - General Statement of Principles

B.1. With one exception, all decisions about Premises Licences involve the use of the Board's discretion. The exception is Section 166 - Casinos (see below - Part C).

B.2. In producing this Statement, the Board has had regard to:

- (a) the Licensing Objectives in Section 1:

- (1) preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - (2) ensuring that Gambling is conducted in a fair and open way, and
 - (3) protecting Children (under 16) and other Vulnerable Persons from being harmed or exploited by Gambling.
- (b) the Gambling Commission Guidance document GLA5;
- (c) any representations from those consulted on the Statement.

B.3. Section 153 directs the Board, in exercising their functions under Part 8, to aim to permit the use of Premises for Gambling in so far as they think it is —

- (a) in accordance with any relevant Gambling Commission Code of Practice,
- (b) in accordance with any relevant Guidance issued by the Commission.
- (c) reasonably consistent with the Licensing Objectives, and
- (d) in accordance with this Statement of Principles.

B.4. Nothing in this Statement will override the right of any person:

- to make an Application (with one exception),
- to make representations about an Application, or
- to apply for a review of a Licence,

as each will be considered on its own merits and according to the statutory requirements.

The exception is that, since the Board has decided not to permit Casinos in North Ayrshire, an Application for a Casino will not be entertained (see Part C).

B.5. The Board regards 'vulnerable persons' as including people who:

- (a) gamble more than they want to;
- (b) gamble beyond their means;
- (c) may not be able to make informed or balanced decisions about Gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs; or
- (d) are 'Young Persons' (aged 16 or 17).

B.6. Although the Board will have regard to the Licensing Objectives, these do not oblige the Board to intervene, e.g. in relation to Licensing Objective 2 (ensuring that Gambling is conducted in a fair and open way), the Board notes the Guidance (GLA5, Para. 5.11):

"Generally the Commission would not expect Licensing Authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a

matter for either the way specific Gambling products are provided and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence. However, if Licensing Authorities suspect that Gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an Operating Licence or of an individual to hold a Personal Licence."

The Commission, not the Board, issues Operating Licences and Personal Licences.

B.7. The Board will consider Applications for Premises Licences, Permits and other permissions on their merits and consider whether or not the proposals are consistent with the Licensing Objectives. In particular, given L.O. 3 (protecting children and other vulnerable persons from being harmed or exploited by Gambling) the Board shall give special attention to:

- the location of the proposed Premises in relation to schools, residential areas where there may be a high concentration of families with children, hospitals, and centres for Gambling addicts;
- the location of activities within Premises;
- the arrangements made to prevent or control access by children and other vulnerable persons to the Premises or certain parts.

Any such Policy must, however, come with the qualification that each case will be decided on its merits, and will depend to a large extent on the type of Gambling that it is proposed will be offered on the Premises. It is always open to the Applicant to seek to persuade the Board that any Licensing Objective concerns can be overcome, and that the particular Application could be treated as an exception to the Board's Policy.

Layout

B.8. It is for the Licensing Board to decide whether different parts of a building can be properly regarded as being separate Premises. It is unlikely to consider that areas of a building that are artificially or temporarily separate can be properly regarded as different Premises.

The Board notes the Commission's Guidance (GLA5, para. 7.26):

"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits."

The third licensing objective seeks to protect children from being harmed by Gambling. In practice that means not only preventing them from taking part in Gambling, but also preventing them from being in close proximity to Gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe Gambling where they are prohibited from participating. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a Gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

Irrelevant considerations

(a) 'Demand' for gaming premises

B.9. In determining whether to grant a Premises Licence, the Board is not entitled to have regard to the expected demand for the facilities which it is proposed the Premises will provide.

The Board notes the Guidance:

"6.37 Previous legislation required that the grant of certain Gambling permissions should take account of whether there was unfulfilled demand for the facilities. This is no longer the case and each Application must be considered on its merits without regard to demand. The Statement of Policy should reflect the 'aim to permit' principle (s.153 of the Act) and should not comment on whether there is demand for Gambling premises."

