

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in County Buildings, Wellington Square, Ayr,  
on 30th September 2010 at 10.00 a.m.

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

Apology: Councillor Alec Oattes.

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 Inspector A. Henderson and Sergeant U. Menzies, 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, 11th November 2010 at 10.00 a.m.

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

The Minutes of the Meeting of South Ayrshire Licensing Board of 2nd September 2010 (issued) were submitted.

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

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

There was submitted a report (issued) of 21st September 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:-

Symington Stores, 53 Brewlands Drive, Symington; and  
Spar, 124 St. Quivox Road, Prestwick.

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

#### 4. Occasional Licences.

There was submitted a report (issued) of 26th August 2010 by the Executive Director of Corporate Services

- (1) advising
  - (a) that the Licensing (Scotland) Act 2005 permitted the Licensing Board to grant occasional licenses authorising the sale of alcohol on premises that were not licensed premises (and on certain occasions to registered clubs for their premises which were licensed) and that, to date, 667 occasional licences had been processed since 1st September 2009 with it becoming clear that often the national form contained insufficient information for the Licensing Standards Officer to properly consider the applications and to prepare reports for the Licensing Board;
  - (b) that occasional licences could be for any type of occasion but must still be considered in line with the five licensing objectives; and
  - (c) that occasional licences had been sought for various events, including interval drinks at a musical evening, young farmers' ceilidhs, weddings, pop concerts, fundraising events and racecourse events with conditions imposed on licences being tailored to the individual event; and
- (2) recommending
  - (a) that, as Licensing Section staff presently spent a considerable amount of time contacting applicants to obtain further information regarding events, applicants should be required to provide additional information to reduce the time spent by staff processing applications;
  - (b) that the Board should approve a list of standard local conditions as outlined in Appendix 1 of the report which might be imposed at the discretion of the Clerk or Licensing Standards Officer with applicants being asked to confirm their acceptance of these conditions, failing which the application would not be dealt with under delegated powers and would require to be referred to the Board when applicants would also be issued with more detailed guidance notes as per Appendix 2 attached to the report; and
  - (c) that as the cost of an occasional licence set by statute was currently £10 which did not cover the costs of preparing applications, receipting applications, consulting with Police and Licensing Standards Officer and posting the final licence, the Board should express its concerns to the Scottish Government and reiterate the need for a review of the fee.

Questions were raised by members of the Board regarding

- (i) whether there was a restriction on the types of premises able to be utilised and the Licensing Policy Officer advised that there was no restriction, however, should the Board or the Licensing Standards Officer have concerns regarding a venue, these concerns would be investigated and dealt with; and
- (ii) whether a condition could be included that a named individual should be responsible for the event for which the licence was applied and the Licensing Policy Officer advised that this would now be added to the list of standard local conditions.

**Decided:**

- (A) to approve the contents of the report;
- (B) to request that the Licensing Policy Officer issue new guidance notes regarding occasional licences; and
- (C) that, as the cost of an occasional licence set by statute currently did not cover the costs of preparing applications, receipting applications, consulting with Police and Licensing Standards Officer and posting the final licence, to request that the Clerk to the Board write to the Scottish Government expressing the Board's concerns and reiterating the need for a review of the fee.

**5. Update from Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that she continued to visit licensed premises, on both an unannounced and requested basis mainly concentrating on members clubs and had continued to find inconsistencies with the operating plan or layout plan, however, these were being rectified on an individual basis by way of a variation application;
- (2) that she had recently been invited to attend the area meeting of Co-op Store Managers where she had been able to advise Premises Managers on South Ayrshire Board's Policy and expectations and also to reinforce the requirements of the Licensing (Scotland) Act 2005;
- (3) that she welcomed invitations such as these and was pleased to visit any premises and provide information on request;
- (4) that a Local Licensing Forum training session had been held on 10th September 2010 to remind the members of the purpose of the Forum and to consider the five licensing objectives with the event being well attended and the evaluation indicating that everyone found the session useful; and
- (5) that whilst a training pack had been provided by Alcohol Focus Scotland who had received funding to support the Fora, it had been decided that a locally tailored course was most appropriate for the members of the South Ayrshire Local Licensing Forum and feedback had been provided to Alcohol Focus Scotland as many Fora were still to receive training.

