

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Wellington Square,, Ayr,  
on 2nd June 2011 at 10.00 a.m.

Present: Councillors Douglas Campbell (Chair), Andy Campbell, Ian Fitzsimmons, Ann Galbraith, Bill Grant, Alec Oattes and Tom Slider.

Apology: Councillor Ian Douglas.

Attending: V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer; C. Andrew, Licensing Standards Officer; and D. Knight, Committee Services Officer.

Also Attending: Chief Superintendent J. Thomson, Sergeant U. Menzies, and Constable J. McDonagh, Strathclyde Police.

### **1. Date of Next Board Meeting.**

The Chair advised that the next Board meeting would be held in the County Hall, County Buildings, Ayr on Wednesday, 29th June 2011 at 10.00 a.m.

### **2. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 4th May 2011 (issued) were submitted.

The Board noted the Minutes of the previous meeting.

### **3. Applications for Transfers Granted Under Delegated Powers.**

There was submitted a report (issued) of 23rd May 2011 by the Clerk to the Licensing Board advising of the following determination of applications for Transfer of Licences between the last Board meeting and the present one:-

- (1) The Hunny Pot, 35 Beresford Terrace, Ayr;
- (2) Shanghai Rendezvous, 5 Beresford Terrace, Ayr; and
- (3) The West Kirk, 58A Sandgate, Ayr.

The Board noted the transfers granted under delegated powers.

### **4. Update Report By Licensing Standards Officer.**

The Chair advised that there was no update report from the Licensing Standards Officer on this occasion.

The Board noted that an update from the Licensing Standards Officer would be provided to a future Board meeting.

5. **Gambling Act 2005 – Section 193.**

**Revocation for Failure to Pay Annual Fee.**

The Board considered the following matter:-

**Licenceholder**

Partnership of Stadia Promotions

**Premises**

Ayr Greyhound Stadium  
Voluntary Park  
Whitletts  
Ayr

The Board decided to revoke the licence for the above premises.

6. **Licensing (Scotland) Act, 2005.**

(a) **Applications for Variation of Premises Licences.**

The Board considered the following applications:-

**Applicant**

(1) Robert Girvan

**Premises**

Pebbles Nightclub  
137 Templehill  
Troon

Use of the premises for parties for children / young persons including foam parties to be provided in the front bar area and rear function area at Templehill ground level. The bar counter in the front area will be closed and fonts covered during the period of such parties and only non-alcoholic drinks will be served. Parties will be provided on an occasional basis, as required, for children / young persons in the age group 12 to 16 years with a commencement time of 7.00 p.m. and terminal hour of 10.00 p.m. Appropriate stewarding will be provided. Amendment of core hours for on-sale:- Sunday to Thursday inclusive from 2.00 p.m. to 2.30 a.m. (currently 2.00 p.m. to 2.00 a.m.).

Having heard the applicant's representative, the Board granted the above application.

**Applicant**

(2) Mark Beattie

**Premises**

The Minishant  
28 Main Road  
Minishant

Change to seasonal variations to accommodate Festive Parties. Include restaurant facilities from 9.00 a.m. for tea, coffee and breakfasts. Recorded music from opening. Change children's statement to allow them to stay until terminal hour. 16+ years unaccompanied for meals. Change name of premises to "The Minishant".

The Board granted the above application.

<u>Applicant</u>	<u>Premises</u>
(3) Greene King Brewing and Retailing Ltd.	O'Briens 56 Smith Street Ayr

Change core hours for On-Sale on Friday and Saturday to 11.30 a.m. to 2.00 a.m. (currently 11.00 a.m. to 12.30 a.m.).  
Change core hours for Off-Sale on Friday and Saturday to 11.30 a.m. to 10.00 p.m. (currently 11.00 a.m. to 10.00 p.m.).

Having considered the letter of objection and having heard the applicant's representative and the Licensing Standards Officer, the Board granted the above application.

**(b) Application for Personal Licence.**

The Board considered the following application:-

<u>Application Number</u>	<u>Applicant</u>
SA/11/00075/LAPRS	Taner Ozturk

The Board agreed to continue this application to the next scheduled meeting on 29th June 2011 to allow and cited the applicant to attend.

**(c) Review of Personal Licence Under Section 83.**

The Board considered the following review:-

<u>Application Number</u>	<u>Applicant</u>
SA/10/00163/LAPRS	Mohammed Imran Saleem

Having heard an observation from Strathclyde Police and the applicant's representative in response, the Board decided that the licence be suspended for one month with immediate effect.