6.38 However, the Statement of Policy may comment on the location of premises and the general principles it will apply in considering the location so far as it relates to the Licensing Objectives. For example, a Statement of Policy may set out that the Licensing Authority will carefully consider applications for Premises Licences and whether there is a need for condition(s) to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for gambling addicts, in light of the third Licensing Objective. The Statement of Policy must be clear that each case will be decided on its merits and will depend to a large extent on the type of Gambling that is proposed for the premises."

(b) moral or ethical objections

B.10. The Guidance provides (Para. 5.34):

"Licensing Authorities should be aware that other considerations such as moral or ethical objections to Gambling are not a valid reason to reject applications for Premises Licences. In deciding to reject an application, a Licensing Authority should rely on reasons that demonstrate that the Licensing Objectives are not being, or are unlikely to be, met, and such objections do not relate to the Licensing Objectives. An Authority's decision cannot be based on dislike of Gambling, or a general notion that it is undesirable to allow Gambling premises in an area (with the exception of the Casino resolution powers)."

Accordingly, when considering Applications for Premises Licences the Board will give no regard to such objections.

(c) Compliance with other legislation

B.11. Section 210(1) is:

"In making a decision in respect of an Application under this Part a Licensing Authority shall not have regard to whether or not a proposal by the Applicant is likely to be permitted in accordance with the law relating to planning or building."

This approach is extended to other regulatory legislation. GLA5, para. 7.65 includes:

"Nor should fire or health and safety risks be taken into account."

Accordingly, when considering Applications for Premises Licences the Board will give no regard to such objections.

Conditions

B.12. Premises Licences will be subject to the permissions and restrictions set out in the relevant legislation. The Board does not propose regularly to add to or exclude the specific, mandatory and default conditions. It will consider such action where it appears appropriate.

B.13. The Board will where it considers appropriate and lawful attach conditions to Licences which are:

- (a) relevant to the need to make the proposed building suitable as a Gambling facility;
- (b) directly related to the Premises and the type of Licence applied for;
- (c) fairly and reasonably related to the scale and type of Premises; and
- (d) reasonable in all other respects.

Decisions upon individual conditions will be made, on a case-by-case basis, although there will be a number of control measures which the Board will consider utilising should there be a perceived need, such as

- the use of door supervisors
- supervision of Adult Gaming Machines
- appropriate signage for adult-only areas.

The Board will also expect the Applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

General

B.14. The Board will endeavour:

- to avoid duplication with other regulatory regimes so far as possible
- to act in accordance with the relevant legislation and Guidance from the Commission
- to adopt the principles of better regulation.

B.15. A Scheme of Delegations has been adopted by the Board under Section 155 to ensure effective management of the Board's functions under the Act. All functions under the Act, other than those expressly reserved to the Board by the legislation, are delegated to the Clerk and the Solicitor (Licensing).

Part C - Casinos

Under Section 166 a Licensing Authority may resolve not to issue Casino Premises Licences. The Board has not previously granted a Casino Premises Licence or a Provisional Statement for such Premises, or made such a Resolution. Having regard to the economic and social circumstances of the Board's area, the Board does not regard the operation of a Casino as appropriate and accordingly makes a Resolution under Section 166. That Resolution will operate for the duration of this Statement.

Part D - Statements of Principles for particular functions

D.1. The Board is required by Regulations to state the principles it will apply in exercising certain functions:

- (a) Designation of Child Protection Responsible Authority
- (b) Interested Parties
- (c) Exchange of Information
- (d) Inspection

(a) Designation of Child Protection Responsible Authority

D.2. Under Section 157(h) of the Act the Board is required to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles applied by the Board are:

- (i) The need for the body to be responsible for an area covering the whole of the Board's area;
- (ii) The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Guidance the Board designates the Social Services Department of North Ayrshire Council for this purpose.

(b) Interested Parties

D.3. "Interested Parties" can make representations about Licence Applications, or apply for a review of an existing Licence. If a party is not a "Responsible Authority" (as defined, e.g. the Chief Constable) then he can only make a representation if he qualifies as an "Interested Party".

Guidance Para. 7.52 includes:

"Representations from other parties are inadmissible."

