

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 20th December 2012 at 10.00 a.m.

Present: Councillors Ann Galbraith (Chair), Andy Campbell, Peter Convery, Allan Dorans, Ian Douglas, Sandra Goldie, Mary Kilpatrick and Rita Miller.

Attending: M. Douglas, Depute Clerk to the Board; K. Briggs, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; P. McCaroll, Licensing Standards Officer; and J. McClure, Committee Services Officer.

Also Attending: Inspector W. Ramsay and Sergeant D. McIntosh, 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, 7th February 2013 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 22nd November 2012 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

3. Update from Licensing Standards Officer.

C. Andrews, Licensing Standards Officer advised that a number of premises were intending to make use of the additional festive trading hour, however, these premises had not supplied dates when they were proposing to open later which had implications for Strathclyde Police.

Decided: to thank the Licensing Standards Officer for her update.

4. Application for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 6th December 2012 by the Clerk to the Licensing Board advising of the following determination of an application for Transfer of a Licence between the last Board meeting and the present one:-

Newton Arms, 111-113 Main Street, Ayr.

Decided: to note the transfer granted under delegated powers.

5. Variation in order of business.

The Board agreed to vary the order of business as hereinafter minuted.

6. Licensing (Scotland) Act, 2005.

(a) Applications for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Crestcourt Limited	Club de Mar 1-5 Arthur Street Ayr

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	7.00 p.m. to 2.00 a.m.	N/A
Tuesday	7.00 p.m. to 2.00 a.m.	N/A
Wednesday	7.00 p.m. to 2.30 a.m.	N/A
Thursday	7.00 p.m. to 2.00 a.m.	N/A
Friday	7.00 p.m. to 2.30 a.m.	N/A
Saturday	7.00 p.m. to 2.30 a.m.	N/A
Sunday	7.00 p.m. to 2.00 a.m.	N/A

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	7.00 p.m. to 2.00 a.m.	N/A
Tuesday	7.00 p.m. to 2.00 a.m.	N/A
Wednesday	7.00 p.m. to 3.00 a.m.	N/A
Thursday	7.00 p.m. to 2.00 a.m.	N/A
Friday	7.00 p.m. to 3.00 a.m.	N/A
Saturday	7.00 p.m. to 3.00 a.m.	N/A
Sunday	7.00 p.m. to 2.30 a.m.	N/A

Change to core hours as above.

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

Upon reconvening, the Board agreed to continue consideration of this application to the Licensing Board meeting scheduled to be held on Thursday, 7th February 2013 to allow further information to be sought on the effects that granting this application would have on the operation of the SafeAyr Group and on late hours catering premises.

<u>Applicant</u>	<u>Premises</u>
(2) Westclub Limited	West of the Moon 11-13 Arthur Street Ayr

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	11.00 a.m. to midnight	noon to 10.00 p.m.

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 2.00 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	11.00 a.m. to midnight	noon to 10.00 p.m.

Change to core hours as above. Serving of breakfast Monday to Saturday commencing at 10.00 a.m. (no alcohol to be served).

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

Upon reconvening, the Board agreed to continue consideration of this application to the Licensing Board meeting scheduled to be held on Thursday, 7th February 2013 to allow further information to be sought on the effects that granting this application would have on the operation of the SafeAyr Group and on late hours catering premises.

(b) Applications for Occasional Licences.

The Board considered and granted the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Glenburn Miners Welfare Club	Glenburn Miners Welfare Club 35d Glenburn Road Prestwick

New Year/Hogmanay Party – 31/12/12 – 6.00 p.m. to 1.30 a.m.

- | <u>Applicant</u> | <u>Premises</u> |
|---|--|
| (2) Ayr Northfield Bowling Club | Ayr Northfield Bowling Club
43 Northfield Avenue
Ayr |
| Hogmanay/New Year Party – 31/12/12 – 6.30 p.m. to 1.30 am. | |
| (3) Ayr Hawkhill Bowling Club | Ayr Hawkhill Bowling Club
Back Hawkhill Avenue
Ayr |
| Hogmanay Part – 31/12/12 – 8.00 p.m. to 1.00 a.m. | |
| (4) Crooksmoss Bowling Club | Crooksmoss Bowling Club
Glenmuir Place
Ayr |
| New Year Party – 31/12/12 – 6.30 p.m. to 1.30 a.m. | |
| (5) Troon Portland Bowling Club | Troon Portland Bowling Club
Shore Road
Troon |
| Annual Party for Hogmanay – 31/12/12 – 6.00 p.m. to 1.00 a.m. | |

(c) Applications for Extended Hours.

