

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in Town Buildings, New Bridge Street, Ayr,
on 4th May 2011 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; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Chief Inspector N. Kerr 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, 2nd June 2011 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 31st March 2011 (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 25th April 2011 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) Seven Days, 22 New Bridge Street, Ayr; and
- (2) Fourways, 1 Annbank Road, Mossblown.

Decided: to note the transfers granted under delegated powers.

4. Update Report By Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that, following a suggestion that members would find it useful to receive information on the number of occasional licences granted each quarter and to which general locality these related to, she would provide this information to this and future Board meetings should this be required;
- (2) that occasional licences could generally be granted until midnight and were for unlicensed premises which might be village halls, community centres or marquees; and
- (3) that in the period from 1st January to 31st March 2011, the total number of occasional licences granted had been 221.

A member of the Board enquired if the numbers of licences granted in each area were proportionate to the population in that area and the Licensing Standards Officer advised that she would provide this information in future reports.

Decided: to note the report from the Licensing Standards Officer and to request that information on the numbers of occasional licences granted be included in future update reports from the Licensing Standards Officer.

5. **Gambling Act 2005.**

Application for Betting (Other) Premises.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Coral Racing Limited	93/95 High Street Ayr

Having heard the applicant's representative in relation to this application and following questions from Board members on the numbers of betting shops in Ayr, the Board granted the above application.

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

(a) **Applications for Provisional Premises Licences.**

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Kenneth Lorimer	The Kings Arms Hotel 1 Stinchar Road Barr

Retail Sale of Alcohol (On Premises) – every Monday to Thursday inclusive from 11.00 a.m. to midnight; every Friday and Saturday from 11.00 a.m. to 1.00 a.m.; and every Sunday from 11.00 a.m. to midnight.

Retail Sale of Alcohol (Off Premises) – every day from 11.00 a.m. to 10.00 p.m.

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 village of Barr would be the appropriate locality for consideration of this application.

Having heard the applicant, the Board granted the above application.

Applicant

Premises

- (2) M.C. Stores Limited Premier Your Store
79-85 Glendoune Street
Girvan

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

The Board first considered the comments from an objector that the notice advertising the application was not suitably displayed.

The Board then considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative and the objector's representative) that the whole town of Girvan would be the appropriate locality for consideration of this application.

Having heard the applicant's representative in relation to this application and give an undertaking that alcopops, fortified wines and alcoholic drinks favoured by young people would not be sold on the premises; the representative for one of the objectors; and following questions from Board members, the Board adjourned for consideration of this application.

Upon reconvening, having noted that the applicant had won awards for the operation of other premises he managed; that he operated the Challenge 25 Policy; and that he would give an undertaking not to sell alcopops, fortified wines and alcoholic drinks favoured by young people, which the applicant and the Licensing Standards Officer would agree the terms of, the Board decided

- (i) that, with reference to the comments from an objector that the notice advertising the application had not been not suitably displayed, the Board was satisfied that the notice had been appropriately displayed as was evidence by the number of objections received;
- (ii) that the whole town of Girvan would be the appropriate locality for consideration of this application;
- (iii) that the application was consistent with the licensing objectives;
- (iv) that, having considered over provision, both in relation to all licensed premises in the locality and in relation to licensed premises of the same or similar description as the application premises (which the Board determined to be six similar off-sales premises) the grant of the application would not result in over provision; and
- (v) having considered if any of the grounds for refusal applied, that no grounds for refusal had been established and, therefore, to grant the above application.

(b) Applications for Variation of Premises Licences.

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Mr. Liang Bin Huang	7 Days 22 New Bridge Street Ayr

Variation of hours on Friday and Saturday to close at midnight (currently 11.00 p.m.).

The Board granted the above application.

(2)	Ayr United Football and Athletic Club Limited	Ayr United Football Club Somerset Park Somerset Road Ayr
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Amendments to reflect the removal from the Premises Licence of the part of the Main Stand which presently forms part of the licensed area. Section 6(e) of the Operating Plan now refers only to the Hospitality Suite and the Occupant Capacity is now shown as 140, excluding the capacity of the Main Stand as shown on the previous Layout Plan.

