

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 22nd August 2013 at 10.00 a.m.

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

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

Also Attending: Chief Inspector W. Ramsay and Constable D. Jenkins, Police Scotland.

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, 19th September 2013 at 10.00 a.m.

3 Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 13th June 2013 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

4. Update from Licensing Standards Officer.

C. Andrew, Licensing Standards Officer advised

- (1) that the four recently appointed members of the South Ayrshire Local Licensing Forum had experience in a variety of areas and brought links to the Community Councils, SafeAyr Project and the Ayrshire Minorities Ethnic Communities Association;
- (2) that training had been provided for the new members and all attendees had given a positive evaluation and were looking forward to the forthcoming Forum meeting where they hoped to discuss the Board's Policy Statement; and
- (3) also that reminder letters had now been issued to all premises advising that the annual fee was due to be paid by 1st October 2013 and that, as a result of this mailing, it had become apparent that a premises was now no longer trading as a licensed premises and several letters had been returned undelivered which would prompt visits by the Licensing Standards Officers to determine whether the closures were temporary or permanent and that the outcome of this exercise would be reported to a future Board meeting.

Decided: to thank the Licensing Standards Officer for her update.

5. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 15th August 2013 by the Clerk to the Licensing Board advising of the following determinations of applications for Transfer of Licences between the last Board meeting and the present one:-

- (1) Flanagans, 36 Main Street, Prestwick - licence transferred to L.T. Management Services Limited on 11th June 2013;
- (2) Anchorage Hotel, 149 Templehill, Troon - licence transferred to L.T. Management Services Limited on 11th June 2013;
- (3) The Co-operative Food, 26 Main Street, Prestwick – licence transferred to The Co-operative Group Food Limited on 12th June 2013;
- (4) The Co-operative Food, 19-23 High Street, Maybole - licence transferred to The Co-operative Group Food Limited on 12th June 2013;
- (5) The W heatsheaf Inn, 13-19 Main Street, Monkton – licence transferred to Hugh McMahon on 24th June 2013;
- (6) The Eagle Tavern, 3/5 The Cross, Prestwick – licence transferred to Atrim Limited on 1st July 2013;
- (7) Horizon Hotel, The Esplanade, Ayr – licence transferred to MERIAH Ltd. on 11th July 2013;
- (8) River Cottage, 2-4 River Terrace, Ayr – licence transferred to River Cottage Bar and Restaurant Ltd. on 15th July 2013; and
- (9) Former Orchid Oriental, now known as Ocean Royal, 61 Main Street, Prestwick – licence transferred to Tao Jiang on 18th July 2013.

Decided: to note the transfers 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) Greene King Retailing Ltd.	The Burns 58 Main Street Prestwick

Existing Licensed Hours

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

Amend Licensed hours as above.

Amend seasonal variations on the Operating Plan so that on 24, 25, 26 and 31 December and 1 and 2 January in any year, the premises can stay open until 2.30 a.m. if these specific dates fall on a Monday, Tuesday, Wednesday or Thursday. The current festive policy will allow the premises to open until 2.30 a.m. on Friday to Sunday.

The Board heard the applicant's representative in relation to this application and amending the proposed licensing hours to "Sunday from 11.00 a.m. to midnight" and, subject to the premises opening at 11.00 a.m. during the Festive period opening hours, the Board granted the above application, the hours as follows:-

Granted Licensing Hours

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

Having heard from the applicant's representative in relation to the application and amending the proposed off-sales opening hours to "11.00 a.m. to 10.00 p.m. Monday to Saturday and noon to 10.00 p.m. on Sunday", the Board granted those parts of the application to amend the internal layout and to amend the name of the premises and agreed 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	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	noon to midnight	noon to 10.00 p.m.

The Board also agreed, at the request of the applicant's representative, to continue that part of the application for increasing the capacity of the premises to a future Board meeting, to allow further clarification to be sought.

(b) Application for Provisional Premises Licence.

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Glasgow Malt Whisky Company	33 Ayr Street Troon

Retail Sale of Alcohol (On Premises) – every Monday to Saturday from 10.00 a.m. to 10.00 p.m.; and every Sunday from noon to 10.00 p.m.

Retail Sale of Alcohol (Off Premises) – every Monday to Saturday inclusive from 10.00 a.m. to 10.00 p.m. and every Sunday from noon 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 a 500m radius of the applicant premises would be the appropriate locality for consideration of this application.

The Board then heard from the applicant in relation to this application and, having determined that none of the grounds for refusal had been established, the Board granted the above application.

(c) **Application for Provisional Premises Licence.**

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
JJinty's	JJinty's 35-37 Beresford Terrace Ayr

Retail Sale of Alcohol (On Premises) – Every day from 11.00 a.m. to 11.00 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 from the applicant's representative in relation to this application and, having determined that none of the grounds for refusal had been established, the Board granted the above application.

(d) **Application for Occasional Licence.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
William Howat	Drumgabbs Farm Dalrymple

Wedding – 30/08/13 – 2.00 p.m. to 1.00 a.m.

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

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Crest Court Limited and Paul C. Spencer	Club de Mar 1-5 Arthur Street Ayr

Bank Holiday Beach Party – 25/08/13 – 2.30 a.m. to 3.30 a.m.

The Board heard from the applicant and from the Licensing Standards Officer and adjourned for consideration of this application.

Upon reconvening, the Board refused the above application.

In addition, the Board advised that all future applications for extended hours for the premises should be submitted to the Board for approval.

(f) **Request for Review of Personal Licence Under Section 84.**

Licenceholder

Licence Number

Linda Allison

SA/10/00138/LAPRS

Having heard the Depute Clerk to the Board advise that a letter had been submitted by Linda Allison, the Board agreed to continue consideration of this matter to a future Board meeting, at the request of the licence holder.

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

Licenceholder

Premises

Asda Stores Ltd.

Liberator Drive
Ayr

15 Vicarton Street
Girvan

There was submitted a letter from Strathclyde Police (issued to members only) dated 9th July 2013 outlining that Asda Stores Ltd. had incurred a conviction from Barnsley Magistrates on 30th May 2013 under the Health & Safety at Work Act 1974, Section 33(1)(a) and that, in accordance with Section 44(7) of the Licensing (Scotland) Act 2005 which states "if the Licensing Board receives from the appropriate Chief Constable a notice under subsection 4(b), the Licensing Board must make a premises licence review proposal in respect of the premises licence" and the Board agreed to note the convictions and to take no further action.

The meeting ended at 11.25 a.m.