

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,  
on 2nd February 2012 at 10.00 a.m.

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

Apology: Councillor Bill Grant.

Attending: K. Briggs, Acting Legal Manager; M. Douglas, Licensing Policy Officer; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

Also Attending: 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, 1st March 2012 at 10.00 a.m.

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

The Minutes of the Meetings of South Ayrshire Licensing Board of 8th December 2011 (issued) were submitted.

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

### **3. Update from Licensing Standards Officer.**

There was submitted a report (tabled) by the Licensing Standards Officer advising

- (1) that she had expressed her concerns at the Board meeting of 8th December 2011 about the availability of £1 drinks in late night venues, often being coupled with free entry and how this did not comply with the Licensing Objective of 'Protecting and Improving Public Health' and, following an instruction from the Board, she had been gathering information and seeking feedback from colleagues in the NHS and had considered other available information,
- (2) that this matter would also be discussed at the meeting of the South Ayrshire Licensing Forum scheduled to be held on 24th February 2012;
- (3) that she had asked Premises Managers directly to provide details of prices, promotions and entry fees to ensure that the information she was recording was completely accurate, however, one of the premises had refused to co-operate and, as a result, she had required to use data which had been collected from their social networking site; and

- (4) that whilst undertaking routine LSO visits she was consistently finding premises were not displaying notices or licences and required further information and assistance, however, in the majority of cases, after offering further advice the Premises Managers had reacted quickly to ensure compliance but this was not the case with all Premises, some of whom had a number of issues that should have been dealt with and, as a result, she would be requesting a Premises Licence Review for two premises at the next Board meeting.

Questions were raised by Members of the Board in relation to: whether it was an offence to refuse to provide the LSO with requested information and the Licensing Standards Officer advised that, as part of her role she was authorised to enter premises and take information and that the Premises Managers had been advised that she was seeking this information from all premises to ensure that her information was up to date and the Licensing Policy Officer further advised that the Premises Manager in question would be written to again and advised that failure to supply this information could result in a Premises Licence Review; and which premises had refused to provide the information and the reason for the refusal, however, the Licensing Standards Officer did not identify the premises concerned.

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

#### **4. Applications for Transfer Granted Under Delegated Powers.**

There was submitted a report (issued) of 19th January 2012 by the Clerk to the Licensing Board advising of the following determinations of applications for Transfer of Licences between the last Board meeting and the present one:-

- (1) The Thistle Inn, 68 Main Road, Ayr;
- (2) The Wheatsheaf Inn, 13-19 Main Street, Monkton;
- (3) Prestwick Indoor Bowling, Bellevue Road, Prestwick;
- (4) 153 Adamton Road South, Prestwick;
- (5) 78-80 Prestwick Road, Ayr;
- (6) 38 Main Street, Ballantrae;
- (7) Failford Inn, Failford; and
- (8) 87 Main Street, Prestwick.

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

5. **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>
Haven Leisure Ltd.	The Spar Supermarket Craig Tara Holiday Park Dunure Road Ayr

Retail Sale of Alcohol (Off Premises) – every day from 10.00 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 a 500m radius from the application premises would be the appropriate locality for consideration of this application.

Having heard from the applicant, following questions from Members and having taken all submissions into account, having considered if any of the grounds for refusal applied and, having concluded that no grounds for refusal had been established, the application was granted.

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

The Board considered the following applications:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Robert Jardine	Westcliffe Hotel 15-17 Louisa Drive Girvan

Part of the licensed premises which was formerly a dwelling house, number 17 is now being separated from the remainder of the licensed premises.

The Board granted the above application.

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(2) The Firm of Basrai Partnership	Mr. Basrai's World Buffet and Bar 5 Beresford Terrace Ayr

Change to Core On-Sale Hours

Existing

Monday 11.00 a.m. to 11.00 p.m.  
 Tuesday 11.00 a.m. to 11.00 p.m.  
 Wednesday 11.00 a.m. to 11.00 p.m.  
 Thursday 11.00 a.m. to 11.00 p.m.  
 Friday 11.00 a.m. to 12.30 a.m.  
 Saturday 11.00 a.m. to 12.30 a.m.  
 Sunday 12.30 p.m. to 11.00 p.m.