D.4. Section 158 is:

"For the purposes of this Part a person is an Interested Party in relation to a Premises Licence or in relation to an Application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the Licence or to which the Application is made, the person—

- (a) lives sufficiently close to the Premises to be likely to be affected by the authorised activities,*
- (b) has business interests that might be affected by the authorised activities, or*
- (c) represents persons who satisfy paragraph (a) or (b)."*

D.5. The Board is required by Regulations to state the principles it will apply in exercising its powers to determine whether or not a person is an Interested Party. The Board will not apply a rigid rule to its decision-making, and each case will be decided on its merits, but the principles are:

(i) Category (a) (residents)

D.6. The factors the Board may have regard to include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

The phrase 'lives sufficiently close' could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

(ii) Category (b) (businesses)

D.7. The issue for the Board is whether or not the relevant business is likely to be affected. Simply because the relevant business already operates in the Board's area is unlikely to be enough. Factors that are likely to be relevant include:

- the size of the Application Premises
- the 'catchment' area of those premises, that is, how far people travel to visit them
- whether the person making the representation has business interests in that 'catchment area' that might be affected. (it should be borne in mind that Gambling legislation has no concept like Overprovision in alcohol licensing)

(iii) Category (c) (representatives)

D.8. The Board is likely to accept that persons who are democratically elected (e.g. M.P.s, M.S.P.s, Councillors, and Community Councillors) 'represent' someone who satisfies (a) and/or (b); If members of the public wish to approach Councillors to ask them to represent their views, then care should be taken that those Councillors are not part of the Board dealing with the Application or Review. It is possible that a Councillor who is also a Member of the Board would have to declare an interest and be disqualified from participating in the Board's proceedings. The member of the public might be better to make a direct written representation.

D.9. The Board may (but is not obliged to) accept that other persons or bodies 'represent' a person who satisfies (a) and/or (b) if a letter from such a person is produced. Examples of such representatives are Residents', Tenants' or Trade Associations, or Trade Unions;

D.10. A person may be accepted as a 'representative' without a letter, depending on the interests said to be represented, e.g. a school head or governor might act in representing the interests of pupils or parents; a community group might represent vulnerable people living near to the proposed premises; the Chief Executive or other senior officers of the Council may also be accepted as 'representative'.

(c) Exchange of Information

D.11. Each Licensing Authority is required to include in their Statement the principles to be applied in exercising the functions with respect to the exchange of information between:

- (i) the Authority and the Commission under Section 30;
- (ii) the Authority and the other persons listed in Schedule 6 to the Act under Section 350.

The principle that the Board applies is that it will act in accordance with the Data Protection Act 1998, having regard to any relevant enactments and Guidance issued by the Commission.

(d) Inspection

D.12. Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to inspection of Premises.

D.13. The Board's principles are that it will be guided by the Gambling Commission's guidance, and will adopt a risk-based inspection programme, targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on problem premises.

D.14. The Board will determine the level of risk on a case-by-case basis, reviewing its approach as it sees fit on the basis of information about whether the operation of particular Premises:

- is consistent with the Licensing Objectives
- involves breach of the legislation or Licence conditions

D.15. The main enforcement role of the Board is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences, and concerns about manufacture, supply or repair of Gaming Machines will not be dealt with by the Board but will be notified to the Commission.

D.16. Under Section 304, the Board has designated the Licensing Standards Officers for the Licensing (Scotland) Act 2005 as "Authorised Persons" for the purpose of Section 304. The Board has also delegated authority to the Clerk and the Solicitor (Licensing) to exercise the Board's powers under Sections 304(2) and 304(3) to designate additional or alternative "Authorised Persons", who may or may not be L.S.O.s (and, in the case of Section 304(3), to limit the authorisation to particular Premises or classes of Premises as the officers exercising the power of designation see fit).

Part E - Particular Types of Premises**(a) Adult Gaming Centres**

Given L.O. 3, and the need to protect Children and Vulnerable Persons from harm or being exploited by Gambling, the Board will expect the Applicant to satisfy the Board that there will be sufficient measures to ensure that under-18s do not have access to the Premises. Licence conditions may cover issues such as:

1. Proof-of-age schemes
2. CCTV
3. Door supervisors
4. Supervision of entrances and machine areas
5. Physical separation of areas
5. Location of entry to Premises
6. Notices and signage
7. Specific opening hours.

