

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 28th November 2013 at 10.00 a.m.

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

Apology: Councillor Andy Campbell.

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: Inspector S. Mangan and Constable D. Jenkins, Police Scotland.

1. Declarations of Interest.

Councillor Miller declared an interest in application number 7(g) of this minute as the applicant was a friend of her son and she indicated that she would withdraw from the meeting during consideration of this item at the appropriate point during the meeting.

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, 16th January 2014 at 10.00 a.m.

3 Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 31st October 2013 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Update from Licensing Standards Officer.

C. Andrew, Licensing Standards Officer advised

- (1) that a licensing information update session had taken place on 5th November 2013 at the Horizon Hotel, Ayr aimed at the licensed trade and associated organisations;
- (2) that 152 delegates had attended throughout the day, including two Board Members and that training had been offered on various subjects;
- (3) that information had been available on various matters and delegates had the opportunity to book onto appropriate training courses;
- (4) that she had requested that evaluation forms be completed and 113 of these had been submitted with the majority of these outlining that regular events would be advantageous to members of the trade; and

- (5) that she would be providing feedback to the ADP who had generously provided the funding to enable the event to take place.

Decided: having heard the Chair outline that she had found the event to be very informative, to thank the Licensing Standards Officer for her update.

5. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 14th November 2013 by the Clerk to the Licensing Board advising of the following determinations of applications for Transfer of a Licence between the last Board meeting and the present one:-

- (1) Davis Snooker Club, 57-59 New Road, Ayr – licence transferred to Jatinder Singh on 30th October 2013; and
- (2) The Malt Cross, 14/16 New Bridge Street, Ayr – licence transferred to LT Management Services Limited on 11th November 2013.

Decided: to note the transfers granted under delegated powers.

6. Variation in Order of Business.

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

7. Licensing (Scotland) Act, 2005.

(a) Application for Occasional Licences.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Jenny Fergusson	Maybole Town Hall High Street Maybole

The Maybole Ball – 28/12/13 – 10.00 p.m. to 2.00 a.m.

Having heard from the Depute Clerk to the Board, the Board granted the above application.

(2) Ayr Hawkhill Bowling Club	Ayr Hawkhill Bowling Club Back Hawkhill Avenue Ayr
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Hogmanay Party – 31/12/13 – 7.00 p.m. to 1.00 a.m.

The Board granted the above application.

<u>Applicant</u>	<u>Premises</u>
(3) Maidens Bowling Club	Maidens Bowling Club 31 Harbour Road Maidens

Maidens Village New Years Eve Dance – 31/12/13 – 7.00 p.m. to 1.00 a.m.

The Board granted the above application.

(b) Applications for Extended Hours.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Buzzworks Leisure Limited	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick

Christmas Party Night – 22/12/13 – noon to 2.30 a.m.

(2) Buzzworks Leisure Limited	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick
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Christmas Party Night – 23/12/13 – noon to 2.30 a.m.

(3) Buzzworks Leisure Limited	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick
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Christmas Party Night – 24/12/13 – noon to 2.30 a.m.

(4) Buzzworks Leisure Limited	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick
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Hogmanay Party Night – 31/12/13 – noon to 2.30 a.m.

(5) Buzzworks Leisure Limited	The Dome Cafe Bar 71-75 Main Street Prestwick
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Hogmanay Party Night – 31/12/13 – noon to 2.30 a.m.

(6) Buzzworks Leisure Limited	Treehouse 67 Sandgate Ayr
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Hogmanay Party Night – 31/12/13 – noon to 2.30 a.m.

(e) Request for Review of Premises Licence Under Section 36.

The Board considered the following applications for review:-

<u>Licenceholder</u>	<u>Premises</u>
(1) The Partnership of Andrew Dunlop and Margaret Dunlop	Fourways 1 Annbank Road Mossblown

Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted

- (a) a report dated 7th November 2013 by the Licensing Standards Officer (issued) advising of previous visits made to the premises and the outcome of these visits; and
- (b) a letter dated 16th October 2013 from the Chief Constable, Police Scotland (issued to members only) advising of the reasons for requesting the review and that the Board may wish to consider appropriate action under the terms of Section 39(2) of the Act, for the purpose of securing the licensing objectives.

The Board then heard from Police Scotland in relation to the circumstances surrounding the review and from the Licensing Standards Officer regarding visits he had made to the premises.

The representative for the licence holder of the premises then advised

- (i) of the circumstances surrounding the night in question when persons had been on the premises after trading hours had ceased;
- (ii) that this was a one-off incident to celebrate a 40th birthday once the premises had closed and that no money had changed hands;
- (iii) that the member of staff had been co-operative with Police Scotland when they had visited the premises; and
- (iv) that there had been no problems at the premises prior to this incident or following it,

and, following questions from Members and the licence holder's representative submitting letters in support of the premises, the Chair advised that the Board would hear the next Review then adjourn to consider both cases.

Licenceholder

Premises

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| (2) | SISI Company Limited | Wee Windaes
9 Newmarket Street
Ayr |
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Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted

- (a) a report dated 12th November 2013 by the Licensing Standards Officer (issued) advising of previous visits made to the premises and the outcome of these visits; and
- (b) a letter dated 23rd October 2013 from the Chief Constable, Police Scotland (issued to members only) advising of the reasons for requesting the review and that the Board may wish to consider appropriate action under the terms of Section 39(2) of the Act, for the purpose of securing the licensing objectives.