Proposed

Monday 11.00 a.m. to 1.00 a.m.  
 Tuesday 11.00 a.m. to 1.00 a.m.  
 Wednesday 11.00 a.m. to 1.00 a.m.  
 Thursday 11.00 a.m. to 1.00 a.m.  
 Friday 11.00 a.m. to 1.00 a.m.  
 Saturday 11.00 a.m. to 1.00 a.m.  
 Sunday 11.00 a.m. to midnight

Addition of Off-Sale Hours

Monday 11.00 a.m. to 10.00 p.m.  
 Tuesday 11.00 a.m. to 10.00 p.m.  
 Wednesday 11.00 a.m. to 10.00 p.m.  
 Thursday 11.00 a.m. to 10.00 p.m.  
 Friday 11.00 a.m. to 10.00 p.m.  
 Saturday 11.00 a.m. to 10.00 p.m.  
 Sunday 11.00 a.m. to 10.00 p.m.

Amended core hours, addition of off-sale facility. Seasonal variation – additional hour during festive period. Activities to include:- Club Meetings, television and theme nights. Change to children and young persons statement to allow unaccompanied young people in for lunch and to allow children until 11.00 p.m. Remove and re-position bar, remove office, extension of kitchen area, removal of toilets, new office and cellar area, include restaurant area.

The Board granted the above application.

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(3) Greene King Retailing Ltd.	Cheeky Charlies 47 Templehill Troon

Existing Hours

Monday 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.  
 Thursday 11.00 a.m. to 1.30 a.m.  
 Friday 11.00 a.m. to 1.30 a.m.  
 Saturday 11.00 a.m. to 1.30 a.m.  
 Sunday 11.00 a.m. to 1.30 a.m.

Festive period 1 December to 2 January, an additional hour and on 24, 25, 26 and 31 December and 1 and 2 January in any year open to 2.30 a.m. when these specified dates fall on Monday, Tuesday or Wednesday.

As that part of the application for 24, 25, 26 and 31 December and 1 and 2 January in any year to 2.30 a.m. (when these specified dates fell on a Monday, Tuesday or Wednesday), fell outwith the Board's policy on premises trading for a maximum of fourteen and a half hours per day, the applicant's representative amended this and the Board granted this part of the application from 11.00 a.m. to 2.30 a.m.

The Board then granted the hours as outlined above.

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

The Board considered the following applications:-

<u><b>Application Number</b></u>	<u><b>Applicant</b></u>
(1) SA/11/00235/LAPRS	Lynne Miller

Having heard an observation from Strathclyde Police and the applicant in response, the Board granted the above application subject to the applicant's conviction being shown on the licence.

(2) SA/11/00238/LAPRS	Sean McPhail
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Having heard an observation from Strathclyde Police and the applicant and his current employer in response, the Board granted the above application.

<u>Application Number</u>	<u>Applicant</u>
(3) SA/11/00258/LAPRS	Alan Colville

Having heard an observation from Strathclyde Police and the applicant and his current employer in response, the Board adjourned for consideration of this application.

Upon reconvening, Councillor D. Campbell, seconded by Councillor Slider moved that the application be granted subject to the applicant's conviction being shown on the licence.

By way of Amendment, Councillor A. Campbell, seconded by Councillor Fitzsimmons, moved that the application be refused as the granting of the application would be inconsistent with the Preventing Crime and Disorder Licensing Objective.

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

The application was then granted subject to the applicant's conviction being shown on the licence.

**(d) Review of Personal Licence Under Section 83.**

The Board considered the following review:-

<u>Application Number</u>	<u>Applicant</u>
SA/09/00001/LAPRS	Raibinder Singh Gill

The Board heard from Strathclyde Police in relation to this review and the reason for requesting the review and, having heard from the licenceholder's representative, noted the circumstances of this matter and agreed to take no action.