The Board granted the above application.

(3)	Dundonald Bowling Club	Dundonald Bowling Club 1 Winehouse Yett Dundonald
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Change to allow children and young people aged 0-17 years to all parts of the premises during all club opening hours when accompanied by an adult. Include Christmas and New Year Parties. Change to core hours to close at 11.30 p.m. every Monday to Thursday inclusive (currently 11.00 p.m.). Include restaurant facilities to cover match days. Allow use of restaurant and conference facilities prior to 10.00 a.m., also receptions and club meetings.

Having heard the applicant, the Board granted the above application.

(4)	Ferhat Aras	Turkish BBQ Restaurant and Bar 58 Sandgate Ayr
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Change core hours to noon to 1.00 a.m. every day (currently noon to 11.00 p.m.). Change layout of premises to include take-away counter.

The Board granted the above application.

(c) **Review of Personal Licences.**

The Board considered the following reviews:-

(1) **Review of Personal Licences Under Section 83.**

	<u>Application Number</u>	<u>Applicant</u>
(i)	SA/10/00163/LAPRS	Mohammed Imran Saleem

Having heard the applicant's representative, the Board agreed to continue consideration of this matter to the next Board meeting scheduled to be held on Thursday, 2nd June 2011.

(ii)	SA/09/00077/LAPRS	Kirsten Hood
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(2) **Review of Personal Licence Under Section 44.**

<u>Licenceholder</u>	<u>Premises</u>
Kirsten Hood	The Ship Inn 36 North Harbour Street Ayr

Having heard from Strathclyde Police in relation to the above two Reviews of a Personal Licence for Kirsten Hood (items 6(c)(1)(ii) and 6(c)(2)) and having heard the licenceholder's representative in response, the Board adjourned for consideration of these two reviews.

Upon reconvening, Councillor Douglas Campbell, seconded by Councillor Slider, moved that in relation to the Review of the Personal Licence under Section 83, the Board note the letter from Strathclyde Police and take no further action.

By way of Amendment, Councillor Grant, seconded by Councillor Galbraith, moved that the licence be endorsed.

On a vote taken by a show of hands, three Members voted for the Amendment and five for the Motion which was accordingly declared carried.

In relation to the Review of the Personal Licence under Section 44, the Board agreed that, as the incident had not taken place on the premises, the letter be noted and no further action taken.

(d) Applications for Occasional Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Douglas Drysdale	Public Bar Marquee Ayr Agricultural Show Ayr Racecourse Whitletts Road Ayr

Ayr Agricultural Show – 14th and 15th May 2011 from noon to 6.30 p.m.

The Board heard the Licensing Standards Officer in relation to this application and the applicant in response and the Board granted the above application subject to a minimum of ten SIA badged stewards being on duty at any one time; a numbers limitation of 700 being applied; a system for requesting proof of age and recording refusals being in place; a plan showing the exact location of the Public Bar Area being provided to Licensing Services prior to the event; and agreed that the Clerk to the Board should write to the applicant reminding him that the Licensing Standards Officer should be involved in any pre-show planning discussions involving licensed areas and conditions and arrangements for such.

(2) Douglas Drysdale	Secretaries Bar Marquee Ayr Agricultural Show Ayr Racecourse Whitletts Road Ayr
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Ayr Agricultural Show – 14th and 15th May 2011 from 10.00 a.m. to 6.30 p.m.

The Board granted the above application.

(3) Douglas Drysdale	Members' Bar Marquee Ayr Agricultural Show Ayr Racecourse Whitletts Road Ayr
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Ayr Agricultural Show – 14th and 15th May 2011 from noon to 6.30 p.m.

The Board granted the above application.

- | <u>Applicant</u> | <u>Premises</u> |
|---|--|
| (4) June Bishop | Oswald Hall Conference Centre
Auchincruive
Ayr |
| Wedding – 21st May 2011 from 2.45 p.m. to 12.30 a.m. | |
| (5) June Bishop | Oswald Hall Conference Centre
Auchincruive
Ayr |
| Wedding – 27th May 2011 from 4.00 p.m. to 12.30 a.m. | |
| (6) June Bishop | Oswald Hall Conference Centre
Auchincruive
Ayr |
| Wedding – 4th June 2011 from 3.00 p.m. to 12.30 a.m. | |
| (7) June Bishop | Oswald Hall Conference Centre
Auchincruive
Ayr |
| Wedding – 11th June 2011 from 3.00 p.m. to 12.30 a.m. | |

Having heard the applicant in relation to applications numbered (4) to (7) above and having heard from the Licensing Standards Officer, the Board granted the above applications.