This list is not exhaustive.

(b) (licensed) Family Entertainment Centres

The Board's approach will be similar to that for Adult Gaming Centres.

(c) Bingo Premises

Section 177 attaches a condition to Bingo Premises Licences that prohibits the licensee from:

- giving credit in connection with the Gambling taking place on the premises
- participating in, arranging, permitting or knowingly facilitating the giving of credit in connection with the Gambling on the premises.

The Board notes the Guidance (GLA5, Para. 9.12):

"However, s.177 does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the Premises Licence holder has no other commercial connection in relation to Gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All Premises Licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease Gambling in order to do so."

(d) Betting Premises

The Board notes the Guidance in relation to Self-Service Betting Terminals (SSBTs) (GLA5, Para. 19.9):

"S.181 contains an express power for Licensing Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the Casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Licensing Authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by Children and Young Persons or by Vulnerable People."

(e) Travelling Fairs

Section 287 makes special provision for Gambling at 'Travelling Fairs', provided that the fair is not at the place for more than 27 days in the calendar year. Gambling is permitted without a Licence or Permit provided that:

- (a) any Gaming Machines are 'Category D' (low stakes and prizes); and
- (b) that 'Facilities for Gambling' (whether by way of Gaming Machine or otherwise) amount together to no more than an 'ancillary amusement' at the fair.

It will fall to the Licensing Board to decide whether:

- (i) the Applicant falls within the statutory definition of a 'travelling fair';
- (ii) the 'ancillary amusement' condition is met.

(f) Reviews

Requests for a Review of a Premises Licence can be made by Interested Parties or Responsible Authorities. It is for the Board to decide whether the Review is to be carried out. Under Section 198, the Board may reject a Review Application if they think that the grounds on which the Review is sought—

- (a) do not raise an issue relevant to the Principles to be applied in accordance with Section 153 (the general principles relevant to any exercise of the Board's powers);
- (b) are frivolous;
- (c) are vexatious;
- (d) will certainly not cause the authority to wish to take any of the actions it may take on upholding a Review (it may revoke the Licence, suspend it for up to 3 months; exclude a Default Condition or remove or amend an exclusion; or add, remove or amend a condition imposed or excluded by the Board);
- (e) are substantially the same as the grounds specified in an earlier Review Application;
or
- (f) are substantially the same as representations made in relation to the Application for the Premises Licence.

In determining whether to exercise the power to reject a Review Application under (e) or (f), the Board shall consider the length of time that has elapsed since the earlier Application or representations. The Board may reject part of a Review Application but proceed with the remainder.

If the Board decides to proceed with a Review, there will be a Hearing to which the Licence Holder and the Applicant will be invited.

Part F - other Permits, Licences and entitlements

(a) (unlicensed) Family Entertainment Centre - Gaming Machine Permits (Schedule 10)

F.1. Where Premises do not hold a Premises Licence but wish to provide Gaming Machines, they may apply to the Board for this Permit.

F.2. The Permit may only be granted if:

- (a) the Board is satisfied that the Premises will be used as an unlicensed FEC; and
- (b) the Chief Constable has been consulted on the Application.

F.3. Section 238 defines "Family Entertainment Centre":

"premises (other than an Adult Gaming Centre) wholly or mainly used for making Gaming Machines available for use"

The words "wholly or mainly" are to be emphasised. A proposal to place Gaming Machines in the public spaces of a shopping centre is likely to be refused as incompetent.

F.4. Para. 5 includes:

"5. An application for a permit must ... (c) contain or be accompanied by such other information or documents as the licensing authority may direct"

Therefore, in order to satisfy the Board on the "wholly or mainly" issue, Applicants should provide a Layout Plan, e.g. showing a demarcated and enclosed area which will contain the machines.