The Board considered and granted the following applications:-

- | <u>Applicant</u> | <u>Premises</u> |
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| (1) Shanter Inns Ltd. | Market Inn
2 Castlehill Road
Ayr |
| Festive period –
24/12/12 – 12.30 a.m. to 1.30 a.m.
31/12/12 – 12.30 a.m. to 2.00 a.m. | |
| (2) Coylton Bowling Club | Coylton Bowling Club
Hole Road
Coylton |
| New Year's Eve Celebration – 31/12/12 – midnight to 2.00 a.m. | |

(d) Applications for Personal Licence.

The Board considered the following applications:-

	<u>Application Number</u>	<u>Applicant</u>
(1)	SA/12/00174/LAPRS	Jamie Dempsey

Having heard from Strathclyde Police and in the absence of the applicant, the Board refused this application as the granting of the application would be inconsistent with the Preventing Crime and Disorder Licensing Objective.

(2)	SA/12/00191/LAPRS	Michael Crossland
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Having heard from Strathclyde Police and the applicant in response, the Board granted the above application.

(3)	SA/12/00217/LAPRS	Christopher John Clancy
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Having heard from Strathclyde Police and the applicant in response, the Board granted the above application.

(e) Review of Personal Licence Under Section 84.

The Board considered the following review:-

<u>Application Number</u>	<u>Applicant</u>
SA/12/00066/LAPRS	Garry Robertson Martin

The Chair advised that, at a premises licence review held on 22nd November 2012, the Board had considered a review request from Fiona McLean, 37 South Harbour Street, Ayr in respect of the premises known as The Forte Bar, 39 South Harbour Street, Ayr following various noise related incidents in the premises

The Board found that the grounds for review had been established in respect of the licensing objective of preventing public nuisance and in the course of the review also found that Garry Martin, a personal licence holder, had acted in a manner which was inconsistent with the licensing objectives. The Board was obliged to hold a review of Mr Martin's personal licence following that finding. Mr. Martin had not however, been cited to attend the meeting on 22nd November 2012.

As Councillor Goldie had not been present at the previously considered hearing relating to the Forte Bar, she left the meeting during consideration of this matter.

There were submitted

- (a) a report (issued) of 5th December 2012 by the Clerk to the Licensing Board advising of the background to this review and the options available to the Board;
- (b) the Premises Licence Review Application regarding the Forte Bar from the complainer (issued) dated 2nd November 2012 outlining the reasons for the review request;
- (c) a report from the Licensing Standards Officer (issued) dated 7th November 2012 outlining the meetings which had taken place with herself, the complainer, Garry Martin as the previous Premises Manager and the current Premises Manager;
- (d) a report from the Trading Standards and Environmental Health Manager (issued) dated 7th November 2012 reporting on the visits made by the Environmental Health Officers and the Out of Hours Noise Team to the Forte Bar and to the neighbour's premises; and
- (e) a letter from Strathclyde Police dated 6th November 2012 with details of visits to the premises in relation to noise complaints.

The Board heard the licence holder's representative in relation to the circumstances surrounding this matter and advising that Mr. Martin regretted not taking steps to deal with the concerns of the complainer timeously, however he had now apologised to the complainer and her family and steps were being taken to alleviate the situation.

Councillor Dorans, seconded by Councillor Miller, moved that Mr. Martin's licence be endorsed.

Councillor Convery moved as an Amendment that Mr. Martin's licence be suspended as him retaining his licence would be inconsistent with the Licensing Objectives but failed to find a seconder.

The Board decided, by a majority, that Mr. Martin's licence should be endorsed. Councillor Convery requested that his dissent be recorded.

At this point, Councillor Goldie re-joined the meeting.

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Bava Investments	Papa-doms 95-97 New Road Ayr

Retail Sale of Alcohol (On Premises) – every day from noon to 11.00 p.m.
Retail Sale of Alcohol (Off Premises) – every day from noon 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 500m of the applicant premises would be the appropriate locality for consideration of this application.

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

(g) **Request Under Section 135 of the Licensing (Scotland) Act 2005.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Larisa Banks	58 Sandgate Ayr

There was submitted a report (issued) by the Clerk to the Board dated 18th December 2012 advising of the background to this application.

The Board then heard the licence holder's representative in relation to this application and, following questions from Board Members, the Board granted the above application to allow a transfer to be lodged notwithstanding that it was outwith the twenty eight day period specified in section 34. The Board also confirmed that the transfer could be dealt with by the Clerk under delegated powers provided a satisfactory police report was received.

The meeting ended at 11.45 a.m.