

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 16th May 2013 at 10.00 a.m.

Present: Councillors Ann Galbraith (Chair), Andy Campbell, Peter Convery, Allan Dorans, Sandra Goldie, Mary Kilpatrick and Rita Miller.

Apology: Councillor Ian Douglas.

Attending: M. Douglas, Depute Clerk to the Board; K. Briggs, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; P. McCarroll, Licensing Standards Officer; and J. McClure, Committee Services Officer.

In Attendance: K. Leinster, Chair of the Alcohol and Drug Partnership; E. Caldow, Lead Public Health Practitioner – South Ayrshire Public Health South Locality Team, NHS; and A. Monkhouse, GIS Analyst (all for item 8 only).

1. Declarations of Interest.

There were no declarations of interest by Members of the Board in terms of the Councillors' Code of Conduct.

2. 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, 13th June 2013 at 10.00 a.m.

3 Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 18th April 2013 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

4. Update from Licensing Standards Officer.

C. Andrew advised

(1) that, having recently met with South Ayrshire Local Licensing Forum, Board members would be aware that the Forum had been discussing trading hours for premises and the potential impact that granting later hours was having on the licensing objectives;

(2) that, in order to inform this discussion further, the Forum had requested information on how many premises in South Ayrshire currently had trading hours beyond 1.00 a.m. and that of the total number of 18 premises operating beyond 1.00 a.m., four of these were in Troon, two were in Prestwick, ten were in Ayr and two were in Girvan;

- (3) that, in addition to this information, the Board, at its joint meeting with the Forum, had requested information on the number of Occasional Licences granted and the number of Extended Hours applications granted in 2013;
- (4) that the total number of Occasional licences granted from 1st January 2013 to 30th April 2013 had been 199 with these applications ranging from single day applications up to fourteen days with the LSOs finding that most Occasional Licences tended to be applied for during the summer months or the festive period and, for comparison, the total number of Occasional Licences granted in 2012 had been 638;
- (5) that in 2012, 95 Extended Hours applications had been granted to premises and from 1st January to 30th April this year, 34 applications had been granted; and
- (6) that this information was to assist the Board in their forthcoming review of the licensing policy statement.

Decided: to note the report from the Licensing Standards Officer.

5. **Applications for Transfer Granted Under Delegated Powers.**

There was submitted a report (issued) of 2nd May 2013 by the Clerk to the Licensing Board advising of the following determination of an application for a Transfer of a Licence between the last Board meeting and the present one:-

Tower Hotel, 23 Beach Road, Troon.

Decided: to note the transfer granted under delegated powers.

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

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

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Buzzworks Leisure Ltd.	Elliot's Terrace, Bar and Restaurant 132 Main Street Prestwick

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	noon to 2.30 a.m.	noon to 10.00 p.m.
Thursday	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	noon to 2.30 a.m.	noon to 10.00 p.m.
Saturday	noon to 2.30 a.m.	noon to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	noon to 2.30 a.m.	noon to 10.00 p.m.
Thursday	noon to 2.30 a.m.	noon to 10.00 p.m.
Friday	noon to 2.30 a.m.	noon to 10.00 p.m.
Saturday	noon to 2.30 a.m.	noon to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Variation to licensed hours for Thursdays as above.

Variation to allow children in the bar until 9.00 p.m.

The Depute Clerk to the Board advised that one of the objectors had requested an adjournment of this application to the next Board meeting to allow her to appear in person, however, the Board agreed to proceed and consider this application.

In the absence of the objectors, the Board heard the Depute Clerk to the Board read the contents of the two letters of objection and then heard from the applicant who amended the application for Wednesdays to 11.00 a.m. to 12.30 a.m. and the Board then granted this application, the hours as follows:-

Granted Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	noon to 2.30 a.m.	noon to 10.00 p.m.
Friday	noon to 2.30 a.m.	noon to 10.00 p.m.
Saturday	noon to 2.30 a.m.	noon to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Applicant

Premises

- (2) J. D. Wetherspoon (Scot) Limited The West Kirk
58A Sandgate
Ayr

Change operating plan to read "Children will only be allowed entry to the premises if they are accompanied by an adult (i.e. person over 18 years of age). Young persons (16-17 years) may, at the management's discretion, be allowed entry to the premises unaccompanied for the purposes of having a meal."

To allow children and young persons entry to the premises until 9.00 p.m.

In the absence of the objectors, the Depute Clerk to the Board read out the contents of the letters of objection and the Board then heard from the applicant's representative and granted this application, the hours as follows:-

Granted Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to midnight	N/A
Tuesday	11.00 a.m. to midnight	N/A
Wednesday	11.00 a.m. to midnight	N/A
Thursday	11.00 a.m. to midnight	NA
Friday	11.00 a.m. to 1.30 a.m.	N/A
Saturday	11.00 a.m. to 1.30 a.m.	N/A
Sunday	11.00 a.m. to midnight	N/A

Applicant

Premises

- (5) The Bald Eagle Golf Company Limited Waterfront Bar and Restaurant
4 South Harbour Street
Ayr

Add seasonal variations to Operating Plan. Add early opening for breakfasts, tea and coffee. Alteration to children's statement to allow young persons (16-17 years) entry to the premises unaccompanied whilst having a meal or a snack until 10.30 p.m.

