

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 21st August 2014 at 10.00 a.m.

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

Apology: Councillor Sandra Goldie.

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 Sergeant D. McIntosh, 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 Council Chambers, Town Hall, Ayr on Tuesday, 16th September 2014 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meetings of South Ayrshire Licensing Board of 18th June 2014 were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Variation in order of business.

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

5. Licensing (Scotland) Act, 2005.

Application for Occasional Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Daniel James Stirling	Marquee Ayr Low Green Ayr

Scottish Air Show – 06/09/14 – 10.00 a.m. to 5.00 p.m.

The Board heard from the Licensing Standards Officer, Police Scotland and from the applicant's representative in response regarding this application and noted that the applicant would meet the conditions requested by the Police subject to the heras fencing requested being amended to royal barriers in line with Fire requirement.

Following questions, the Board then granted the above application, the hours as applied for, subject to the location of the toilets being moved closer to the proposed bar area; the fencing around the public area to be changed to royal barriers; four dedicated stewards to be employed in the bar area; all alcohol to be decanted into plastic glasses; the consumption of alcohol only to be within the designated bar area; no under 18s to be permitted; the personal licence holder being in attendance at all times; and adequate signage being provided.

6. Update from Licensing Standards Officer.

The Licensing Standards Officer (LSO) advised

- (1) that the deadline for completing refresher training for those licence holders who had been granted a licence on or before 1st September 2009 was 31st August 2014 and that, failure to adhere to this retraining requirement and to provide the Licensing Section with an original certificate of training within three months of the deadline would result in revocation of the licence;
- (2) that, as this was due to Government legislation and was not a local Board policy, the Board had no discretion and there was no exception to this rule, regardless of the reason for not meeting the deadline;
- (3) that, with this in mind, the LSOs work over the past few months had mainly concentrated on refresher training, both building relationships and liaising with the local training providers and reminding personal licence holders that they were required to meet the 1st September 2014 deadline;
- (4) that this had focussed on Premises Managers as the implications of a Premises Manager having their Personal Licence revoked was likely to affect the operation of the business and, additionally, they had also contacted Personal Licence Holders who were known to be regular applicants for Occasional Licences as many operated this service as a business;

- (5) that, despite the requirement for refresher training after holding a licence for five years being emphasised as part of the original Scottish Certificate for Personal Licence Holders course and an information day being held in South Ayrshire last November followed by reminder letters sent out by the Licensing Section earlier this year, in addition to trade and local press articles and indeed LSO reports to the Board, it was concerning that so many Personal Licence Holders had still to complete the training;
- (6) that many Personal Licence Holders had only been booked onto courses after assistance or reminders from the LSOs and even those who had completed the training had not provided the Licensing Section with their certificate until they had been reminded which was very concerning and whilst it was believed that most South Ayrshire Premises Managers would have met the deadline, there still remained a few smaller traders who may not with it being estimated that, having currently received 314 refresher certificates to date, there were still two thirds of Personal Licence Holders who required training this year facing the possibility of having their Personal Licence revoked;
- (7) that it still appeared that a number of licence holders believed that this was a local policy imposed by the Board and that the Board had discretion to extend the deadline despite the correspondence previously issued to licence holders that this was Scottish Government legislation;
- (8) that, although this month was the deadline for completing the refresher training, the vast majority of licence holders had delayed sitting the course until this month;
- (9) that the LSOs continued to receive complaints regarding licensed premises from members of the public and neighbours and these were dealt with on an individual basis with most relating to potential noise or disturbance and the LSOs liaised with colleagues in Environmental Health to ensure that a suitable compromise could be reached;
- (10) that a few anonymous complaints had recently been received and, whilst this does not allow the LSOs to mediate or indeed respond to the complainant personally, the matters were all still investigated and any appropriate action taken;
- (11) that it should also be noted that, whilst licence holders do have some responsibility for patrons who visited their premises, it was not possible nor lawful for them to attempt to control individuals who had left their premises and indeed patrons may not necessarily have purchased their alcohol from the nearest premises, particularly in today's climate with the comparatively lower prices available from off-sales and, in particular, supermarkets; and
- (12) that, additionally, it was sometimes assumed that music was from a licensed premises but it should be noted that house parties were becoming popular, particularly among the younger age groups who had been refused entry by vigilant licence holders and that, whilst it was understood that there were various reasons for complainants remaining anonymous, this did not give Council Officers the opportunity to explain the result of their investigations and perhaps put the complainant in touch with other Departments or agencies who would be able to assist with their complaint when the source was in fact not a licensed venue.

Questions were raised by Board Members in relation to

- (a) whether there were still spaces available on training courses prior to the deadline to facilitate those licence holders who required to undertake the training and the Licensing Standards Officer advised that she was very grateful to the training providers who were providing further courses in an attempt to ensure that all licence holders who required to undertake the training had the opportunity to sit this course; and
- (b) whether Board Members would require to undertake refresher training and the Depute Clerk to the Board advised that all Board Members would require to undertake training following the next local election, regardless of whether they had previously sat on the Board or not.