The Board then heard from Police Scotland in relation to the circumstances surrounding the review and advising that the Section 114 charge had now been dealt with by way of a Fiscal's warning and was closed to the Crown; and from the Licensing Standards Officer regarding visits she had made to the premises.

The representative for the Premises Manager of the premises then advised

- (i) that this was a family run business with three Company Directors;
- (ii) that the premises closed at 8.00 p.m. on weekdays and no later than 11.00 p.m. at weekends and catered for an older clientele;
- (iii) that, on the night in question, the Premises Manager had left the premises and, as they were not busy, had advised that the premises should close at 10.30 p.m.;
- (iv) that it was an anonymous report which had been made to Police Scotland regarding noise emanating from the premises, however, this was not excessive noise as there were only two members of staff on the premises when Police Scotland arrived, no members of the public and all glasses had been tidied away;
- (v) that the Section 114 charge brought against the member of staff by Police Scotland related to it being an offence for any responsible person to be drunk on the premises at any time, not just during opening hours;
- (vi) that the Director concerned remained a Director of the Company but she no longer worked on the premises;
- (vii) that, since this incident in August 2013, Police Scotland had visited the premises on 27 occasions and everything was found to be in order; and

(viii) that this was an isolated incident, an exceptional case and that no members of the public were involved,

and the Board then adjourned to consider both Reviews.

Upon reconvening, the Board agreed that the grounds for review had been established in both cases and that the Clerk to the Board should be requested to issue a written warning to both premises.

(f) Premises Licence Reviews – Non Payment of Annual Fees.

There was submitted a report (issued) of 14th November 2013 by the Clerk to the Licensing Board advising that all premises had been due to pay their annual fee on 1st October 2013 as payment of the annual fee was a mandatory condition of the Premises Licence and that a number of premises had failed to pay their annual fees despite reminders in the form of a Section 14(2)(a) Notice being issued by the Licensing Standards Officer requiring compliance with these regulations.

Decided:-

- (a) that, as the following premises had now paid their Annual Fee, to take no further action in relation to these premises:-

The Firm of Alan and Elaine Simpson for Scruffy Duffys, 111 Main Street, Prestwick;

Turnberry Holiday Park Limited for The Ailsa Pub, Turnberry Holiday Park, Turnberry;

Beanscene Scotland Limited for Beanscene, 1B Alloway Place, Ayr; and

Steven Charles McKnight for Manor Park, 48 Kilmarnock Road, Prestwick;

- (b) to agree to suspend the following licenses from start of business on Saturday 30th November 2013 as they had not paid their Annual Fee; and to grant delegated powers to the Clerk to the Board to reinstate the licences on payment of the annual fee:-

Rossbeck Ltd. for Adamton House, Baird Road, Monkton;

Gillian Patricia Melrose for Kildonan Hotel, 27 Queens Terrace, Ayr;

Mohammad Shafique for Cafe Petra, 69 Main Street, Prestwick;

Elizabeth Reid for Drouthy Bar, 22 New Road, Ayr;

Montana Leisure Ltd. for McArthurs, 7-9 Arthur Street, Ayr;

Linda McCulloch for L & Ms, 1A Bath Place, Ayr;

Helen Sommerville Allan for Boars Head Hotel, 4 Main Street, Colmonell;

Millennium Properties Limited for Station Hotel, Burns Statue Square, Ayr.

(c) to note that the following licence had been surrendered:-

Lewis Dunlop Boyd for Swan Restaurant, 29 River Street, Ayr;

Councillor Miller, having previously declared an interest in the following item of business, left the meeting during consideration of this matter.

(g) Application for Variation of A Premises Licences

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Strongroom Ayr Limited	The Smoking Goat 2A Academy Street Ayr

Existing Licensed Hours

<u>On-Sales</u>	<u>Off-Sales</u>
Monday 11.30 a.m. to 11.00 p.m.	N/A
Tuesday 11.30 a.m. to 11.00 p.m.	N/A
Wednesday 11.30 a.m. to 11.00 p.m.	N/A
Thursday 11.30 a.m. to 11.00 p.m.	N/A
Friday 11.30 a.m. to 11.00 p.m.	N/A
Saturday 11.30 a.m. to 11.00 p.m.	N/A
Sunday 11.30 a.m. to 11.00 p.m.	N/A

Proposed Licensing Hours

<u>On-Sales</u>	<u>Off-Sales</u>
Monday 11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Tuesday 11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Wednesday 11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Thursday 11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Friday 11.00 a.m. to 1.00 a.m.	10.00 a.m. to 10.00 p.m.
Saturday 11.00 a.m. to 1.00 a.m.	10.00 a.m. to 10.00 p.m.
Sunday 11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.

Change in core hours for on-sale. Addition of off-sales.

Change in Operating Plan to include addition of Bar Meals, Club Meetings, recorded music, live performances, films, televised sport and outdoor drinking facilities. Children allowed access, times allowed on premises reduced.

Capacity increase due to change of use from 40 persons to 85 persons.

Dilapidated stone walls(s) removed, partitions forming store removed, formation of "beer cellar" in outbuilding, addition of outside terrace area to public space, bar counter and gantry extended, increase to sanitary provision, "store" given over to use as a seating both.

Change name of premises to "The Smoking Goat".

The Board heard the Depute Clerk to the Board read out the letter received from the applicants in their absence and the Board granted the above application, the hours as follows:-

Granted Licensing Hours

On-Sales

Off-Sales

Monday	11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 1.00 a.m.	10.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 1.00 a.m.	10.00 a.m. to 10.00 p.m.
Sunday	11.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.

The meeting ended at 11.05 a.m.