

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 30th October 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: K. Briggs, 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 E. Taylor 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 County Hall, County Buildings, Ayr on Thursday, 27th November 2014 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 16th September 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 annual fee for Premises Licences was due by 1st October each year and, although there was no longer a 'renewal' of licences, the annual fee required to be paid for the licence to remain 'active';
- (2) that, to date, licence holders had received an annual fee notice and reminder and that those who had still not paid the required fee had now been issued with a Section 14 (LSO Notice) requiring payment to be made by 3rd November 2014 and that any premises that did not comply with this Notice would face suspension of the Premises Licence;
- (3) that currently there were twenty seven premises in South Ayrshire who had not paid the annual fee and these would be the subject of a report to this Board next month and that, of these, the LSOs were aware of nine premises that were not currently trading;

- (4) that the lack of uptake of refresher training for personal licence holders continued to be a concern throughout Scotland and that any personal licence holder who had been issued with their licence on or before 1st September 2009 was required to complete refresher training by 31st August 2014 and they were then required to provide the Board with a certificate to prove that training had taken place and hand in their original personal licence for updating by 30th November 2014;
- (5) that, as this deadline was fast approaching, the LSOs continued to remind licence holders of the requirement to submit their certificate as failure to do so (even if the training was completed on time) would result in revocation of the personal licence as the Board has no discretion on this matter;
- (6) furthermore, that any personal licence holder who had their licence revoked would not be permitted to reapply for five years with the impact of this preventing individuals from becoming a Designated Premises Manager or applying for Occasional Licences; and
- (7) that, in South Ayrshire, it was anticipated that 663 personal licence holders required to complete refresher training by 31st August 2014 and, to date, certificates had been received and updated from 307 of these licence holders leaving a potential 356 current personal licence holders who would have their licence revoked after 30th November 2014 and, for this reason, any licence holder who had completed the required training should ensure that they forward the certificate and their personal licence to the Licensing Section by the deadline of 30th November 2014.

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 16th October 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 Marine Hotel, Crosbie Road, Troon – transferred to Hotel Collection Hotel No. 15 Limited on 12th September 2014;
- (2) The Taj, 141 Main Street, Prestwick – transferred to Perjit Uppal on 25th September 2014;
- (3) 14/18 Galloway Avenue, Ayr – transferred to Galloway Store Limited on 2nd October 2014;
- (4) 1 Morrison Gardens, Ayr – transferred to Julie Lundie on 3rd October 2014; and
- (5) 74 Main Street, Prestwick – transferred to La Fontana (UK) Ltd. on 10th October 2014.

Decided: to note the transfers granted under delegated powers.

6. **Licences Ceasing to Exist Under Section 28 of the Licensing (Scotland) Act 2005.**

There was submitted a report (issued) of 13th October 2014 by the Clerk to the Licensing Board advising of the following licences which had ceased to exist under Section 28 between the last Board meeting and the present one:-

Licence Ceasing to Exist

The Station Hotel, Burns Statue Square, Ayr – licence ceased to exist following the liquidation of the licence holders, Millennium Properties Ltd. on 9th September 2014.

Licence Surrendered

Rosebank Fruiterers – licence surrendered on 23rd September 2014.

Decided: to note the licences which now ceased to exist.

7. **Refresher Training – Response from the Scottish Government.**

There was submitted a letter (issued) received on 23rd September 2014 from the Justice Directorate of the Scottish Government regarding this Board's concerns about the potential issues to personal licence holders should they fail to obtain their refresher training and submit the relevant certificate to the Licensing Board on time and advising

- (1) that the Scottish Government shared the Board's concerns that revoking a personal licence for five years, for what was an administrative failing on the part of the licence holder, did seem excessive and that was why the Air Weapons and Licensing (Scotland) Bill, currently before the Scottish Parliament, proposed to amend this;
- (2) that the Licensing (Scotland) Act 2005 was passed by the Scottish Parliament and that amending such primary legislation was not a straightforward matter, nor was an amendment something that was undertaken lightly; and
- (3) that the Scottish Government would continue to keep this issue under review and welcomed feedback from Boards and others, however, it was not currently intended to make any amendments earlier than what was proposed within the current Bill.

Decided: to note the response from the Scottish Government.

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

(a) **Applications for a Premises Licence.**

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Quayside Restaurant Limited	The Quayside 19 Harbour View Dunure
Retail Sale of Alcohol (On Premises)	Every Day from noon to midnight

Having heard from the Depute Clerk to the Board and the applicant in response, the Board agreed to continue consideration of this application to a future meeting of this Board.

(b) Application for Variation of a Premises Licence.

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Lewis Dunlop Boyd	The Swan 39 Portland Street Troon

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
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	noon to midnight	-

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	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Saturday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Sunday	noon to midnight	noon to 10.00 p.m.

Variation of Operating Plan to permit off-sale hours from 10.00 a.m. to 10.00 p.m. every Monday to Saturday and noon to 10.00 p.m. on a Sunday.

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

(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 Hogmanay Party – 31/12/14 – 8.00 p.m. to 2.00 a.m. | |
| Having heard the applicant amend the application to a terminal hour of 1.30 a.m., the Board granted this application, as follows:- | |
| Village Hogmanay Party – 31/12/14 – 8.00 p.m. to 1.30 a.m. | |
| (2) Troon and District Sports Club | Troon and District Sports Club
Isle of Pin Road
Fullarton Estate
Troon |
| Halloween – 01/11/14 – 7.00 p.m. to 1.00 a.m. | |
| Having heard from the applicant, the Board granted the above application. | |
| (3) Victoria Lynn Stirling | Ballantrae Community Hall
Main Street
Ballantrae |
| Ballantrae Annual Christmas Dance – 05/12/14 – 7.00 p.m. to 1.00 a.m. | |
| Having heard from the Licensing Standards Officer, the Board granted the above application. | |

(d) **Application for Extended Hours.**

The Board considered the following application:

- | <u>Applicant</u> | <u>Premises</u> |
|---|--|
| Sandra Horne | Le Mirage
35A Bridge Street
Girvan |
| Halloween – 01/11/14 – 2.30 a.m. to 3.30 a.m. | |
| Having heard from the Licensing Standards Officer, the Board granted the above application. | |

(e) **Applications for a Personal Licence.**

The Board considered the following applications:-

<u>Application Number</u>	<u>Applicant</u>
(1) SA/14/00142/LAPRS	Julie Hendren

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

(2) SA/14/00146/LAPRS	Claire Murdoch
-----------------------	----------------

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

(f) **Personal Licence Review.**

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

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

Reference was made to the Minutes of 16th September 2014 (Page 5, paragraph 7(c)) when it had been decided to continue consideration of this review to a future Board meeting to allow the licence holder to attend.

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.

Having heard the Depute Clerk to the Board outline that recorded delivery and first class letters had been issued to the licence holder, however, he had still failed to attend this meeting, the Board decided to deal with the matter in the absence of Mr. Paton. Having heard an observation from Police Scotland, the Board agreed to suspend the licence currently held by Daryl Paton for six months for the purposes of the following licensing objectives, namely (a) preventing crime and disorder; and (b) securing public safety.

The meeting ended at 10.40 a.m.