F.5. Given the likelihood that such Premises are likely to be frequented by children, and given that the Premises are not regulated by the Commission, the Board will expect Applicants to demonstrate:

- (a) a full understanding of the maximum stakes and prizes of the Gambling that is permissible in unlicensed FECs
- (b) that the Applicant has no 'relevant' convictions (set out in Schedule 7 of the Act)
- (c) that employees are trained to have a full understanding of the maximum stakes and prizes
- (d) that there are policies and procedures in place to protect children from harm. 'Harm' in this context is not limited to harm from Gambling but includes wider child protection considerations. The effectiveness of such policies and procedures will each be considered on

their merits; they may include checks for staff, training covering how staff would deal with unsupervised under-18s being on the Premises, or under-18s causing perceived problems on/around the Premises.

F.6. Unlike other types of Licensing, a Permit does not require the prior designation of a Premises Manager, or require that he/she should hold a Personal Licence, so unless the Applicant specifies who will manage the Premises, and undertakes that the Board will be given such details for whoever is the manager at any time, there is no way of the Board being satisfied that it is likely that the Premises will operate continuously consistently with the Licensing Objectives.

The Board is unlikely to regard supervision by staff of the shopping centre or remote monitoring by CCTV to be adequate substitutes for a day-to-day manager who is continuously present.

F.7. Possible questions are:

- (a) will machines be continuously supervised to ensure that under-18s do not spend more than a specified amount of time or money using machines?
- (b) what amounts of time and money are proposed?
- (c) who will do monitor this?
- (d) who will the day-to-day manager be? The Applicant should identify him/her, giving:
 - his/her full name
 - date of birth
 - place of birth
 - all addresses in the past 5 years
 - details of experience in operating such Premises.

F.8. The Board may refuse an Application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the Premises without reasonable excuse, or that renewal would not be reasonably consistent with the Licensing Objectives.

(b) (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13, para 4(i))

F.9. Section 282 permits certain Premises licensed to sell alcohol for consumption on the Premises to have automatically two Gaming Machines of Categories C and/or D. The Premises merely need to notify the Licensing Board. Under Section 284 the Board can remove the automatic authorisation in respect of any particular Premises if:

- (a) Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- (b) Gaming has taken place on the Premises that breaches a condition of Section 282;
- (c) The Premises are mainly used for gaming;
- (d) An offence under the Act has been committed on the Premises.

F.10. If Premises wish to have more than two machines, then they need to apply for a Permit. The Licensing Board must consider that Application based upon the Licensing Objectives, any guidance issued by the Gambling Commission and "such matters as they think relevant".

F.11. The Board considers that "such matters" will be decided on a case-by-case basis, but generally it will have regard to the need to protect Children and Vulnerable Persons from harm or being exploited by Gambling. It will expect the Applicant to satisfy it that there will be sufficient measures to ensure that under-18s will not have access to adult-only Gaming Machines. Such measures might include the layout of the Premises being arranged so that adult-only machines:

- (a) are not in a place where under-18s are entitled to be; and
- (b) are in the sight of the staff behind the bar.

The staff would be expected to monitor to ensure that the machines are not being used by under-18s, and the Premises should display notices and signs informing customers where under-18s were not permitted.

F.12. If alcohol-licensed Premises seek a Premises License for non-alcohol licensed areas, they should apply for an Adult Entertainment Centre Premises Licence.

The Board can decide to grant the Application with a smaller number of machines and/or a different category of machines than that applied for. Conditions cannot be attached. The holder of a Permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

(c) Temporary Use Notices ("T.U.N.s") (Part 9 of the Act and Part 14 of the Guidance)

F.13. T.U.N.s allow the use of Premises for Gambling where there is no Premises Licence but where a Gambling operator (who already holds a relevant Operating Licence issued by the Commission) wishes to use the Premises temporarily for providing facilities for Gambling, e.g. in hotels, conference centres or sporting venues.

F.14. The same set of premises may not be the subject of a T.U.N. for more than 21 days in any 12-month period, but may be the subject of several T.U.N.s provided that the total does not exceed 21 days.

F.15. There are a number of statutory limits. It is for the Board to decide what constitutes a "set of Premises" where T.U.N.s are received relating to the same building or site. It will expect the person giving the T.U.N. to demonstrate that he/she is not entitled, and has not been entitled, to occupy other parts of the same building or site, and is not connected with any such occupier.

