

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 29th June 2011 at 10.00 a.m.

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

Attending: V. Andrews, Clerk to the Board; M. Toshner, Building Standards Manager; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Chief Superintendent J. Thomson and Sergeant U. Menzies, 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 Thursday, 1st September 2011 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 2nd June 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 20th June 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) LA Bowl and Megazone, 17 Miller Road, Ayr;
- (2) The Postage Stamp, 66 Portland Street, Troon;
- (3) The Roxy, 1-5 Bridge Street, Girvan;
- (4) 23 Lang Road, Barassie;
- (5) 23 Adamton Road North, Prestwick; and
- (6) The Horseshoe Bar, 81/83 George Street, Ayr.

The Board noted the transfers granted under delegated powers.

4. Update Reports by the Licensing Standards Officer.

(1) Asda Store, Liberator Drive, Ayr.

The Licensing Standards Officer advised

- (a) of her visit to Asda, Ayr on 2nd October 2009 and the breaches of the Mandatory Conditions which she had found, however, these breaches had been rectified when she visited a few weeks later;
- (b) of her visit to Asda on 8th October 2010 when she had found that breaches had again occurred and she issued a notice in accordance with Section 14(2) of the Licensing (Scotland) Act 2005, however, on revisiting a week later these breaches had again been rectified;
- (c) that, following a complaint regarding a new wine display, she revisited the premises on 7th March 2011 and requested that grocery items be removed from the alcohol display to ensure that only alcohol or soft drinks were displayed there when it became apparent that the Premises Licenceholder and staff did not understand the terms of the Act regarding displaying alcohol and she again issued a notice in accordance with Section 14(2) of the Licensing (Scotland) Act 2005 to ensure order that grocery items be removed from the designated alcohol display area which she noted the following week had been carried out;
- (d) that she again made an informal visit to the premises on 30th March 2011 in response to a complaint, however, there was no evidence of confectionery being displayed in the alcohol area as had been outlined in the complaint;
- (e) that she visited the premises on 13th June 2011 with a Trading Standards Officer to complete a general LSO check and to introduce the confiscated proof of age cards project when she spoke to the newly designated Premises Manager and advised him that the Section 110 Notices were missing or not visible at the tills and that, once again, other items were displayed within the dedicated alcohol area and, as this was a continuing theme, she had issued a notice in accordance with Section 14(2)(a) of the Licensing (Scotland) Act 2005 requesting that these items be removed from the area and the relevant signage put in place by 20th June 2011;
- (f) that the Premises Manager had instructed staff immediately to rectify the signage issue;
- (g) that the Premises Manager and his staff had taken time to understand the rules in relation to displaying alcohol, however, she was of the view that the area used for the display of soft drinks but designated as an alcohol display area was unlikely to ever be used in full for displaying alcohol and it was therefore challenging for staff; and
- (h) that, despite the rules relating to alcohol display areas being a part of the Licensing (Scotland) Act 2005 which had been relevant throughout Scotland since 1st September 2009, the Asda store in Ayr continued to be in breach of the requirements of the Act.

Following questions, the Board instructed the Clerk to the Board to issue a final warning letter to the Premises Manager of Asda, Ayr outlining that unless the conditions of the license were adhered to, the Board may seek a review.

(2) Ayr County Show.

There were submitted a report by the Licensing Standards Officer (issued) dated 20th June 2011 and a letter received from Strathclyde Police (tabled).

The Licensing Standards Officer advised

- (a) of her concerns when visiting the Ayr County Show on 14th May 2011 regarding refusals records, children around licensed areas of the event and patrons taking alcohol outwith a designated area;
- (b) that certain conditions of the licence had not been adhered to such as the structure of the 'tent' and live entertainment; and
- (c) that she had since attended a de-brief meeting with the Licensing Policy Officer and representatives from Strathclyde Police, the Agricultural Show, the stewarding company who had provided the stewarding at the licensed areas and showground itself and the licenceholder and that a further meeting would take place later in the year when planning for next year's event would begin.

Chief Superintendent Thomson further advised

- (i) of an altercation which had taken place at the event leading to various arrests being made by his Officers and the atmosphere within the Public Bar Marquee becoming intimidating and threatening which had resulted in twenty eight Police Officers being called to attend the event from all over the Ayrshire Division in order to ensure the safety of the public, event staff and Police Officers and fundamentally to restore and maintain the public peace; and
- (ii) of the de-brief meeting which was Chaired by Chief Inspector Neil Kerr where agreement was reached that all parties would consider the points made and that a future meeting would be arranged for September 2011 when proposals for the 2012 event would be considered.

Following questions from Members of the Board and having heard them outline their concerns about the operation of this event, the Board agreed that any applications to be submitted for next year's event should be considered no later than the meeting of the Board scheduled to be held on Wednesday, 25th April 2012 when both the Licensing Standards Officer's report and the letter from Strathclyde Police on the management of this year's event would be considered, along with any other appropriate information received at that time.

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

(a) **Application for Premises Licence.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
K and M Hoteliers	Berkeley House 1 Barns Street Ayr

Retail Sale of Alcohol (On Premises) – every day from 10.00 a.m. to 12.30 a.m.

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that a 200m radius of the applicant premises would be the appropriate locality for consideration of this application.

