

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,  
on 29th March 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: V. Andrews, Clerk to the Board; M. Douglas, Solicitor (Licensing); C. Andrew, Licensing Standards Officer; and A. Gerrish, Committee Services Officer.

Also Attending: Chief Inspector N. Kerr; 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 Wednesday, 25th April 2012 at 10.00 a.m.

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

The Minutes of the Meetings of South Ayrshire Licensing Board of 1st March 2012 (issued) were submitted.

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

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

There was submitted a report (issued) of 15th March 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 Ship Inn, 36 North Harbour Street, Ayr;
- (2) Brunston Castle Golf Club, Golf Course Road, Dailly;
- (3) Royal Hotel, 57 King Street, Crosshill;
- (4) Flix, 35 Bridge Street, Girvan; and
- (5) The Garden Bistro, 120 Main Street, Prestwick.

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

### **4. Variation in order of business.**

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

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

(a) **Review Hearing of Personal Licence Under Section 84 – John Stewart (SA/09/00399/LAPRS).**

The Board agreed that at the licence holder's request the above review would be continued to the next meeting of the Licensing Board scheduled to be heard on 25th April 2012.

(b) **Review Hearing of Premises Licence Under Section 36 – Victory Bar, 26 South Park Avenue, Girvan.**

The Board agreed that at the licence holder's request the above review would be continued to the next meeting of the Licensing Board scheduled to be heard on 25th April 2012.

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

The Board considered the following application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
The Daring Gentlemen Limited	Forte Bar 39 South Harbour Street Ayr

Retail Sale of Alcohol (On Premises) – Monday to Thursday inclusive from 11.00 a.m. to midnight; Friday and Saturday from 11.00 p.m. to 1.00 a.m.; and 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 a 200m radius of the applicant's premises would be appropriate.

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

(d) **Applications for Variation of Premises Licences.**

The Board considered the following applications:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) M.C. Stores Limited	Premier Your Store 79-85 Glendoune Street Girvan

Changing layout to reflect alcohol sales area and alterations to reflect current till locations.

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

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(2) Buzzworks Claremont Limited	Treehouse 67 Sandgate Ayr
<b><u>Existing On-Sale</u></b>	<b><u>Proposed On-Sale</u></b>
Monday 10.00 a.m. to 12.30 a.m.	Monday 11.00 a.m. to 12.30 a.m.
Tuesday 10.00 a.m. to 12.30 a.m.	Tuesday 11.00 a.m. to 12.30 a.m.
Wednesday 10.00 a.m. to 12.30 a.m.	Wednesday 11.00 a.m. to 12.30 a.m.
Thursday 10.00 a.m. to 12.30 a.m.	Thursday 11.00 a.m. to 12.30 a.m.
Friday 10.00 a.m. to 12.30 a.m.	Friday 11.00 a.m. to 1.30 a.m.
Saturday 10.00 a.m. to 12.30 a.m.	Saturday 11.00 a.m. to 1.30 a.m.
Sunday 10.00 a.m. to midnight	Sunday 11.00 a.m. to midnight

<b><u>Existing Off-Sale</u></b>	<b><u>Proposed Off-Sale</u></b>
Every day 10.00 a.m. to 10.00 p.m.	Every day 11.00 a.m. to 10.00 p.m.

Change core hours as above. Change seasonal variations to “Festive season – an additional hour on top of trading hours from 1st December to 2nd January”.

Having heard the applicant’s representative, the Board granted delegated powers to approve the above application subject to mandatory conditions as outlined by the Licensing Solicitor and once the premises had been inspected to confirm that they met all conditions.

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(3) Costley Inns and Wine Bars Limited	Souter Johnnie’s Inn 47 Main Road Kirkoswald

Alterations to layout of premises including:-

- (1) construction of new entrance/porch on north east gable;
- (2) reduction in length of bar counter in dining room;
- (3) provision of additional paved area for external consumption of food and drinks, adjacent to the south west gable, at corner of Main Road and Kirkbrae; and
- (4) provision of access door from dining area to external paved area (south west gable).

Having heard from the Licensing Standards Officer in relation to the size and supervision of the proposed extended area and the applicant’s representative in response, the Board adjourned for consideration of this application.

Upon reconvening, the Board

- (A) granted the variation of licence as requested with the exception of the external drinking area. The Board had concerns regarding road safety issues for the pavement area outside the entrance to the premises, therefore, the outside drinking area would be restricted to all slabbed areas surrounding the premises enclosed by the wall, and granted delegated powers to grant the remainder of the variation if roads department had no safety concerns regarding the consumption of alcohol in that area; and
- (B) imposed a condition on the licence that the pavement area should be suitably delineated with a tensile barrier.

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

The Board considered the following applications:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Richard Trodden	Marquee on land adjacent to Dalreoch House Pinwherry
Wedding Reception – 26/05/12 – 2.00 p.m. to 1.00 a.m.	
Having heard from the Licensing Standards Officer, the Board granted the above application.	
(2) Alastair McClymont	The Main Barn Outmains Farm By Tarbolton
21st Birthday Party – 09/06/12 – 8.00 p.m. to 1.00 a.m.	
Having heard from the Licensing Standards Officer, the Board granted the above application.	
(3) William Howat	Farm Shed Adamhill Farm Craigie
21st Birthday Party – 14/04/12 – 8.00 p.m. to 1.00 a.m.	
Having heard from the Licensing Standards Officer, the Board granted the above application.	
<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(4) Douglas Drysdale	Public Bar Marquee Ayr Agricultural Show Ayr Racecourse Whitletts Road Ayr
Ayr Agricultural Show – 11/05/12 and 12/05/12 – noon to 7.00 p.m.	