(d) Occasional Use Notices ("O.U.N.s") (Section 39 of the Act and Part 15 of the Guidance)

F.16. Betting on a 'track' without a Premises Licence is permitted for up to 8 days in a calendar year (the period from 1 January, and not a rolling period of 12 months) if an O.U.N. is given. In this context, 'track' does not simply mean a racetrack for horses or dogs.

AGENDA ITEM 3

F.17. Each case will be considered on its merits, and the Board will consider whether or not the place is a 'track' and whether the Applicant is entitled to use O.U.N. procedure.

Annex 1 - Responsible Authorities

(As Section 157 is applied to the Board's area)

1. The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP.
2. The Chief Constable, Police Scotland, St. Marnock Street, Kilmarnock KA1 1TJ.
3. Scottish Fire and Rescue Service, West HQ, 99 Bothwell Road, Hamilton, ML3 0EA.
4. North Ayrshire Council, Development Management Section, Cunninghame House, Friars Croft, Irvine, KA12 8EE
5. North Ayrshire Council, Chief Executive, Cunninghame House, Friars Croft, Irvine, KA12 8EE
6. North Ayrshire Council, Social Services, Cunninghame House, Friars Croft, Irvine, KA12 8EE
7. H.M. Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ.

Annex 2 - Consultee List

1. All elected Councillors of NAC.
2. Dr John O'Dowd, Child Health Commissioner and Deputy Director of Public Health, NHS Ayrshire and Arran, Afton House, Ailsa Hospital, Dalmellington Road, AYR, KA6 6AB.
3. Ms. Justina Murray, Chief Officer, South West Scotland Community Justice Authority, Sovereign House, Suite 6, Academy Road, Irvine, KA12 8RL
4. Citizens Advice Scotland, West Area office, Floor 3, Brunswick House, 51 Wilson Street, Glasgow, G1 1UZ.
5. National Casino Industry Forum, Carlyle House, 235-237 Vauxhall Bridge Road, LONDON, SW1V 1EJ.
6. The Scottish Licensed Trade Association, Suite 19, CBC House, 24 Canning Street, Edinburgh, EH3 8EG.
7. Association of British Bookmakers Limited, Regency House, 1-4 Warwick Street, London, W1B 5LT.

Report to North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject	Annual Meeting with Local Licensing Forum
Purpose	To update Members on the current position
Recommendation	That Members note the position

1. Licensing (Scotland) Act 2005, Section 10(3) is:

"Each Licensing Board must hold, at least once in each calendar year, a joint meeting with the Local Licensing Forum for the Board's area."

2. The general functions of Local Licensing Forums are stated in Section 11:

(a) keeping under review—

(i) the operation of the 2005 Act in the Forum's area, and,

(ii) in particular, the exercise by the Board of their functions, and

(b) giving such advice and making such recommendations to the Board in relation to those matters as the Forum considers appropriate.

3. The Licensing Board must, in exercising any function, have regard to any advice given, or recommendation made, to them in relation to the function by a Local Licensing Forum (Section 12(1)(a)). If the Board decide not to follow that advice or recommendation, they must give the Forum reasons (Section 12(1)(b)).

4. There has not been an occasion for the Board to give reasons to the Forum, since the Forum cannot comment on particular cases, but there is a possibility:

The Forum can advise the Board on general Policy matters. The Law permits a Board to have a Policy, but requires the Board to allow for the possibility of exceptions. Therefore each particular case is assessed on its merits. If the Board regularly made exceptions, it might be thought that the Policy itself was undermined. The Forum might then request a Statement of Reasons. The Forum's request would be considered by the Board, so that the Board could state their reasons.

5. The Forum is an advisory body. It can comment on general Policy, e.g. it is included in the Consultations leading to the Board's adoption of their Licensing Policy Statement. However, the Forum is prohibited from commenting on the Board's functions in relation to a particular case, e.g. an Application for a new Licence or the

variation of an existing Licence is intimated to the Police, Health Board, Community Council, neighbours, etc., but not to the Forum.