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

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Alastair McClymont	Colmonell Village Hall Main Street Colmonell

Charity Dance and Buffet in aid of Colmonell Volunteer Fire Brigade – 24/02/12 from 7.00 p.m. to 12.30 a.m.

Having heard from the applicant and the Licensing Standards Officer, the Board granted the above application.

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(2) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Race Day and associated activities – 06/02/12 from 10.30 a.m. to 7.00 p.m.	
(3) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Valentines Race Day and associated activities – 14/02/12 from 10.30 a.m. to 7.00 p.m.	
(4) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
La Barrique Race Day and associated activities – 09/03/12 from 10.30 a.m. to 7.40 p.m.	
(5) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Irish Race Day and associated activities – 10/03/12 from 10.30 a.m. to 7.40 p.m.	
(6) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Scottish Grand National Race Day and associated activities – 20/04/12 from 10.30 a.m. to 7.10 p.m.	
(7) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Scottish Grand National Race Day and associated activities – 21/04/12 from 10.30 a.m. to 7.35 p.m.	
(8) Western House Catering Ltd.	Ayr Racecourse 2 Whitletts Road Ayr
Spring Festival Race Day and associated activities – 30/05/12 from 10.30 a.m. to 7.25 p.m.	

**Applicant**

**Premises**

- (9) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Spring Festival Race Day and associated activities – 31/05/12 from  
10.30 a.m. to 7.35 p.m.
- (10) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Saints and Sinners Race Day and associated activities – 22/06/12 from  
3.00 p.m. to 11.00 p.m.
- (11) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Scottish Sun Race Day and associated activities – 23/06/12 from  
10.30 a.m. to 7.45 p.m.
- (12) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Family Race Day and associated activities – 08/07/12 from 10.30 a.m. to  
7.15 p.m.
- (13) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Race Day and associated activities – 09/07/12 from 10.30 a.m. to  
7.00 p.m.
- (14) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Glasgow Fair Festival Race Day and associated activities – 16/07/12 from  
10.30 a.m. to 7.30 p.m.
- (15) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr
- Race Day and associated activities – 23/07/12 from 10.30 a.m. to  
7.30 p.m.

**Applicant**

**Premises**

(16) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Summer Sizzler Race Day and associated activities – 30/07/12 from 10.30 a.m. to 7.30 p.m.

(17) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Ladies Night Race Day and associated activities – 11/08/12 from 2.00 p.m. to 10.30 p.m.

(18) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Wallaces Express Race Day and associated activities – 14/08/12 from 10.30 a.m. to 7.30 p.m.

(19) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Gold Cup Opening Race Day and associated activities – 20/09/12 from 10.30 a.m. to 7.20 p.m.

(20) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Gold Cup Ladies Day Race Day and associated activities – 21/09/12 from 10.30 a.m. to 7.40 p.m.

(21) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Gold Cup Race Day and associated activities – 22/09/12 from 10.30 a.m. to 7.40 p.m.

(22) Western House Catering Ltd.

Ayr Racecourse  
2 Whitletts Road  
Ayr

Race Day and associated activities – 02/10/12 from 10.30 a.m. to 7.30 p.m.

**Applicant**

**Premises**

(23) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr

Giles Insurance Race Day and associated activities – 11/10/12 from  
10.30 a.m. to 7.30 p.m.

(24) Western House Catering Ltd.      Ayr Racecourse  
2 Whitletts Road  
Ayr

John Smith's Race Day and associated activities – 03/11/12 from  
10.30 a.m. to 5.30 p.m.

The Board heard the applicant's representative and the Licensing Standards Officer in relation to application numbers (2) to (24) above.

Following questions from Members, the Board granted application numbers (2) and (3) and agreed that application numbers (4) to (24) be reconsidered at a future meeting of the Board when a report from the Licensing Standards Officer would be considered.

The meeting ended at 11.15 a.m.