- (5) Douglas Drysdale  
Members' Bar Marquee  
Ayr Agricultural Show  
Ayr Racecourse  
Whitletts Road  
Ayr

Ayr Agricultural Show – 11/05/12 and 12/05/12 – 10.00 a.m. to 7.00 p.m.

- (6) Douglas Drysdale  
Secretaries Restaurant  
and Bar Marquee  
Ayr Agricultural Show  
Ayr Racecourse  
Whitletts Road  
Ayr

Ayr Agricultural Show – 11/05/12 and 12/05/12 – 10.00 a.m. to 7.00 p.m.

Having heard from the Licensing Standards Officer and the applicant in relation to application numbers (4) to (6) above, the Board granted the above applications subject to a numbers limitation of 700 being applied.

**(f) Review Hearings of Premises Licence Under Section 36.**

The Board considered the following application for review:-

**Costley Inns and Wine Bars Limited for Peggy's Tearoom, 43-45 Main Road, Kirkoswald.**

Following a Request for Review from the Licensing Standards Officer (LSO) under Section 36(4)(a) and (b) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There was submitted (issued) a report dated 1st February 2012 by the LSO outlining the background to this review and the reasons for requesting the review.

The LSO updated the Board on her visits to the premises and advised on the main issues which related to staff training, records not being available, issues in relation to the display of alcohol on the premises and that even after a follow up visit, advice had not been acted upon other than a purchase of a training manual by the Premises Manager.

The Premises Licenceholder's representative then advised the Board that training had now been carried out and staff training records were now being maintained and in relation to the alcohol display area being moved, this had been a senior management decision outwith the control of the Premises Manager.

Questions were raised by Members in relation to staff feeling obliged to undertake actions to breach the Licence issued and staff training in all the Company's premises and the Premises Licenceholder and the LSO responded accordingly.

The Board then adjourned for consideration of this application for review.

Upon reconvening, the Board determined that the grounds for review had been established and instructed

- (A) the LSO to report to the next meeting of the Licensing Board scheduled to be heard on 25th April 2012 on the current situation in those premises owned by Costley Hoteliers and related companies in relation to training and any other matters that were considered appropriate;
- (B) the Clerk to write to the Company expressing the concerns of the Board regarding the implications for the operational management of staff, decisions taken and that in view of the fact that there had been inadequate training arrangements and that the Board cannot be confident that the licensing objectives were being met; and
- (C) that the premises licence be suspended for one week commencing from 10.00 a.m. on 30th March until 10.00 p.m. on Thursday 6th April 2012.

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

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Costley Inns and Wine Bars Limited	House of Burns 43-45 Main Road Kirkoswald

Alterations to Operating Plan to remove references to restaurant facility and club or other group meetings. Remove references to use of part of the premises as a Tea Room and Coffee Shop, the premises will operate as a Retail Shop only.

Internal alterations to allow whole premises to be utilised as a Retail Shop. Relocation of the alcohol display area with increase in display capacity from 3.57 square metres to 4.71 square metres.

Having heard the applicant's representative, the Board granted the above application subject to the alcohol display area being restricted to the fixed shelving on the wall and in the Chiller.

**(h) Review Hearings of Premises Licence Under Section 36.**

**Troon Portland Bowling Club, Shore Road, Troon.**

Following a Request for Review from Strathclyde Police under Section 36(1) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted (issued to Members only) a letter dated 9th March 2012 from Strathclyde Police outlining the background to this review and the reasons for requesting the review and the Statement to Meet the Licensing Objectives supplied by Troon Portland Bowling Club (issued).

The Board then heard Chief Inspector Kerr, Strathclyde Police in relation to the reasons for requesting the review.

The Licensing Standards Officer updated the Board on her visits to the premises and her findings and advised on issues relating to signage, the refusals book, the guest book and the applying of occasional licences and stewarding for functions.

The Club's representative then advised the Board that he was to blame for the breach of the licence on 28th January 2012 and that with regard to the altercation that occurred on 3rd February 2012, the Committee had in consultation with Strathclyde Police proposed a number of changes to be made within the Club in relation to holding functions and he hoped that these measures would suffice.

Questions were raised by Members in relation to the number of staff employed by the Club, Personal Licenceholders, Challenge 25, staff training records and the early kick off time of the Ayr v Kilmarnock Football match and if any guidance had been given to the trade regarding this and the value of hospitality on match day and the Chief Inspector, the Club's representative and Licensing Standards Officer responded accordingly.

The Board then adjourned for consideration of this application for review.

Upon reconvening, the Chair advised that the Board had discussed the issues raised in the letter from Strathclyde Police requesting a review on the grounds of Preventing Crime and Disorder licensing objective.

The Board determined that the grounds for review had been established and

- (A) instructed the Clerk to issue a written warning to the Club's Committee, reminding them of the requirement to apply where appropriate for occasional licences and to seek appropriate advice in relation to such licences and in relation to the use of door stewards;
- (B) imposed a condition on the licence that a member of the Club would only be allowed to sign in up to four guests in any twenty four hour period, and
- (C) suspended the Club's licence for two weeks commencing at 10.00 a.m. on 30th March 2012 up to midnight on 12th April 2012.

The meeting ended at 12.10 p.m.