(e) Request for Review of Premises Licences Under Section 36.

The Board considered the following requests for Review of Premises Licences Under Section 36:-

- | <u>Licenceholder</u> | <u>Premises</u> |
|--|---|
| (1) Karen Morton | The Harbour Bar
169/173 Templehill
Troon |
| The Board agreed to hold a review of these premises. | |
| (2) Glenburn Miners' Club | Glenburn Miners' Club
35D Glenburn Road
Prestwick |

The Board agreed to hold a review of these premises.

Councillor Grant declared an interest in the following Review of Premises Licence as the applicant was known to him and he was named in the Licensing Standards Officer's report and withdrew from the meeting during consideration thereof.

(f) **Review of Premises Licence Under Section 38.**

The Board considered the following application for review:-

Guiseppe Ippolito, Willie Wastles, 30 New Bridge Street, Ayr.

Reference was made to the Minutes of 3rd March 2011 (Page 3, paragraph 6(b)) when the Board had decided to continue this matter to a future Board meeting to allow Environmental Health Officers to re-inspect the premises when karaoke was taking place at the front of the premises and to assess the noise limit in the flat of the applicant for review; and the Minutes of 31st March 2011 (Page 4, paragraph 6(d)) when the Board had agreed to continue consideration of this application for review.

Having heard from the licenceholder's representative who advised that signs had been placed in the alleyway below the bedroom of the applicant for the Review advising that no loitering should take place; and the Licensing Policy Officer advise of an e-mail received from the applicant for the Review and that the Out of Hours Noise Team would be revisiting the premises of the applicant for the Review, however, a date suitable to both parties had not been agreed at present, the Board adjourned for consideration of this matter.

Upon reconvening, the Chair advised that it was the Board's Policy that noise should not be audible in the nearest noise sensitive dwelling and, therefore, the Board agreed to continue consideration of this matter to a future Board meeting at which time Environmental Health would give a recommendation to the Board on the appropriate noise level on the sound equipment for the premises and the Board would vary the licence at that time.

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

Applications for Extended Hours.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Haven Leisure Limited	Turnberry Gardens Restaurant Craig Tara Dunure Road Ayr
	Special Owners Event – 20/05/11 from 10.00 p.m. to 1.00 a.m.
(2) Haven Leisure Limited	Turnberry Gardens Restaurant Craig Tara Dunure Road Ayr
	Special Owners Event – 04/06/11 from 10.00 p.m. to 1.00 a.m.

- | <u>Applicant</u> | <u>Premises</u> |
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| (3) Haven Leisure Limited | Turnberry Gardens Restaurant
Craig Tara
Dunure Road
Ayr |
| Special Owners Event – 24/06/11 from 10.00 p.m. to 1.00 a.m. | |
| (4) Haven Leisure Limited | Turnberry Gardens Restaurant
Craig Tara
Dunure Road
Ayr |
| Special Owners Event – 23/07/11 from 10.00 p.m. to 1.00 a.m. | |
| (5) Haven Leisure Limited | Turnberry Gardens Restaurant
Craig Tara
Dunure Road
Ayr |
| Special Owners Event – 19/08/11 from 10.00 p.m. to 1.00 a.m. | |
| (6) Haven Leisure Limited | Turnberry Gardens Restaurant
Craig Tara
Dunure Road
Ayr |
| Special Owners Event – 23/09/11 from 10.00 p.m. to 1.00 a.m. | |
| (3) Haven Leisure Limited | Turnberry Gardens Restaurant
Craig Tara
Dunure Road
Ayr |
| Special Owners Event – 21/10/11 from 10.00 p.m. to 1.00 a.m. | |

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

The meeting ended at 12.10 p.m.