

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 8th December 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; K. Briggs, Principal Solicitor; M. Douglas, Licensing Policy Officer; C. Andrew, 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, 2nd February 2012 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meetings of South Ayrshire Licensing Board of 5th October 2011 (Special) and 10th November 2011 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

3. Application for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 24th November 2011 by the Clerk to the Licensing Board advising of the following determination of an application for Transfer of a Licences between the last Board meeting and the present one:-

2 Sandgate, Tarbolton.

Decided: to note the transfer granted under delegated powers.

4. Minimum Pricing.

The Licensing Policy Officer advised

- (1) that the Scottish Government was currently consulting on the proposal to amend the current legislation to introduce a minimum price per unit of alcohol;
- (2) that the minimum price to be attached to each unit of alcohol had not yet been agreed and the Scottish Government was also seeking views on this;
- (3) that the introduction of a minimum pricing scheme would impact more on off-sales, especially the sales of high strength alcohol more targeted at young people;
- (4) that the Scottish Government was also reviewing the caffeine content of certain alcoholic drinks and were seeking views on this; and

- (5) that it was for the Board to decide if it wished to support the concept of minimum pricing.

Decided: to request that the Clerk to the Board submit a response on behalf of the Board outlining the Board's support on minimum pricing and also the Board's support of the reduction of caffeine in certain alcoholic drinks.

5. Update Report by the Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that over the past month meetings of the licensed trade in Girvan, Maybole, Ayr and Troon had taken place and a new group in Prestwick had also now been established;
- (2) that attendance at these meetings had been good, however, it had been disappointing that some operators who had decided not to attend had outlined as part of their commitment to meet the licensing objectives that they supported this type of group and it was now her intention to contact these premises licenceholders requesting that they write to the Clerk to the Board withdrawing this part of their statement as this should not be offered if it was not followed up;
- (3) that in some areas more off-sales Premises Managers had attended than on-sales managers and she hoped to provide a report to the next Board meeting advising of those premises who were active members of each group;
- (4) that work was ongoing to ensure that Premises Managers and staff complied with the new Challenge 25 requirement and initial discussions had taken place with Trading Standards regarding potential projects for 2012 to test the staff training and systems that licenceholders had established;
- (5) that with regard to drinks promotions, discussions were ongoing with a number of premises as licenceholders were constantly pushing the boundaries when searching for new ideas to promote their premises in these difficult trading times;
- (6) that she was pleased with the positive relationships that had developed recently and would also thank Trading Standards for their input with regard to advising on drinks promotions in relation to pricing and measures, however, late night venues continued to offer alcoholic drinks for £1 and in some cases this was also packaged with the offer of free entry and, as these premises were often a final venue for patrons, it was concerning that £10 would buy another ten alcoholic drinks;
- (7) that, at this time she had no statistics or information from other sources as to the impact this might be having, however, she would suggest that this could not be seen as 'Protecting and Improving Public Health' in line with the licensing objective;
- (8) that she had recently had sight of a flyer from a premises advertising a set experience with unlimited drinks included in the price which was contrary to the Licensing Policy, she had then approached the operator and this promotion had now been stopped, however, she was concerned to note that he did not understand why this was unacceptable; and
- (9) that she wished all South Ayrshire licenceholders and staff a happy and successful festive season.

The Clerk to the Board further advised that pricing was a challenging issue as the Board had no direct powers to restrict price of alcohol in premises and the problem could be best tackled in line with concerns regarding health and that the issue could be discussed with the Local Licensing Forum.

Decided:

- (a) to note the report from the Licensing Standards Officer; and
- (b) to request that the Licensing Standards Officer seek information from Ayrshire and Arran NHS on the effects of the cheap alcohol promotions and that this information be the basis for discussion at the next meeting of the Local Licensing Forum with the Licensing Board scheduled to be held on Friday, 24th February 2012.

6. Licensing (Scotland) Act, 2005.

(a) Application for Premises Licence.

The Board considered the following application:-

Applicant

Filippo Mancini

Premises

Filippo's/Royal Cafe
11 New Road
Ayr

Retail Sale of Alcohol (On Premises) – Every Day noon to 11.00 p.m.

Reference was made to the Minutes of 10th November 2011 (Page 2, paragraph 5(a)(1)) when the Board had agreed to continue consideration of this application to allow a site visit to be undertaken.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that a 500m radius from the application premises would be the appropriate locality for consideration of this application and having heard a Building Standards report and the applicant in response, the Board adjourned for consideration of this application.

Upon reconvening, having taken all submissions into account, considered if any of the grounds for refusal applied and, having concluded that no grounds for refusal had been established, the application was granted for the sale of wines and bottled beers only as requested by the applicant.

(b) Application for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Dobbies Garden Centres Plc.	Dobbies Garden World Old Toll Holmston Ayr

Reconfiguration of the servery increasing the internal seating area (two circular rotunda counters in the middle of the servery have been removed). Curved counter opposite also removed and longer counter installed closer to the kitchen reducing the width of the servery area to create additional space for seating. New seating provided in outside area increasing numbers. General sundry variations such as redecoration and new flooring and various new items of fixed equipment.