**(d) Request for Review of Premises Licences Under Section 36.**

<u>Licenceholder</u>	<u>Premises</u>
Elizabeth Reid	Drouthy Bar 22 New Road Ayr

**Review of Personal Licence Under Section 84(A) (Conduct Inconsistent with the Licensing Objectives).**

<u>Application Number</u>	<u>Applicant</u>
SA/10/00030	Elizabeth Reid

Following a request for review from Strathclyde Police under Section 36(1) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

Following a request for review from Strathclyde Police under Section 84(A) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to this Personal Licence.

It was agreed by the applicant for review, the Premises and Personal Licence Holder and the Board that the two review hearings detailed above be dealt with together as they related to the same set of circumstances.

There were submitted a report (issued to members only) of 16th May 2011 by the Clerk to the Licensing Board outlining the background to the Premises Licence review and the options available for the Board; and a letter dated 28th April 2011 from Strathclyde Police outlining the reasons for requesting the review.

The Board then heard Chief Superintendent Thomson in relation to the reasons for requesting the review, namely that the Premises License Holder had sold alcohol outwith licensed hours; and the Licensing Standards Officer report on the outcome of her visit to the premises to check on compliance with the requirements of the 2005 Act.

The licenceholder then advised

- (A) that she had sold alcohol at 10.14 a.m. on Sunday, 24th April 2011 and accordingly produced the till roll and list of drinks sold which totalled £79.80; and
- (B) that she had never sold alcohol outwith the unlicensed hours before and regretted her actions on that day.

There were submitted a report (issued to members only) of 16th May 2011 by the Clerk to the Licensing Board outlining the background to this review and the options available for the Board and a letter dated 28th April 2011 from Strathclyde Police outlining the reasons for requesting the review.

The Board then heard Chief Superintendent Thomson in relation to the reasons for requesting the review namely that the Personal Licence Holder's conduct was inconsistent with the Licensing Objective of preventing crime and disorder.

Having asked questions of the Licence Holder and the Police in relation to the circumstances on the day in question and the particular problems relating to sale of alcohol on Old Firm match days and having heard the Licence Holder and the Chief Superintendent in response, the Board then adjourned for consideration of both applications for review in respect of the circumstances outlined.

Upon reconvening, the Chair advised that the Board had considered all reports submitted and the evidence heard and had decided that the grounds for the review had been established, namely that there had been a breach of the licensing objective Preventing Crime and Disorder, as alcohol had been sold outwith the licensed hours.

The Board agreed

- (I) that the Premises Licence be suspended for two weeks from 11.00 a.m. on Monday, 6th June to 11.00 a.m. on 20th June 2011; and
- (II) that the Personal Licence be suspended for one month from Monday, 6th June 2011.

**(e) Request for Review of Premises Licences Under Section 38.**

The Board considered the following application for review:-

**Licenceholder**

Karen Morton

**Premises**

The Harbour Bar  
169/173 Templehill  
Troon

Following a request for review from Strathclyde Police under Section 38 of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted a report (issued to members only) of 19th May 2011 by the Clerk to the Licensing Board outlining the background to this review and the options available for the Board and a letter dated 5th April 2011 from Strathclyde Police outlining the reasons for requesting the review.

The Board then heard Chief Superintendent Thomson in relation to the reasons for requesting the review, namely that there had been a breach of the licensing objective of preventing crime and disorder, as alcohol had been sold to a young person under the age of 18 years; the representative for the licenceholder; and the Licensing Standards Officer report on the outcome of her visit to the premises to check on compliance with the requirements of the 2005 Act.

Having asked questions of the Licence Holder and the Police in relation to the circumstances surrounding the events alleged and having heard the representative for the Licence Holder and the Chief Superintendent in response, the Board then adjourned for consideration of this matter.

Upon reconvening, the Chair advised that the Board had considered all reports submitted and the evidence heard and had decided that the grounds for the review had been established, namely that there had been a breach of the licensing objective Preventing Crime and Disorder, as alcohol had been sold to a young person under the age of 18 years.

The Chair moved, seconded by Councillor Fitzsimmons, that the Clerk to the Board should issue a warning letter to the Premises Licenceholder regarding the importance of ensuring that identification for young persons was properly checked, that training for members of staff should be reviewed and training undertaken in relation to the Statement of Licensing Policy.

By way of an Amendment, Councillor Andy Campbell, seconded by Councillor Slider, moved that the licence should be suspended for two days from 11.00 .am. on Monday, 6th June to 11.00 a.m. on Wednesday, 8th June 2011.

On a vote being taken by a show of hands, three Members voted for the Amendment and four for the Motion which was accordingly declared to be carried.

