

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a Meeting in County Buildings, Wellington Square, Ayr,
on 2nd September 2010 at 10.00 a.m.

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

Apology: Councillor Andy Campbell.

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

In Attendance: Chief Superintendent W. Fitzpatrick and Constable I. Jamieson, Strathclyde Police.

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, 30th September 2010 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meetings of South Ayrshire Licensing Board of 24th June 2010 and 3rd August 2010 (Special) (issued) were submitted.

Decided: to note the Minutes of the previous meetings.

3. Minutes of Previous Meetings of South Ayrshire Alcohol and Drug Partnership.

The Minutes of the Meetings of South Ayrshire Alcohol and Drug Partnership of 10th March 2010 and 19th May 2010 (issued) were submitted.

Decided: to note the Minutes of the previous meetings of South Ayrshire Alcohol and Drug Partnership.

4. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 20th August 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:-

PK Indian Restaurant, 112/114 Main Street, Ayr;
Keystore, Sandgate, Tarbolton;
The Rupee Room, 26A Wellington Square, Ayr;
The Bank, 111 Main Street, Prestwick;
Minishant Inn, Main Road, Minishant;
The Craigie Inn, 5 Main Street, Craigie; and
Dan McKays, 71 Portland Street, Troon.

Decided: to note the transfers granted under delegated powers.

5. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that since the previous Board meeting she had been concentrating on visiting premises in the Carrick and specifically Girvan area and that, whilst the majority of premises were aware of the requirements of the Licensing (Scotland) Act 2005, there were a few premises still requiring to update staff training records and ensure that the mandatory signage was displayed;
- (2) that as the Licensing (Scotland) Act 2005 had now been in force for a year, any premises found to be breaching the requirements of the Act in future would be issued with a notice requiring action within seven days and, if the outstanding matters were not rectified, it might result in a premises licence review request being made to the Board;
- (3) that the Licensing Section continued to investigate any complaints received, with noise complaints being more frequent during the warm weather as patrons were drinking and smoking more outside and leaving windows and doors open;
- (4) that the majority of premises causing a minor nuisance to neighbours were easily able to rectify the problem promptly by simply tightening up procedures as most were unaware of the problem until it was brought to their attention, however, there were premises continuing to cause concern in relation to public nuisance and she was continuing to liaise with Environmental Health regarding noise issues and, if matters could not be resolved, she would anticipate future premises licence reviews;
- (5) that the licensed trade, like most other trades, continued to struggle in the current climate, however, some premises managers had reported an upturn in August with most continuing to report a demand for food during the day and then a lull into later in the evening when many patrons enjoyed off-sales before joining the night time economy;
- (6) that, in Ayr, nightclub-type premises were now offering drinks at £1 and less on particular evenings and that, as those currently advertised met the mandatory conditions by offering the prices for 72 hours, they did not breach the requirements of the Licensing (Scotland) Act 2005 and, as there had yet to be any regulation regarding a minimum price for alcohol being set, this might only be the start of this type of offer;
- (7) that she had been made aware of many recent cases where premises managers and staff had taken positive steps in the battle against unlawful alcohol sales, in particular, there had been a recently reported case of a Troon off-sales which had assisted Police Officers in identifying an adult who had been purchasing alcohol to be passed to under-age young people; and
- (8) that she had also been made aware of supermarket staff who refused alcohol sales if a young person was present at the time and they suspected that the alcohol might be for them and, whilst she was aware that the vigilance of these staff might prove a frustration to some patrons who were attempting to make a genuine purchase, she was in no doubt that the Board would be very supportive of the staff and premises involved and she commended them for their actions.

Having heard the Chair enquire if the discounting of alcohol prices was having an impact on policing efforts in town centres and the Police's ability to control anti-social behaviour, Chief Superintendent Fitzpatrick advised that there had been no noticeable increase in drunkenness and offending behaviour but that, as prices of alcohol had been discounted for some time now, there was no period to compare behaviour with.

Decided: the Chair, on behalf of the Board, thanked the Licensing Standards Officer for her update report.

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

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Rossbeck Ltd.	Adamton House Hotel Baird Road Monkton

Retail Sale of Alcohol (On Premises) – every Monday to Saturday inclusive from 10.00 a.m. to 12.30 p.m.; and every Sunday from 10.00 a.m. to midnight.

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

In the absence of the applicant, the Board considered the report (issued) by the Executive Director of Corporate Services and granted the application as outlined above.

(b) **Application for Provisional Premises Licence.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
David Bryson and Sons Ltd.	1 Monkton Road Prestwick

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

Having heard the applicant's representative, the Board agreed that a case had been made that these were not excluded premises and that there being no grounds for refusal in terms of Section 23, the Board granted the application.

(c) Applications for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Battlemont Ltd.	The Rupee Room 26A Wellington Square Ayr

To extend the openings hours every Monday, Tuesday, Wednesday, Thursday and Sunday by permitting opening from noon (currently 5.00 p.m.)

The Board granted the above application.