6. The Joint Meeting between the Board and Forum will be on Monday 11 January 2016, as the final item of business at the Board 's usual meeting starting at 10.00 a.m. that day. The Joint Meeting will be in public (Schedule 1, Paragraph 12(2) and Schedule 2, Paragraph 5(3)).

Junior Football and Alcohol Licensing

Background

7. This is an issue which has been discussed by the Board. The Board will be carrying out a consultation exercise before forming a Policy, and the Police and sporting bodies will be invited to comment. Forum may wish to contribute to this.

8. The Board are often asked to grant temporary 'Occasional Licences' ('OLs') for Football Clubs. If the Clubs sell alcohol without an OL they may be prosecuted for illegally trafficking in alcohol.

9. Most OLs for football are requested by or on behalf of Football Clubs. These are 'voluntary organisations', which means that they are limited by Law to the number and duration of OLs they can have (see Licensing (Scotland) Act 2005, Section 56(6)): put shortly, there is a limit of 12 OLs in a calendar year. These limits are created by the Law, and are not something the Board can change.

10. In the particular case of Junior Football there is a problem, because the arrangement of the fixture list sometimes prevents the Board from following the procedures laid down by Law. The results of one weekend's games may determine the fixtures for next weekend. This shortness of time causes problems.

11. When a person applies for an OL, the Board have to do three things:

- (a) Advise the Police
- (b) Advise the LSO
- (c) Advertise the application on the public website, so that third parties (e.g. neighbours) might object.

The usual period for advertisement is set by Law at 7 days. However, the Board are allowed to shorten the periods to a minimum of 24 hours if satisfied that the application requires to be dealt with quickly. The NALB Convenor has delegated authority to decide if an Application needs the "quick" treatment, and to determine

the Application himself (i.e. without a Hearing), although if there are adverse reports (e.g. from the Police or objections from a neighbour the Applicant must be told and allowed 72 hours to make written or email comments within 72 hours.

12. Because of the usual 7 day rule, NALB has a practice commonly known as "three strikes and you're out", which means that we insist on at least 14 days' notice of an OL Application, but we ask for 28 days. If someone applies after 28 days, but before 14 days, we will treat him as 'late'. This means that if the same Applicant has been late twice or more in the past two years, the Application will be rejected. The Clerk is authorised to waive this rule in "exceptional circumstances", but since the issues with football might arise frequently, it would be better that the Board give a general instruction as to how short-notice football OLs should be dealt with, rather than repeatedly using an exceptional power.

13. Possible issues for consideration

- (a) Should the duration of the OL be limited, e.g. to an hour before and an hour after the match?

Although the 'overprovision' policy cannot apply to OLs, the Licensing Objectives do:

- (a) preventing crime and disorder,*
- (b) securing public safety,*
- (c) preventing public nuisance,*
- (d) protecting and improving public health, and*
- (e) protecting children from harm. ('children' under 16)*

- (b) Should the sale of alcohol be prohibited during the match?

The Police might have views about the Licensing Objectives, e.g. "preventing crime and disorder". The reason the Licence is asked for might be sale to 'spectators', so is it necessary to allow sale during the match?

- (c) Should children be allowed in the bar area?

14. Possible way of proceeding

The Board might approve the following approach: if the OL application states that the reason for it is to cater for a football match, staff can proceed on the basis that:

- (a) the Application requires the 'quick' procedure
- (b) the Notice Period has been reduced from the usual 7 days to 48 hours.

This means that to obtain an OL for next Saturday, this is the likely sequence of events:

Monday: the Applicant lodges the OL Application.

Tuesday: the Board must advertise and give notice to the Police and LSO.

Thursday: the 48 hour period expires. What happens next depends on whether or not there are any adverse issues (e.g. there is no Police objection):

- (a)if there are no adverse issues, the OL is granted under Delegated Powers..

- (b)if there are adverse issues (e.g. an objection), the Board's staff contact the Applicant by email or telephone to inform him and seek his comments. The case is referred to the Convenor for a decision.

Friday: if the OL was granted, it is issued, and the Police are told.