

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the Town Hall, Ayr,
on 16th September 2014 at 10.00 a.m.

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

Apologies: Councillors Peter Convery and Rita Miller.

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

Also Attending: Chief Inspector E. Taylor and Sergeant D. McIntosh, Police Scotland.

1. Declarations of Interest.

In terms of the Councillors' Code of Conduct, Councillor Campbell declared an interest in item 7(a)(1) as the applicant was known to him and he indicated that he would withdraw from the meeting during consideration of this application.

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, 30th October 2014 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 21st August 2014 were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Update from Licensing Standards Officer.

The Licensing Standards Officer (LSO) advised

- (1) that the recent work of the LSOs had mainly been ensuring that all licence holders who required to undertake the refresher training had done so and had submitted their certificate confirming completion of the training;
- (2) that a number of licence holders had undertaken the refresher course, however, were yet to submit the certificate confirming completion of the training;
- (3) that ensuring all licence holders completed the refresher training had proved challenging, however, having spoken to LSOs in other areas, the position appeared to be similar throughout Scotland; and
- (4) that she was confident that the majority of Premises Managers had completed their training, however, it was proving difficult to contact personal licence holders who were not connected with a business.

Decided: to thank the Licensing Standards Officer for her update and to thank the LSOs for their work on assisting licence holders with refresher training.

5. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 2nd September 2014 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) Woodpark Stores, 1 Woodpark, Ayr – transferred to Woodpark Stores Limited on 11th August 2014;
- (2) The Twa Dugs, 4 Killoch Place, Ayr – transferred to Robert Shields on 8th August 2014; and
- (3) Brunston Castle Golf Club – transferred to Ayrshire Catering Limited on 13th August 2014.

Decided: to note the transfers granted under delegated powers.

6. Presentation on White Ribbon Campaign.

Callum Hendry, White Ribbon Scotland National Co-ordinator gave a presentation to the Board on the White Ribbon Campaign and the Chair, on behalf of the Board, thanked Mr. Hendry for his interesting and informative presentation.

Decided: that the Board support the work of the White Ribbon Campaign.

7. Licensing (Scotland) Act, 2005.

(a) Applications for Variation of a Premises Licence.

The Board considered the following applications:

Councillor Campbell, having previously declared an interest in this application, left the meeting at this point.

<u>Applicant</u>	<u>Premises</u>	
(1) Greenside (Maybole) Ltd.	The Greenside 5 The Greenside Maybole	
<u>Existing Licensed Hours</u>		
	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to midnight	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.

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	10.30 a.m. to 1.00 a.m.	10.30 a.m. to 10.00 p.m.
Saturday	10.30 a.m. to 1.00 a.m.	10.30 a.m. to 10.00 p.m.
Sunday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.

Change to core hours; change to off sales hours; amend seasonal variation; change to activities to include conference facilities, restaurant facilities, indoor/outdoor sports, breakfast facilities from 9.00 a.m.; change to children's statement to allow children entry for a meal, 15 and under to be accompanied by an adult, children and young persons to leave premises by 10.00 p.m. unless attending a function when they will be permitted to stay until the end of the function and to be allowed in restaurant/dining room, toilets and public bar (but not permitted to approach bar).

Having heard from the applicant, the Board agreed that a site visit be conducted to allow the Board to view the premises and that a decision on this application would then be taken at that time.

At this point, Councillor Campbell re-joined the meeting.

- (2) David Bryson & Sons Ltd. David Bryson & Sons Ltd.
1 Monkton Road
Prestwick

Increase in alcohol sales area from 24.687m² to 26.77m².

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

- (3) Mrs. Sukhvinder Kaur Tams Brig Convenience Store
4 Prestwick Road
Ayr

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	N/A	10.00 a.m. to 8.00 p.m.
Tuesday	N/A	10.00 a.m. to 8.00 p.m.
Wednesday	N/A	10.00 a.m. to 8.00 p.m.
Thursday	N/A	10.00 a.m. to 8.00 p.m.
Friday	N/A	10.00 a.m. to 8.00 p.m.
Saturday	N/A	10.00 a.m. to 8.00 p.m.
Sunday	N/A	10.00 a.m. to 3.00 p.m.

Proposed Licensing Hours

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

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

(b) Applications for Extended Hours.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Daleglade Limited	Madisons 38A Carrick Street Ayr

Dates Applied For:-

Halloween Weekend – 31/10/14 and 01/11/14 – 2.30 a.m. to 3.30 a.m.

Having heard from the Licensing Standards Officer and having noted that the applicant had withdrawn that part of the application for an additional hour's trading on 31/10/14, the Board granted the application as follows:-

Date Granted:-

Halloween Weekend – 01/11/14 – 2.30 a.m. to 3.30 a.m.

(2) Meriah Ltd.	Horizon Hotel Esplanade Ayr
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The Referendum – 19/09/14 – 12.30 a.m. to 4.30 a.m.

The Board heard from the Licensing Standards Officer in relation to this application and from Chief Inspector Taylor who advised that, in terms of Section 69(2), the Chief Constable objected to the application on the grounds that it was necessary to do so for the purposes of the "Preventing Crime and Disorder" Licensing Objective.

The Board then heard from the applicant and questions were raised by Board Members and Police Scotland and answered by the applicant.

Councillor Douglas, seconded by Councillor Dorans moved that this application be approved.

By way of Amendment, Councillor Campbell, seconded by Councillor Goldie moved that the application be refused.

On a vote being taken by a show of hands, four Members voted for the Amendment and two Members for the Motion. The Amendment was accordingly declared carried and the application was refused.

(c) **Personal Licence Reviews.**

Review Under Section 83 of the Licensing (Scotland) Act 2005.

<u>Application Number</u>	<u>Name</u>
SA/13/00163/LAPRS	Daryl Paton

There was submitted a report (issued) of 2nd September 2014 by the Clerk to the Board advising

- (A) that Mr. Paton had advised the Board of a conviction he had received during the term of his licence and that Police Scotland had confirmed the details of the conviction; and
- (B) of the options open to the Board in dealing with this review.

In the absence of the applicant, the Board agreed to continue consideration of this review to a future Board meeting to allow the licence holder to attend.

Review Under Section 84A of the Licensing (Scotland) Act 2005.

<u>Application Number</u>	<u>Name</u>
SA/09/00566/LAPRS	Hugh Kenneth Christie

There was submitted a report (issued) of 2nd September 2014 by the Clerk to the Board advising that Police Scotland had requested a review of the personal licence held by Hugh Kenneth Christie in terms of Section 84A(1) of the Act, for conduct inconsistent with the licensing objectives articulated at Section 4(1) of the 2005 Act, namely Preventing Crime and Disorder.

Having heard the Depute Clerk advise that she had corresponded with the licence holder's agent and at his request and with the consent of Police Scotland, the Board agreed to continue consideration of this review pending the outcome of any trial of Mr. Christie. Police Scotland would advise the Clerk to the Board of the outcome in due course.

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

Licenceholder

Martin McColl Limited

Premises

McColls
51-55 Berelands Road
Prestwick

McColls
2/4 Westwood Crescent
Ayr

McColls
144-146 Hillfoot Road
Ayr

Having heard the Depute Clerk advise of the conviction received by Martin McColl, Sudbury, the Board agreed to note the conviction and to take no action.

The meeting ended at 11.50 a.m.