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

(b) **Applications for Provisional Premises Licences.**

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) SAUWS	Students' Union Ayr Campus University Avenue Ayr

Retail Sale of Alcohol (On Premises) – every Monday from 11.00 a.m. to 12.30 a.m.; every Tuesday from 11.00 a.m. to 12.30 a.m.; every Wednesday from 11.00 a.m. to 1.00 a.m.; every Thursday from 11.00 a.m. to 1.00 a.m.; every Friday from 11.00 a.m. to 1.00 a.m.; every Saturday from 11.00 a.m. to 1.00 a.m.; and every Sunday from 11.00 a.m. to midnight.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that a 500m radius of the applicant premises would be the appropriate locality for consideration of this application.

Having then heard the applicant, the Board granted the above application.

<u>Applicant</u>	<u>Premises</u>
(2) A. Dewar Rattray Limited	32 Main Road Kirkoswald

Retail Sale of Alcohol (On Premises) – every day from 10.00 a.m. to 10.00 p.m.

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that the whole village of Kirkoswald would be the appropriate locality for consideration of this application.

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

(c) Applications for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Majestic Wine Warehouses Limited	1C Alloway Place Ayr

Increase in off-sales capacity to 335.1m² (currently 305.1m²). Inclusion of fine wine display and air conditioning. Removal of 2.5 full size pallets and installing eight smaller pallets.

The Board granted the above application.

(2) Mrs Leslie Forbes	Woodland Farm Girvan
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Outdoor drinking facilities. Re-designation of "Bar/Coffee House" as "Bar/Restaurant/Function Room". Incorporation of outdoor seating/patio area adjacent to Bar/Restaurant. Reduction in size of Bar/Servery in Bar/Restaurant with installation of stud partition wall. Reversal of opening direction of exit door from Bar/Restaurant to corridor. Creation of new Coffee House/Cafe occupying part of former general sales area. Extension adjacent to new Coffee House/Cafe to allow for construction of kitchen and store. Outdoor seating and patio adjacent to new Coffee House/Cafe. Reduction in Off-Sales counter and Alcohol Display to which the public have access.

The Board granted the above application.

Applicant

Premises

- (3) Castlehill Residential Lettings Ltd. Firehouse
58 Kyle Street
Ayr

Seasonal use of ice cream vending unit, situated on private property. Amend permitted hours to close at 12.30 am. every Monday to Thursday (currently midnight). Opening for non-alcoholic drinks from 8.00 a.m.

The Board granted the above application.

- (4) Stephen O'Donnell Athletic Tavern
120 Dalrymple Street
Girvan

To provide outdoor drinking facilities with four tables in an enclosed area at the back of the Public House. To provide a pool table and dart board in the back Pool Room.

Having heard from the applicant and the Building Standards Manager, the Board

- (a) granted that part of the application to provide a pool table and dart board in the back Pool Room; and
- (b) refused that part of the application to provide outdoor drinking facilities with four tables in an enclosed area at the back of the Public House on the grounds of securing public safety.

(d) Application for Personal Licence.

The Board considered the following application:-

Application Number

Applicant

SA/11/00075/LAPRS

Taner Ozturk

With reference to the Minutes of 2nd June 2011 (Page 3, paragraph 6(b)) when it had been agreed to continue this application to this Board meeting to allow the applicant to attend, the Board heard from Strathclyde Police in relation to this application.

The Board then agreed, in the absence of the applicant, to refuse this application.

(e) **Applications for Occasional Licences.**

The Board considered the following applications:-

- | <u>Applicant</u> | <u>Premises</u> |
|-------------------------|--|
| (1) June Bishop | Oswald Hall Conference Centre/
Function Suite
Auchincruive |
- Wedding Reception for 120 guests on 30/07/11 from 3.00 p.m. to 2.00 a.m.

Having heard from the applicant and the Licensing Standards Officer, the Board granted the above application.

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| (2) John Given | The Catering Unit
Belleisle
Doonfoot Road
Ayr |
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The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 06/07/11 to 19/07/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

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| (3) John Given | The Catering Unit
Belleisle
Doonfoot Road
Ayr |
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The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 20/07/11 to 02/08/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

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| (4) John Given | The Catering Unit
Belleisle
Doonfoot Road
Ayr |
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The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 03/08/11 to 16/08/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

Applicant

Premises

- (5) John Given
The Catering Unit
Belleisle
Doonfoot Road
Ayr

The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 17/08/11 to 30/08/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

- (6) John Given
The Catering Unit
Belleisle
Doonfoot Road
Ayr

The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 31/08/11 to 13/09/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

- (7) John Given
The Catering Unit
Belleisle
Doonfoot Road
Ayr

The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 14/09/11 to 27/09/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

- (8) John Given
The Catering Unit
Belleisle
Doonfoot Road
Ayr

The catering unit providing an ancillary service to customers of Belleisle and Seafield Golf courses and to visitors to Belleisle Park – from 28/09/11 to 11/10/11.

On-sale – from 10.00 a.m. to 9.00 p.m.

Off-sale – from 10.00 a.m. to 9.00 p.m.

Having heard from the applicant, the applicant's representative and the Licensing Standards Officer in relation to applications (2) to (8) above, the Board adjourned for consideration of these matters.

Upon reconvening, the Board

- (a) refused that part of the applications for off-sales; and
- (b) granted the application for on-sales until 13th September 2011 at which time the Board would then consider a permanent application.

(f) **Application for Extended Hours.**

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
Castlehill Residential Lettings Limited	The Firehouse 58 Kyle Street Ayr

After Show Party on 16/07/11 from 12.30 a.m. to 2.00 a.m.

Having heard from the applicant, the Board granted the above application.

The meeting ended at 11.25 a.m.