

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,  
on 13th March 2014 at 10.00 a.m.

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

Apology: Councillor Rita Miller.

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.

### **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, 24th April 2014 at 10.00 a.m.

### **3. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 12th February 2014 (issued) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

### **4. Update from Licensing Standards Officer (LSO).**

The Licensing Standards Officer advised

- (1) that the LSOs were currently raising awareness among personal licence holders of the need to undertake refresher training five years after the grant of their personal licence which was particularly significant to Premises Managers as the consequence of not producing the training certificate to Licensing Services by the end of December in the fifth year of holding the licence was the personal licence being revoked, to which the Board had no discretion;
- (2) that personal licences which had been granted in 2008 up to September 2009 would require to be updated this year and in South Ayrshire this affected around 600 people;
- (3) that reminder letters were currently being issued to these licence holders, however, to date, twenty six had been returned due to incorrect addresses being held on file and it was essential that address details were kept up to date on both the personal and premises licences as it was a criminal offence not to notify the Licensing Board of any changes to the name or address of a personal licence holder, premises manager, premises licence holder or connected person in relation to any premises licence, with failure to provide these details possibly resulting in a criminal conviction and a fine of up to £500;

- (4) that there was no charge to make this change and it could simply be done by returning the relevant licences with a covering letter;
- (5) that, of the expected 600 training renewals, Licensing had only received a total of twenty five to date, however, she was aware that monthly courses were taking place in at least three local venues in Ayr and there were a number of other training providers within acceptable travelling distance who were also providing courses; and
- (6) that, in order to ensure that personal licence holders understood that they must complete the update training and also provide the Licensing Section with a copy of the relevant pass certificate, the LSOs were liaising with training providers and, in particular, speaking to premises managers during their ongoing premises visits.

**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 27th February 2014 by the Clerk to the Licensing Board advising of the following determination of an application for Transfer of a Licence between the last Board meeting and the present one:-

Brunston Castle Golf Course, Golf Course Road, Dailly – licence transferred to Hadyard Hill Community Benefit Fund Limited on 17th February 2014.

**Decided:** to note the transfer granted under delegated powers.

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

**(a) Applications for a Provisional Premises Licences**

The Board considered the following applications:

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Haven Leisure Ltd.	The Owners' Lounge Craig Tara Holiday Park Dunure Road Ayr

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.

Reference was made to the Minutes of 12th February 2014 (Page 2, paragraph 6(2)), when it had been decided that a site visit to these premises be undertaken and that this application be considered at this meeting.

The applicant's representative submitted updated plans highlighting the CCTV coverage of the Owners' Lounge, photographs of the area and a plan outlining the activities planned for the next three months.

The Board then heard from the applicant's representative in relation to the application and amending the hours applied for and, having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as follows:-

Retail Sale of Alcohol (On Premises) – every day from 11.00 a.m. to 1.00 a.m. (with children to be off the premises by 12.30 a.m.)

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

**Applicant**

**Premises**

(2) Kirsten Hood

Ayr Eight Ball  
15 Arthur Street  
Ayr

Retail Sale of Alcohol (On Premises) – every day from 10.00 a.m. to 1.00 a.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 300m radius of the application premises would be the appropriate locality for consideration of this application.

The Board then heard from the applicant's husband in relation to the application, withdrawing that part of the application for poker and amending the hours applied for and, having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as follows:-

Retail Sale of Alcohol (On Premises) – every day from 10.30 a.m. to 1.00 a.m.

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

The Board considered the following application:-

**Application Number**

**Applicant**

SA/14/00010/LAPRS

Elizabeth Kenny

Having heard an observation from Police Scotland and the applicant in response, the Board granted the above application.

**(c) Application for Transfer of Licence Under Section 33(1).**

The Board considered the transfer of the following licence:-

**Applicant**

**Premises**

G & J Properties

The Golf Inn  
154 Main Street  
Prestwick

Having heard from Police Scotland and from a partner in the business, the Board granted the above application.

(d) **Requests for Review of Licences.**

**Request for Review of Premises Licence Under Section 36.**

The Board considered the following applications for review:-

<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(1) Maxine Samson	The Greenside 5 Greenside Maybole

Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005 on grounds relevant to the 'Preventing Crime and Disorder' Licensing Objective as articulated in Section 4(1) of the Act, the Board agreed to hold a hearing in relation to these premises.

There were submitted

- (a) a report dated 28th February 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering this review;
- (b) a letter dated 18th February 2014 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; and
- (c) a report dated 26th February 2014 by the Licensing Standards Officer (issued) advising of previous visits she had made to the premises and the outcome of these visits.

**Review of Personal Licence Under Section 84.**

<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
(2) SA/12/00149/LAPRS	Maxine Samson

Following a Request for Review from the Chief Constable in terms of Section 84(A)(1) of the Licensing (Scotland) Act, 2005 for conduct inconsistent with the 'Preventing Crime and Disorder' Licensing Objective, articulated at Section 4(1) of the Act, the Board agreed to hold a hearing in relation to the personal licence holder Maxine Samson.

There was submitted (issued to Members only) a letter dated 18th February 2014 from Police Scotland outlining the background to this review and the reasons for requesting the review.