**Decided:** to note the report from the Licensing Standards Officer.

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

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

The Board considered the following application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
The National Trust for Scotland	Robert Burns Birthplace Museum Burns National Heritage Park Murdoch's Lone Alloway Ayr

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

The Board considered the report (issued to members only) of 16th September 2010 by the Executive Director of Corporate Services, heard the applicant's representative and granted the application as outlined above.

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

The Board considered the following application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Ayr Rugby Club	Ayr Rugby Club Millbrae Alloway Ayr

Variation of opening hours:-

Every Monday to Thursday inclusive from 11.00 a.m. to 11.00 p.m. (currently 5.00 p.m. to 11.00 p.m.) and every Friday from 11.00 a.m. to 12.30 a.m. (currently 5.00 p.m. to midnight).

Amendment of Operating Plan to include:-

5(a) Restaurant facilities;

5(b) Club or other group meetings to take place on the premises;

5(d) Outdoor drinking facilities;

6(d) Permit children up to the age of 15 years to remain on the premises until 8.00 p.m. Young persons 16 and 17 years permitted until 9.00 p.m.

In addition, children under 16 years and young persons of 16 and 17 years to be permitted to remain until close, while attending a function only and accompanied by an adult.

Change to layout plan to show Beer Garden area.

The Board heard the applicant's representative and the Licensing Standards Officer and granted the above application.

The Board agreed to continue consideration of the following application to the next Board meeting scheduled to be held on Thursday, 11th November 2010:-

<u>Applicant</u>	<u>Premises</u>
(2) Ultimate leisure (Scotland) Ltd.	Cactus Jak's 17 Miller Road Ayr

Amendment of core operating hours to increase terminal hour until 2.00 a.m. on Wednesday, Friday and Saturday (currently 12.30 a.m.).

**(c) Application for Transfer of Premises Licences.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Ferhart Aras	Noodle Room 58 Sandgate Ayr

Having heard an observation from Strathclyde Police and the applicant's representative in response, the Board granted the above application.

**(d) Applications for Occasional Licences.**

The Board noted that the following application now fell:-

<u>Applicant</u>	<u>Premises</u>
Jodi Rose Holmes	The Greenside 5 Greenside Maybole
<u>Hours Requested</u>	
On Sale Hours	Every Monday to Thursday inclusive from 11.00 a.m. to midnight; every Friday and Saturday from 11.00 a.m. to 12.30 a.m.; and every Sunday from noon to midnight.
Off Sale Hours	Every Monday to Saturday inclusive from 11.00 a.m. to 10.00 p.m.; and every Sunday from noon to 10.00 p.m.
<u>Dates Requested</u>	
01/10/2010 to 14/10/2010	
15/10/2010 to 28/10/2010	
29/10/2010 to 11/11/2010	
12/11/2010 to 25/11/2010	

(e) **Licences Surrendered.**

The Board noted that the following licences had been surrendered:-

	<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>	<b><u>Date Surrendered</u></b>
(1)	Ardneil Hotel (Troon) Ltd.	Ardneil Hotel 51 St. Meddans Street Troon	08/09/2010
(2)	The National Trust For Scotland	The Tam O'Shanter Experience Murdoch's Lone Alloway Ayr	09/09/2010

(f) **Licences Ceasing to have Effect.**

The Board noted that the following licences ceased to have effect:-

	<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
(1)	Firm of H and H Girvan	Pumpernickel 32 Newmarket Street Ayr
(2)	General Portfolio Hotels Station Limited	Station Hotel Burns Statue Square Ayr
(3)	Partnership of Brian Calder and Susan Raes	Jock's Restaurant 24 Patna Road Kirkmichael

The meeting ended at 10.20 a.m.