

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a Meeting in County Buildings, Wellington Square, Ayr,  
on 25th February 2010 at 10.00 a.m.

Present: Councillors Douglas Campbell (Chair), Andy Campbell, Ian Douglas, Ian Fitzsimmons, Ann Galbraith, Bill Grant, Alec Oattes and Tom Slider.

Attending: V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer; A. Campbell, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

### **1. 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, 25th March 2010 at 10.00 a.m.

### **2. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 28th January 2010 (issued) were submitted.

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

### **3. Correspondence from MSPs.**

There was submitted letters (issued) from Michael Russell MSP and Adam Ingram MSP outlining their appreciation of the Board's support of the Scottish Government's proposed Bill to help tackle Scotland's problem with alcohol by introducing minimum pricing.

**Decided:** to note the correspondence from Mr. Russell and Mr. Ingram.

### **4. Applications for Transfers Granted Under Delegated Powers.**

There was submitted a report (issued) of 15th February 2010 by the Executive Director - Corporate Services advising Board Members of the following determination of applications for Transfer of Licences between the last Board meeting and the present one:-

The Wheatsheaf Inn, Main Street, Monkton; and  
Newton Arms, 111-113 Main Street, Ayr.

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

## 5. Premises Licences Surrendered.

There was submitted a report (issued) of 12th February 2010 by the Executive Director - Corporate Services advising

- (1) that in terms of Section 28 of the Licensing (Scotland) Act 2005, a premises licenceholder may surrender a licence; and
- (2) of the surrender of the following premises licences for the period between the last Board meeting and the present one:-

Victoria Wine, 26 Dalrymple Street, Girvan; and  
The Almont Hotel, 39 Charlotte Street, Ayr.

**Decided:** to note the licences surrendered.

## 6. Evaluation of Licensing (Scotland) Act 2005.

There was submitted a report (issued) of 8th February 2010 by the Executive Director - Corporate Services advising

- (1) that since the Licensing (Scotland) Act 2005 had come fully into force on 1st September 2009, some minor amendments had been proposed in the Criminal Justice and Licensing (Scotland) Bill which was currently under consideration and that further amendments were proposed under the Alcohol Etc. (Scotland) Bill; and
- (2) that the NHS had been instructed by the Scottish Government to evaluate the impact of the legislation (briefing note from NHS Health Scotland attached to the report), with it being anticipated that the information obtained from this evaluation process would be made available to Licensing Boards in due course.

**Decided:** to note the present position with regard to Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS).

## 7. Update by Licensing Standards Officer.

The Licensing Standards Officer advised that he had continued to visit licensed premises in South Ayrshire with officers from Strathclyde Police and the Gambling Commission to ensure that premises were complying with the Licensing (Scotland) Act 2005 and had found that the main problems in premises had been with regard to drinks promotions and lack of training for staff, however, he would continue to monitor the situation.

**Decided:** to note the present position.

**8. Elliot's, Main Street, Prestwick.**

There was submitted a report (tabled) of 24th February 2010 by the Licensing Standards Officer advising

- (1) that the Board had agreed to vary the premises licence for Elliott's to extend the core opening hours of the premises from 12.30 a.m. to 1.30 a.m. four evenings per week and had requested a report from the Licensing Standards Officer to this meeting providing an update of how the extended hours were working in practice;
- (2) that consultations with the out-of-hours noise team and Strathclyde Police had revealed that they had not received any complaints regarding Elliott's;
- (3) that, following complaints from members of the public regarding the increase in the price of drinks on certain days, it was found that Elliott's was in breach of the mandatory condition within its licence which stated that, once set, prices must remain for a minimum of 72 hours before being changed and that management had been appropriately advised of this and were in the process of reviewing future drinks promotions and were arranging to obtain the approval of the Licensing Section of all advertising or promotional material prior to displaying to ensure compliance under the Licensing (Scotland) Act 2005; and
- (4) that he would continue to monitor the premises to ensure compliance.

**Decided:** to note the present position with regard to Elliott's, Prestwick.

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

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

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Robert Girvan	Pebbles Nightclub 137 Templehill Troon

Amend core hours for on-sale to Friday and Saturday 2.00 p.m. to 3.30 a.m. (currently 2.00 p.m. to 2.30 a.m.).

Having heard the applicant's representative and following questions from Members, the Board adjourned for consideration of this application.