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

The licence holder then advised

- (i) of the circumstances surrounding the night in question when she had been out with friends, had visited the premises to ensure there were no problems and had gone to another licensed premises to acquire change for the staff on duty;
- (ii) that on returning to the premises there was an altercation which she had broken up, asked one party to leave then stayed on the premises to ensure that he did not return, at which time she had drunk some more alcohol and that she regretted what had occurred on that evening; and
- (iii) that she had worked in the licensed trade for almost forty years,

and, following questions, the Board adjourned for consideration of these reviews.

Upon reconvening, the Board agreed that the grounds for review had been established in both cases.

In relation to the review of the premises licence, the Board requested that the Clerk to the Board issue a written warning to the premises.

In relation to the personal licence review, the Board decided that, as the licence holder's conduct had been inconsistent with the licensing objectives, her licence would be endorsed.

### **Request for Review of Premises Licence Under Section 36.**

<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(3) The Daring Gentlemen Ltd.	Forte Bar 39 South Harbour Street Ayr

Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005 on grounds relevant to the 'Preventing Crime and Disorder' Licensing Objective as articulated in Section 4(1) of the Act, the Board agreed to hold a hearing in relation to these premises.

There were submitted

- (a) a report dated 28th February 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering this review;
- (b) a letter dated 26th February 2014 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; and

- (c) a report dated 26th February 2014 by the Licensing Standards Officer (issued) advising of previous visits made to the premises and the outcome of these visits; and of the previous review hearing which had taken place on 22nd November 2012 when the Board had varied the premises licence.

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

The licence holder's representative then advised the Board

- (A) that the circumstances surrounding the review were regrettable and the premises had not been open since the incident had occurred;
- (B) that he would give an undertaking that the premises would not reopen under the same management but would be sold or leased and an application to transfer the licence would then be submitted; and
- (C) that Mr. Martin had surrendered his personal licence and would no longer be working in the licensed trade,

and, following questions, the Board then adjourned for consideration of this review.

Upon reconvening, the Board agreed that the grounds for review had been established and agreed to suspend the licence until it had been transferred and to grant delegated powers to the Clerk to the Board to reinstate the licence once it had been transferred.

#### **Review of Personal Licence Under Section 84.**

(4)	<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
	SA/12/00066/LAPRS	Garry Martin

The Board noted that the above request for review had been withdrawn as the licence holder had now surrendered his personal licence.

#### **Request for Review of Premises Licence Under Section 36.**

	<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(5)	Mrs. Manjit Kaur	1 Morrison Gardens Ayr

Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005 on grounds relevant to the 'Preventing Crime and Disorder', 'Protecting Children from Harm' and 'Preventing Public Nuisance' Licensing Objectives, articulated in Section 4(1) of the Act, the Board agreed to hold a hearing in relation to these premises.

There were submitted

- (a) a report dated 28th February 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering this review;
- (b) a letter dated 24th February 2014 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; and
- (c) a report dated 27th February 2014 by the Licensing Standards Officer (issued) advising of previous visits she had made to the premises and the outcome of these visits.

#### **Review of Personal Licence Under Section 84.**

(6)	<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
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SA/11/00155/LAPRS

Manjit Kaur

Following a Request for Review from the Chief Constable in terms of Section 84(A)(1) of the Licensing (Scotland) Act, 2005 for conduct inconsistent with the 'Preventing Crime and Disorder', 'Protecting Children from Harm' and 'Preventing Public Nuisance' Licensing Objectives, articulated at Section 4(1) of the Act, the Board agreed to hold a hearing in relation to the personal licence holder Manjit Kaur.

There was submitted (issued to Members only) a letter dated 24th February 2014 from Police Scotland outlining the background to this review and the reasons for requesting the review.

The Board then heard from Police Scotland in relation to the circumstances surrounding these two reviews and advising on the workings of the Bottle Marking Scheme and from the Licensing Standards Officer in relation to the premises review and regarding visits she had made to the premises.

The licence holder advised

- (i) that the person she had sold alcohol to was old enough to purchase the alcohol; and
- (ii) that she had now installed CCTV within the premises,

and, following questions, the Board then adjourned for consideration of these reviews.

Upon reconvening, the Board agreed that the grounds for review had been established in both cases, however, the Board had not taken into account the incident which had occurred on 24th January 2014 as it was sub-judice.

In relation to the review of the premises licence, the Board agreed to suspend the premises licence effective from today, that all alcohol should be cleared from the premises with immediate effect and delegated powers be granted to the Clerk to the Board to reinstate the licence once these conditions had been met. This suspension was to allow Mrs. Kaur:-

- (A) to undertake appropriate refresher training;
- (B) to install a CCTV system to the satisfaction of Police Scotland;
- (C) to provide training records for all staff working on the premises; and
- (D) to take part in the bottle marking initiative following clarification on how this scheme operated.

In relation to the personal licence review, the Board agreed to suspend Mrs Kaur's licence until she had undertaken the appropriate refresher training and had submitted the certificate confirming completion of this course to the Licensing Section, at which time her licence would be reinstated.

The meeting ended at 12.20 p.m.