Changes to the layout plan to include fixed seating in bar and restaurant areas, remove children's play, increase car park and designate outside areas for temporary tables and chairs.

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

- (6) Mrs Dorothy Birks Kirkmichael Arms
3-5 Straiton Road
Kirkmichael

Amend Operating Plan and layout plan to provide outside seating and tables for consumption of food and alcohol.

Having heard from the applicant, the Board granted the above application subject to the area being supervised with CCTV cameras.

(b) Application for Provisional Premises Licence.

The Board considered the following application:

Applicant

Premises

Penpont Leisure Limited

Middlemuir Caravan Park
Tarbolton

Retail Sale of Alcohol (On Premises) – every day from 11.00 a.m. to 1.00 a.m.
Retail Sale of Alcohol (Off Premises) – every day from 11.00 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) that 500m of the applicant premises would be the appropriate locality for consideration of this application.

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

(c) Application for Premises Licence.

The Board considered the following application:

Applicant

Premises

Millennium Properties Limited

Station Hotel
Burns Statue Square
Ayr

Retail Sale of Alcohol (On Premises) – every day from 8.00 a.m. to 1.00 a.m.
Retail Sale of Alcohol (Off Premises) – Monday to Saturday from 10.00 a.m. to 10.00 p.m. and Sunday from 12.30 p.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) that 300m of the applicant premises would be the appropriate locality for consideration of this application.

The Board then heard the applicant's representative amend the hours applied for as follows:

Retail Sale of Alcohol (On Premises) – every day from 11.00 a.m. to 1.00 a.m.
Retail Sale of Alcohol (Off Premises) – every day from 11.00 a.m. to 10.00 p.m.

The applicant's representative also amended the application to allow children and young persons access to the premises if accompanied by an adult.

Having then heard the Depute Clerk to the Board read the contents of the observation letter from the NHS, the Board granted the application, as amended by the applicant's representative.

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

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Angela Tremble	The Marquee Enterkine House By Annbank

Wedding – 03/08/13 – noon to 1.00 a.m.

(2) Angela Tremble	The Marquee Enterkine House By Annbank
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Wedding – 17/08/13 – noon to 1.00 a.m.

Having heard from the Licensing Standards Officer and from the applicant's representative in relation to the above two applications, the Board granted these applications.

(3) Alastair McClymont	Lairage Shed Livestock Auction Mart Whitefordhill Ayr
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Annual Dance and prize giving for the Ayrshire Association of Young Farmers – 25/05/13 – 9.00 p.m. to 1.00 a.m.

The Board granted the above application.

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Buzzworks Leisure Ltd.	Elliot's Bar & Restaurant 132 Main Street Prestwick

Spring May Bank Holiday – 26/05/13 – midnight to 2.30 a.m.

Having heard from the applicant amend the hours applied for, the Board granted this application, on the basis of amending the hours requested as follows:-

Spring May Bank Holiday – 26/05/13 – midnight to 1.00 a.m.

7. **A.O.B.**

Application for Occasional Licence.

The Board considered the following application:-

Applicant

Costley and Costley Hoteliers Ltd.

Premises

Marquee
Lochgreen House Hotel
Monktonhill Road
Troon

Ayrshire Hospice Summer Charity Ball – 08/06/13 – 6.00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer and the applicant, the Board granted the above application subject to the condition that the Licence holder must ensure that the volume and tone controls of any amplified music system(s) shall be adjusted and set by the Licence holder or member of his staff in such a way that the sound level emanating from the amplified music system(s) shall be to the satisfaction of the Executive Director of Economy, Neighbourhood and Environment and shall not cause nuisance within the nearest noise sensitive dwelling house or building. Noise mitigation measures should be as described in the document ***“Proposed Noise Control with Respect to Outdoor Marquee for Ayrshire Hospice Ball 9th June 2012”***, previously submitted.

8. **Evidence Report to Inform the Review of South Ayrshire’s Licensing Policy Statement and Over Provision Assessment 2013.**

There was submitted a report (issued) by the South Ayrshire Alcohol and Drug Partnership (ADP), at the request of South Ayrshire Local Licensing Forum, with a view to providing the Licensing Board with data and research evidence to support the development of the Licensing Policy Statement and Over Provision Assessment 2013.

The Chair of the ADP outlined the background to this report and the work which had been undertaken by all the partnership agencies in compiling the report and he then delivered a presentation on the evidence, the data gathered, the findings from the data and, following questions, there was a full discussion on this report and its findings.

Decided: that the Board would consider this report further at a future meeting.

The meeting ended at 12.05 p.m.