Upon reconvening, the Board decided to refuse this application on the grounds that it was necessary to do so for the purposes of the securing public safety and protecting and improving public health licensing objectives.

The applicant's representative then requested a Direction in terms of Section 32(3)(a) of the Act to allow the applicant to reapply within a year and this request was granted.

<u>Applicant</u>	<u>Premises</u>
(2) Pauline Rollo	Golf Inn 154 Main Street Prestwick

Amend core hours for on-sale to Friday and Saturday 11.00 a.m. to 1.00 a.m. (currently 11.00 a.m. to 12.30 a.m.).

Having heard the applicant's representative amend the application to request late opening hours to 1.00 a.m. and not 1.30 a.m. as previously applied for and having heard the applicant's representative and the applicant in relation to the application, the Board decided to refuse this application on the grounds that it was necessary to do so for the purposes of the securing public safety and protecting and improving public health licensing objectives.

The applicant's representative then requested a Direction in terms of Section 32(3)(a) of the Act to allow the applicant to reapply within a year and this request was granted.

(3) The Red Lion (Prestwick) Ltd.	Red Lion 9 The Cross Prestwick
--------------------------------------	--------------------------------------

Amend core hours for on-sale to Friday and Saturday to 11.00 a.m. to 1.30 a.m. and Sunday 11.00 a.m. to midnight (currently Friday and Saturday 11.00 a.m. to 12.30 a.m. and Sunday 12.30 p.m. to midnight).

Having heard the applicant's representative and the applicant, the Board adjourned for consideration of this application.

Upon reconvening, the Board decided to refuse the part of the application for late opening every Friday and Saturday to 1.30 a.m. on the grounds that it was necessary to do so for the purposes of the securing public safety and protecting and improving public health licensing objectives.

The applicant's representative then requested a Direction in terms of Section 32(3)(a) of the Act to allow the applicant to reapply within a year and this request was granted.

(4) Kirsteen McConnachie	Redstone Inn 92 Main Road Ayr
--------------------------	-------------------------------------

Amend core hours for on-sale to Sunday 10.00 a.m. to midnight (currently 12.30 p.m. to midnight) and off-sale Monday to Sunday inclusive 10.00 a.m. to 10.00 p.m. (currently Monday to Sunday inclusive 11.00 a.m. to 10.00 p.m. and Sunday 12.30 p.m. to 10.00 p.m.).

The Board agreed to grant the above application.

**(b) Applications for Personal Licences.**

The Board agreed to continue consideration of the following application to the next Board meeting scheduled to be held on Thursday, 25th March 2010 to allow the applicant to seek a reference from his current employer:-

	<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
(1)	SA/09/00895/LAPRS	James Graham

The Board agreed to continue consideration of the following applications to the next Board meeting scheduled to be held on Thursday, 25th March 2010 to allow the applicants to attend:-

	<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
(2)	SA/10/00008/LAPRS	Barry McCutcheon
(3)	SA/10/00012/LAPRS	Natalie Aird

**10. Premises Licence Reviews.**

The Board noted that the following premises had now paid their annual fees and agreed that no further action would be taken:-

	<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(1)	Guiseppe Ippolito	Clubhouse 30 New Bridge Street Ayr
(3)	Burrowfields Cafe Bar Limited	Burrowfields 13 Beresford Terrace Ayr
(4)	Troon Football Club	Troon Football Club Portland Street Troon
(5)	Partnership of Mr. R. Russell and Mrs. R. McIlwraith	Jock's Restaurant 24 Patna Road Kirkmichael
(8)	Hugh Linden	The Vulcan Tavern 18 Green Street Lane Ayr
(9)	Andrew Jardine Aitken	Steamboat Tavern 33-35 South Harbour Street Ayr

The Board agreed that, due to the non-payment of the annual fees, the following premises licences should be suspended and that delegated powers should be granted to the Clerk to the Board to reinstate the licences on the payment of the fees:-

	<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(2)	Partnership of Peter Clive Alexander and Christine Alexander	Hamilton Arms 12-22 Bridge Street Girvan
(6)	Partnership of Brian Gallagher and Sheena Leak	Fourways 1 Annbank Road Mossblown
(7)	Mr. Mafiz Ali	Minishant Tandoori 22 Ayr Road Minishant
(10)	Callans Limited	Callans Restaurant 16 Cathcart Street Ayr

The meeting ended at 11.30 a.m.