(2) Treehouse Leisure (Doonfoot) Ltd.	The Balgarth 8 Dunure Road Ayr
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Alteration to create 15 bedrooms along with a Function Suite to accommodate 328 persons; to allow children and young persons to be permitted in the Function area during times functions take place, when accompanied by an adult; and to increase core On-Sale hours to Monday to Saturday inclusive from 10.00 a.m. to 12.30 a.m. and on Sunday 10.00 a.m. to midnight; and seasonal variation.

The Board heard the applicant's representative and considered one letter of objection and one representation in relation to this application. The Board considered the difficulties surrounding this application in light of the absence of clear provision within the Act as to how to deal with a proposed alteration to premises in relation to the Operating Plan in particular.

The Board then granted the hours as outlined above; granted the seasonal variation which would be covered by the Festive opening hours as previously agreed by the Board; granted the permission for children and young persons as above; confirmed they were minded to grant the remainder of the variation relating to the alteration to the premises; and agreed to issue a letter to this effect and to continue this matter to be re-examined at a future meeting no later than one year from now.

(3) Buzzworks Leisure Ltd.	Elliot's Terrace, Bar and Restaurant 132 Main Street Prestwick
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In respect of the small external terrace situated between the front elevation of the building and the public road, the terminal hour for the consumption of alcohol to be amended from 10.00 p.m. to midnight on Wednesdays, Thursdays, Fridays and Saturdays.

The Board agreed, at the request of the applicant's representative, to continue this application to a future Board meeting.

Applicant

Premises

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

To increase core hours every Monday to Saturday inclusive to commence at 10.00 a.m. (currently 11.00 a.m.).

The Board granted the above application.

- (5) BHS Limited BHS
88A High Street
Ayr

Change of date for commencement of seasonal variation for sales to third Friday in October (currently 7th October) with end date remaining the same (31st December), new window bed wall, new tills and relocation of Customer Services.

The Board granted the above application.

- (6) Martin McColl Limited Martin McColl
51-55 Berelands Road
Prestwick

Reduction in the size of the alcohol display area from 51m² to 35.26m².

The Board granted the above application.

- (7) Belhaven Brewery Co. Ltd. Dan McKays
71 Portland Street
Troon

Change commencement of On and Off Sales on Sunday to 10.00 a.m.; change ages of children and young persons to be allowed entry to "0 to 17 years"; extend the current outside drinking facility to include the rear garden area; and erect a fence on the boundary between the proposed beer garden and neighbours' gardens.

The Board heard the applicant's representative and the representative for the objector and noted that the objection was now withdrawn in view of assurances given by the applicant's representative. The application was granted subject to the extent of the beer garden being limited to the area currently fenced in; subject to amended drawings detailing the boundary being submitted and approved; and subject to the gate at the side of the beer garden being used for deliveries only and not as an entrance to the beer garden.

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

The Board considered the following applications:-

<u>Application Number</u>	<u>Applicant</u>
(1) SA/10/00098/LAPRS	Linda Alexander

Having received a notice from Strathclyde Police in terms of Section 73(3)(b) of the Act and having heard from Strathclyde Police and the applicant in response, the Board adjourned for consideration of this application.

Upon reconvening, the Board refused this application, in terms of Section 74(6) of the Act on the grounds that it was necessary to do so for the purposes of the crime prevention objective.

(2) SA/10/00151/LAPRS	Manpreet Bawa
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Having received a notice from Strathclyde Police in terms of Section 73(3)(b) of the Act and having heard from Strathclyde Police and the applicant in response, the Board granted this application.

(d) **Hearing in Respect of Review of Premises Licences.**

J. D. Wetherspoon Plc. for The West Kirk, 58A Sandgate, Ayr.

The Board considered a notice from Strathclyde Police under Section 44(4)(b) of the Licensing (Scotland) Act 2005 in relation to a conviction for a relevant offence of the Premises Licenceholder. The Board then proceeded to a Premises Licence Review.

The Board heard from Strathclyde Police and then heard the licenceholder's representative outlining the circumstances of the offence.

Decided: that, in terms of Section 39 of the Licensing (Scotland) Act 2005, whilst there were grounds for the review, the Board should not take any action in this instance.

7. **Gambling Act 2005 – Section 193.**

<u>Licenceholder</u>	<u>Premises</u>
Partnership of Stadia Promotions	Ayr Greyhound Stadium Voluntary Park Whitlets Ayr

The Board noted that as the licenceholder had now paid the annual fee, this matter now fell.

8. **A.O.C.B.**

Application for Occasional Licence.

Applicant

Apprentice Boys of Derry Maybole Walker Club
Per James Torbett
16 Kirkland Street
Maybole

Premises

Maybole Town Hall
Maybole

For use of Maybole Town Hall for a fundraising day on 11th September 2010 between the hours of noon and 6.00 p.m. for on-sales only

The Board heard a report from the Licensing Standards Officer and the applicant in response and, following questions regarding the proposed commencement time of noon for the licence, adjourned for consideration of this application.

Councillor Grant left the meeting at this point.

Upon reconvening, the Board granted the hours from 1.00 p.m. to 6.00 p.m., subject to two SIA badged stewards being present at the event.

The meeting ended at 11.50 a.m.