The Board agreed that the Clerk to the Board should issue a warning letter to the Premises Licenceholder regarding the importance of ensuring that identification for young persons was properly checked, that training for members of staff should be reviewed and training undertaken in relation to the Statement of Licensing Policy.

**Adjournment of Meeting.**

The Board agreed to adjourn the meeting at 11.25 a.m. for fifteen minutes.

**Resumption of Meeting.**

The meeting resumed at 11.40 a.m..

**7. Variation in order of business.**

The Board agreed to vary the order of business as hereinafter minuted.

**8. Declaration of Interest.**

Councillor Grant declared an interest in the following Review of Premises Licence as the applicant was known to him and withdrew from the meeting during consideration thereof.

**9. Licensing (Scotland) Act, 2005.**

**(a) Review of Premises Licence Under Section 38.**

The Board considered the following application for review:-

<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
Guiseppe Ippolito	Willie Wastles 30 New Bridge Street Ayr

Reference was made to the Minutes of 4th May 2011 (Page 8, paragraph 6(f)) when the Board had decided that, as it was the Board's Policy that noise should not be audible in the nearest noise sensitive dwelling, to continue consideration of this matter to a future Board meeting at which time Environmental Health would give a recommendation to the Board on the appropriate noise level on the sound equipment for the premises and the Board would vary the licence at that time.

The Chair advised the Board that Environmental Health had set the noise levels which were acceptable to the complainant and should there be any further complaints, the matter could be further reviewed.

The Board agreed to note the terms of the report by Environmental Health and that should a further complaint be received, the matter would be reviewed. It decided that the grounds for review had been established, namely that there had been a breach of the licensing objective, preventing public nuisance and it varied the conditions attached to the licence to incorporate the noise levels set by Environmental Health, namely:-

Music            In the front area of the premises a noise level has been set at an  $L_{Aeq}$ , (5mins) of 90 dB. In the rear area of the premises a level has been set at an  $L_{Aeq}$ , (5mins) of 88 dB

Karaoke        Throughout the premises the level was set at an  $L_{Aeq}$ , (5mins) of 80 dB(A).

**(b) Request for Review of Premises Licences Under Section 38.**

The Board considered the following application for review:-

Glenburn Miners' Club	Glenburn Miners' Club 35D Glenburn Road Prestwick
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Following a request for review from Strathclyde Police under Section 38 of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted a report (issued to members only) of 19th May 2011 by the Clerk to the Licensing Board outlining the background to this review and the options available for the Board and letters dated 30th March and 13th May 2011 from Strathclyde Police outlining the reasons for requesting the review.

The Board then heard Chief Superintendent Thomson in relation to the reasons for requesting the review; the representative for the licenceholder; and the Licensing Standards Officer report.

Having asked questions of the Licence Holder and the Police in relation to the circumstances surrounding the events alleged and having heard the representative for the Licence Holder and the Chief Superintendent in response, the Board then adjourned for consideration of this matter.

Upon reconvening, the Board decided, having regard to the number of serious incidents reported and the Board's concerns around the operation of the premises, that the grounds for review had been established, namely there had been a breach of the licensing objectives of preventing crime and disorder and securing public safety.

The Board decided

- (i) that the premises licence should be suspended for one week from 11.00 a.m. on Monday, 6th June to 11.00 a.m. on Monday, 13th June 2011;
- (ii) to instruct that the premises licence be varied to amend the licensed hours to terminate at 11.00 p.m. on each day until CCTV was installed, adequate to cover the car park and entrance area (as described in the quotation from Mossie & Kirkland exhibited to the Board); that a member shall only be permitted to sign in five guests and must remain on the premises whilst their signed in guests remained on the premises; and that the list of members be available for inspection by the Licensing Standards Officer; and
- (iii) that a warning letter be issued by the Clerk requiring that the Club's management procedures be reviewed in relation to the serving of alcohol and supervision of the premises, both internally and externally and reminding the Club of the requirement to apply for occasional licences for functions.

The Board further recommended that the Club should review its Constitution particularly in relation to the sale of alcohol.

**(c) Premises Licence Review Proposal Under Section 44(7).**

The Board considered the following Premises Licence Review Proposal Under Section 44(7):-

<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
Tesco Stores Limited	Whitletts Road / Gemmel Crescent Ayr
	140-142 High Street Ayr
	Unit 4 49 Maybole Road Ayr
	86 Prestwick Road Ayr
	42 Portland Street Troon
	99 Main Street Prestwick

The Board, having noted the relevant offence reported to the Board, decided to take no further action in relation to the above.

The meeting ended at 1.15 p.m.