The Chair, on behalf of the Board then thanked the LSOs for their efforts in assisting licence holders.

Decided: to thank the Licensing Standards Officer for her update and to request that the Clerk to the Board write to the Scottish Government, on behalf of the Board, requesting that the Scottish Government review the requirement regarding the revocation of licences should the refresher training not be completed within the deadline.

7. Scheme of Delegation and Revocation of Licences.

There was submitted a report (issued) of 30th July 2014 by the Clerk to the Licensing Board seeking approval to amend the Scheme of Delegation.

Decided: to agree to the amendments to the Scheme of Delegation as outlined in Appendix 1 to the report and subsequently to grant delegated powers to the Clerk and Depute Clerk to the Board to revoke personal licences when the licence holder had failed to comply with Section 87 of the Act.

8. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 7th August 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) The Ship Inn, 36 North Harbour Street, Ayr – transferred to KJ Stuart Limited on 9th June 2014;
- (2) The Red Lion, 9 The Cross, Prestwick – transferred to Hawthorn Leisure Ltd. on 1st July 2014;
- (3) Forte Bar, 39 South Harbour Street, Ayr – transferred to Ayrshire Entertainments Limited on 3rd July 2014;
- (4) Greenside, 5 Greenside, Maybole – transferred to Greenside (Maybole) Ltd. on 11th July 2014;
- (5) 63 High Street, Maybole – transferred to Arif Ali Malik on 17th July 2014; and

- (6) Elliots Terrace, Bar and Restaurant, 132 Main Street, Prestwick – transferred to Buzzworks Claremont Ltd. on 18th July 2014.

Decided: to note the transfers granted under delegated powers.

9. Licensing (Scotland) Act, 2005.

(a) Application for a Premises Licences.

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Steven McKnight	Manor Park Hotel 48 Kilmarnock Road Monkton

Retail Sale of Alcohol (On Premises) – every day from 11.00 a.m. to midnight.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that the whole of Monkton would be the appropriate locality for consideration of this application.

The Board then heard from the applicant and, having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as applied for.

(b) Applications for Variation of a Premises Licence.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) RCS Girvan Limited	Girvans 66 Portland Street Troon

Existing Licensed 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	10.30 a.m. to 1.00 a.m.
Saturday	10.30 a.m. to 1.00 a.m.
Sunday	10.00 a.m. to 12.30 a.m.

Off-Sales

10.00 a.m. to 10.00 p.m.
10.30 a.m. to 10.00 p.m.
10.30 a.m. to 10.00 p.m.
10.00 a.m. 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 11.00 a.m. to 1.30 a.m.
Saturday 11.00 a.m. to 1.30 a.m.
Sunday 11.00 a.m. to 1.30 a.m.

Off-Sales

10.00 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.

To amend the licensed hours as above.

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

- (2) Lidl U.K. GmbH 15 Allison Street
Ayr

Provision of recorded music.
Increase in capacity from 31.36m² to 35.68m²

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

- (3) CJ Lang & Son Ltd. Spar Convenience Store
12/14 Portland Street
Troon

Change the layout of the store and the location of the alcohol sales area. There will be no change to the capacity of the premises.

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

(c) Applications for Extended Hours.

The Board considered the following applications:

- | <u>Applicant</u> | <u>Premises</u> |
|-------------------------|---|
| (1) Crest Court Limited | Club de Mar
1-5 Arthur Street
Ayr |

Ayr Gold Cup Weekend – 19/09/14 and 20/09/14 – 2.30 a.m. to 3.30 a.m.

Having heard from the Licensing Standards Officer and having considered a letter from the premises, the Board granted the above application.

- | <u>Applicant</u> | <u>Premises</u> |
|--|---|
| (2) Crest Court Limited | Club de Mar
1-5 Arthur Street
Ayr |
| Students Halloween Party – 29/10/14 – 2.30 a.m. to 3.30 a.m. | |
| (3) Crest Court Limited | Club de Mar
1-5 Arthur Street
Ayr |
| Club’s Halloween Party – 01/11/14 – 2.30 a.m. to 3.30 a.m. | |

Having heard from the Licensing Standards Officer and having considered a letter from the premises, in relation to the above two applications, the Board agreed that one of the dates be granted, which the applicant could agree in consultation with the Clerk to the Board with the other application being refused.

(d) Application for Occasional Licence.

The Board considered the following applications:-

- | <u>Applicant</u> | <u>Premises</u> |
|--|---|
| (1) Stuart Hamilton | Ayr Town Hall
New Bridge Street
Ayr |
| Hogmanay Music Concert – 31/12/14 – 6.00 p.m. to 1.00 a.m. | |

Having heard from the Licensing Standards Officer and from the applicant, the Board granted the above application, the hours as applied for.

The meeting ended at 10.55 a.m.