Increase capacity from 280 persons to 413 persons

The Board granted the above application.

(2) Anna Wallace	MacIntyres Bar 11 Templehill Troon
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Change to core On-Sale Hours:-

<u>Existing</u>	<u>Proposed</u>
Monday 10.00 a.m. to 12.30 a.m.	Monday 10.00 a.m. to 12.30 a.m.
Tuesday 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.	Wednesday 10.00 a.m. to 2.30 a.m.
Thursday 10.00 a.m. to 12.30 a.m.	Thursday noon. to 2.30 a.m.
Friday 10.00 a.m. to 12.30 a.m.	Friday noon to 2.30 a.m.
Saturday 10.00 a.m. to 12.30 a.m.	Saturday noon to 2.30 a.m.
Sunday 10.00 a.m. to midnight	Sunday noon to 2.30 a.m.

Change to core Off-Sale Hours:-

<u>Existing</u>	<u>Proposed</u>
Monday 10.00 a.m. to 10.00 p.m.	Monday 10.00 a.m. to 10.00 p.m.
Tuesday 10.00 a.m. to 10.00 p.m.	Tuesday 10.00 a.m. to 10.00 p.m.
Wednesday 10.00 a.m. to 10.00 p.m.	Wednesday 10.00 a.m. to 10.00 p.m.
Thursday 10.00 a.m. to 10.00 p.m.	Thursday noon to 10.00 p.m.
Friday 10.00 a.m. to 10.00 p.m.	Friday noon to 10.00 p.m.
Saturday 10.00 a.m. to 10.00 p.m.	Saturday noon to 10.00 p.m.
Sunday 10.00 a.m. to 10.00 p.m.	Sunday noon to 10.00 p.m.

Having considered the letter of objection, having heard from the applicant and following questions from Board Members, the Board adjourned for consideration of this application.

Upon reconvening, the Board approved the above application subject to (1) the Licensing Standards Officer being satisfied with the policies on evacuation and drugs misuse; (2) the recently installed CCTV being to the satisfaction of Strathclyde Police; and (3) the recently applied for SIA authorisation being granted, at which time the variation of the licence would come into effect.

	<u>Applicant</u>	<u>Premises</u>
(3)	The Coylton Arms Partnership	The Coylton Arms 9 Low Coylton Coylton

Relocation of outside drinking area and additional external drinking area to rear of premises.

Having heard a report from Building Standards and the Licensing Standards Officer and the applicant in response, the Board granted the above application on condition that the section of the outside drinking area which required a Building Warrant and Completion Certificate was not utilised until this had been granted.

(c) Applications for Occasional Licences.

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Mark Andrew Smith	172 Main Street Prestwick

The provision of food and drink to paying customers – 05/12/11 to 18/12/11
On Sale 11.00 a.m. to midnight
Off Sale 11.00 a.m. to 10.00 p.m.

(2)	Mark Andrew Smith	172 Main Street Prestwick
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The provision of food and drink to paying customers – 19/12/11 to 01/01/12
On Sale 11.00 a.m. to midnight
Off Sale 11.00 a.m. to 10.00 p.m.

(3)	Mark Andrew Smith	172 Main Street Prestwick
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The provision of food and drink to paying customers - 02/01/12 to 15/01/12
On Sale 11.00 a.m. to midnight
Off Sale 11.00 a.m. to 10.00 p.m.

(4)	Mark Andrew Smith	172 Main Street Prestwick
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The provision of food and drink to paying customers – 16/01/12 to 29/01/12
On Sale 11.00 a.m. to midnight
Off Sale 11.00 a.m. to 10.00 p.m.

Applicant

Premises

- (5) Mark Andrew Smith
172 Main Street
Prestwick

The provision of food and drink to paying customers – 30/01/12 to 12/02/12
On Sale 11.00 a.m. to midnight
Off Sale 11.00 a.m. to 10.00 p.m.

The Board heard from the Licensing Standards Officer and the Licensing Policy Officer in relation to applications (1) to (5) above, heard the applicant advise that work was currently ongoing in the premises and, following questions from Members, the Board adjourned for consideration of these applications.

Upon reconvening, the Board refused the above applications in terms of Section 59(6)(d) as the condition of the premises was such that they were not suitable for the purposes applied for.

- (6) Darren Mitchell
Hamilton Arms
22 Bridge Street
Girvan

Premises are a hotel offering accommodation, restaurant facilities and bar meals with on and off sale facilities – 10/12/11 to 24/12/11
On-Sale – 11.00 a.m. to midnight.
Off-Sale – 11.00 a.m. to 10.00 p.m.

- (7) Darren Mitchell
Hamilton Arms
22 Bridge Street
Girvan

Premises are a hotel offering accommodation, restaurant facilities and bar meals with on and off sale facilities – 25/12/11 to 07/01/12
On-Sale – 11.00 a.m. to midnight.
Off-Sale – 11.00 a.m. to 10.00 p.m.

