

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the Town Hall, New Bridge Street, Ayr,
on 20th May 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; C. Andrew, Licensing Standards Officer; P. McCarroll, Licensing Standards Officer; and J. McClure, Committee Services Officer.

Also Attending: Chief Inspector W. Ramsay and Constable. R. Patterson 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 Buildings, Wellington Square, Ayr on Wednesday, 18th June 2014 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 24th April 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 visits to premises were continuing to focus on the need for personal licence holders to undertake refresher training after five years of holding the licence and that she had outlined at the Board meeting in April 2014 that only 53 refresher certificates had been received to allow personal licences to be updated;
- (2) that this figure was steadily rising and a total of 82 refresher certificates had now been received, however, over 500 personal licence holders still required to undertake training and update their licences;
- (3) that, having developed good links with local training providers, the Licensing Section had become aware that many individuals had already undertaken the training but had yet to hand in the relevant certificate to allow the licence to be updated; and
- (4) that work would continue over the next few months by the Licensing Section to ensure that personal licence holders met the end of year deadline.

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

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

(a) **Application for a Provisional Premises Licences.**

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Martin McColl Limited	144-146 Hillfoot Road Ayr

Retail Sale of Alcohol (Off Premises) – every day from 10.00 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's representative) that a 500m radius of the applicant premises would be the appropriate locality for consideration of this application.

The Board then heard from Police Scotland and from the applicant's representative and having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as applied for and accepting the applicant's undertaking not to sell ciders with an ABV of more than 6.5% or fortified wines with a high caffeine content.

(b) **Application for Variation of a Premises Licence.**

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Manrup Kaur Uppal	Taj Indian Restaurant 141/143 Main Street Prestwick

Amend Operating Plan to include providing a home delivery service with provision for delivery of alcohol on an off-sales basis.
To include television in the Operating Plan.
Add the playing of Poker to the Operating Plan.

The Board heard from Police Scotland in relation to the home delivery service with provision for delivery of alcohol on an off-sales basis advising that the Board should consider making use of a mobile ID scanner a condition of the licence and having heard from the applicant's representative, the Board granted the application as applied for subject to 9.00 p.m. being the latest that orders could be taken for delivery of food/alcohol.

The Board further requested that Police Scotland give a presentation to a future Board meeting on the mobile ID scanners to review the implications for licence holders should the Board decide to make the use of these scanners a condition of the licence.

<u>Applicant</u>	<u>Premises</u>
(2) Doreen Marjory Cowan	The Vaults 34 Glendoune Street Girvan

Existing Licensed Hours

On-Sales

Monday	11.00 a.m. to 12.30 a.m.
Tuesday	11.00 a.m. to 12.30 a.m.
Wednesday	11.00 a.m. to 12.30 a.m.
Thursday	11.00 a.m. to 12.30 a.m.
Friday	11.00 a.m. to 12.30 a.m.
Saturday	11.00 a.m. to 12.30 a.m.
Sunday	noon to midnight

Off-Sales

11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
11.00 a.m. to 10.00 p.m.
noon to 10.00 p.m.

Proposed Licensing Hours

On-Sales

Monday	10.00 a.m. to 12.30 a.m.
Tuesday	10.00 a.m. to 12.30 a.m.
Wednesday	10.00 a.m. to 12.30 a.m.
Thursday	10.00 a.m. to 12.30 a.m.
Friday	10.00 a.m. to 12.30 a.m.
Saturday	10.00 a.m. to 12.30 a.m.
Sunday	10.00 a.m. to midnight

Off-Sales

10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.

Amend operating hour to start at 10.00 a.m. (on and off sales).

Include the service of food (bar meals and restaurant).

Amend children's statement to allow children and young persons of all ages and to allow access to children from 10.00 a.m. to 9.00 p.m. for the purpose of having a meal or snack.

Having heard from the applicant, the Board granted the above application, the hours as applied for.

(c) Applications for Occasional Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Dorothy Birks	McCosh Hall Patna Road Kirkmichael

Village Music Festival

13/06/14 – 6.00 p.m. to 1.30 a.m.

14/06/14 – 4.00 p.m. to 1.30 a.m.

15/06/14 – 2.00 p.m. to midnight

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

Upon reconvening, Councillor Dorans moved grant of the application on the basis that this was a one-off event and was important to the community, however, he outlined that the Board did not wish to set a precedent as this was an exception to the Board's Policy. Councillor Douglas then seconded this motion as the nearby licensed premises already had a licence until 1.30 a.m.

By way of Amendment, Councillor Campbell, seconded by Councillor Goldie, moved that this application be refused and that the licence only be granted until midnight.

On a vote being taken by a show of hands, two members voted for the Amendment and five for the Motion which was accordingly declared carried and the hours were granted as applied for.

Applicant

Premises

- | | |
|-------------------|--|
| (2) William Howat | Craigie Village Hall
Main Street
Craigie |
|-------------------|--|

Hours Applied For:-

21st Birthday Party – 31/05/14 – 8.00 p.m. to 12.30 a.m.

Having heard from the Licensing Standards Officer and from the applicant's representative, the Board refused this application for a licence until 12.30 a.m. and approved the application as follows:-

Hours Granted:-

21st Birthday Party – 31/05/14 – 8.00 p.m. to midnight

- | | |
|------------------------|--|
| (3) Alastair McClymont | Ayr Town Hall
29 New Bridge Street
Ayr |
|------------------------|--|

A Children's Entertainment Showcase – 07/06/14 – 6.00 p.m. to 10.00 p.m.

Having heard from the Licensing Standards Officer and from the applicant, the Board refused this application on the grounds that the granting of the application would be inconsistent with the licensing objective of Protecting Children from Harm.

(d) **Review of Personal Licence Under Section 84.**

	<u>Application Number</u>	<u>Applicant</u>
(1)	SA/09/00231/LAPRS	Alistair David Catterson
(2)	SA/09/00531/LAPRS	Lenka Hudcova

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' and 'Protecting Children from Harm' Licensing Objectives, articulated at Section 4(1) of the Act, the Board agreed to hold a hearing in relation to the personal licence holders Alistair David Catterson and Lenka Hudcova.

There were submitted

- (a) reports relating to both licence holders dated 1st May 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering these reviews; and
- (b) letters relating to both licence holders dated 24th April 2014 from the Chief Constable (issued to members only) outlining the background to these reviews and the reasons for requesting the reviews.

The Board then heard from Police Scotland in relation to the circumstances surrounding these two reviews and the representative for the licence holders. Members then adjourned and on reconvening, advised that they wished to view the CCTV footage of the incidents and continued the hearing to the meeting scheduled to take place on 18th June 2014 to allow Police Scotland to obtain the CCTV footage from the Procurator Fiscal.

6. **Gambling Act 2005**

(a) **Application for Bingo Licence.**

The Board noted that this application had been continued to the next Board meeting scheduled to be held on 18th June 2014:-

<u>Applicant</u>	<u>Premises</u>
Britannia Jinky Jersey Ltd.	Adamton Country House Hotel Baird Road Monkton

(b) **Application for Family Entertainment Licence.**

Applicant

Playnation Limited

Premises

Sundrum Castle Holiday Park
Coylton
By Ayr

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

The meeting ended at 11.50 a.m.