- (8) Darren Mitchell
Hamilton Arms
22 Bridge Street
Girvan

Premises are a hotel offering accommodation, restaurant facilities and bar meals with on and off sale facilities – 08/01/12 to 21/01/12
On-Sale – 11.00 a.m. to midnight.
Off-Sale – 11.00 a.m. to 10.00 p.m.

- (9) Darren Mitchell
Hamilton Arms
22 Bridge Street
Girvan

Premises are a hotel offering accommodation, restaurant facilities and bar meals with on and off sale facilities – 22/01/12 to 04/02/12
On-Sale – 11.00 a.m. to midnight.
Off-Sale – 11.00 a.m. to 10.00 p.m.

Applicant

Premises

- (10) Darren Mitchell
Hamilton Arms
22 Bridge Street
Girvan

Premises are a hotel offering accommodation, restaurant facilities and bar meals with on and off sale facilities – 05/02/12 to 18/02/12

On-Sale – 11.00 a.m. to midnight.

Off-Sale – 11.00 a.m. to 10.00 p.m.

The Board heard from the applicant's representative in relation to applications (6) to (10) above outlining the current position with the work currently being undertaken on the premises and still outstanding and, following questions from Board Members, the Board adjourned for consideration of these applications.

Upon reconvening, the Board refused the above applications in terms of Section 59(6)(d) as the condition of the premises was such that they were not suitable for the purposes applied for.

- (11) Troon Welbeck Golf Club
Troon Welbeck Golf Club
Harling Drive
Troon

Hogmanay Party – 31/12/11 – On-Sale from 7.30 p.m. to 1.30 a.m.

Having heard the applicant's representative amend the hours applied for, the Board granted the hours as outlined above.

Councillor Fitzsimmons left the meeting at this point.

(d) Applications for Extended Hours.

The Board considered the following applications:-

Applicant

Premises

- (1) Michelle Russell
Dan McKays
71 Portland Street
Troon

Christmas Eve Party – 24/12/11 - from midnight to 1.30 a.m.

- (2) Michelle Russell
Dan McKays
71 Portland Street
Troon

New Years Eve Party – 31/12/11 - from midnight to 1.30 a.m.

Having heard the applicant in relation to the application for opening hours until 2.00 a.m., the Board granted the hours as outlined above.

(e) Application for Personal Licence

The Board noted that the following application had been withdrawn:-

<u>Application Number</u>	<u>Applicant</u>
SA/11/00209/LAPRS	Alistair Reynolds

(f) Premises Licence Review Proposal under Section 44(7)

<u>Licenceholder</u>	<u>Premises</u>
(1) Wm. Morrisons Supermarkets Plc.	Morrisons Cattle Market Castlehill Road Ayr Morrisons Duke Street Troon

The Board, having noted the relevant offence reported, decided to take no further action in relation to the above.

(2) Marks and Spencer Plc.	Marks and Spencer 72 High Street Ayr
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The Board, having noted the relevant offence reported, decided to take no further action in relation to the above.

(g) Premises Licence Reviews – Non Payment of Annual Fees.

There was submitted a report (issued) of 24th November 2011 by the Clerk to the Licensing Board advising

- (1) that all premises had been due to pay their annual fee on 1st October 2011 as payment of the annual fee was a mandatory condition of the licence and that a number of premises had failed to pay their annual fees despite reminders being sent; and
- (2) that, when the Board had considered the non-payment of annual fees in respect of the fees due on 1st October 2010, it had suspended the relevant licences but granted delegated powers to reinstate the licences on payment of the fee.

Decided:-

- (a) that, as the following premises had now paid their Annual Fee, to take no further action in relation to these premises:-

Velvet Apple, 20 Portland Street, Troon;
Moon Shine, 38 North Harbour Street, Ayr;
Toni's Corner Shop, 1 Morrison Gardens, Ayr;
Venice Cafe, 4 Ayr Street, Troon;
McCallums of Troon, The Oyster Bar, Harbour Road, Troon;
Kirkland Stores, 40 Kirkland Street, Maybole;
The Balgarth, 8 Dunure Road, Ayr;
The Pinewood Restaurant, 180 Main Street, Prestwick;
Old Racecourse Hotel, 2 Victoria Park, Ayr;
Eagle Tavern, 3/5 The Cross, Prestwick;
Toni's Corner Shop, 2A Paterson Street, Ayr; and
Toni's Corner Shop, 1A Belmont Road, Ayr;

- (b) to agree to suspend the following licenses from Monday, 19th December 2011 as they had not paid their Annual Fee:-

Beanscene, 1B Alloway Place, Ayr;
Crosshill Arms, 2 Dalhowan Street, Crosshill;
Peckhams, Prestwick Airport, Prestwick;
Ayr Greyhound Stadium, 20 Glenmuir Place, Ayr;
Turkish BBQ Restaurant and Bar, 58 Sandgate, Ayr;
Steamboat Tavern, 33-35 South Harbour Street, Ayr;
Walkers Newsagents, 2 Hollow Park, Ayr; and

- (c) to agree to grant delegated powers to Officers to reinstate the licences on payment of the Annual Fee.

The meeting ended at noon