

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 21st June 2012 at 10.00 a.m.

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

Apology: Councillor Rita Miller.

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

Also Attending: Chief Inspector N. Kerr and Sergeant U. Menzies, Strathclyde Police.

1. Clerk's Remarks.

The Clerk to the Board introduced the new Board Members and advised that all Members of the Board had successfully completed the compulsory training.

2. Appointment of Chair.

The Clerk to the Board invited nominations for the appointment of Chair of the Licensing Board.

Councillor Convery, seconded by Councillor Campbell, moved that Councillor Galbraith be appointed Chair of the Licensing Board.

By way of Amendment, Councillor Dorans, seconded by Councillor Douglas, moved that Councillor Douglas be appointed Chair of the Licensing Board.

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

Decided: that Councillor Galbraith be appointed Chair of the Licensing Board. Councillor Galbraith then took the Chair.

3. Date of Next Board Meeting.

The Chair advised that the next Board meeting would be held in the County Hall, County Buildings, Ayr on a date to be approved at the meeting of South Ayrshire Council scheduled to be held on Thursday, 28th June 2012, **now confirmed as Thursday 20th September 2012.**

4 Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 25th April 2012 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

5. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 6th June 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) Belmont Stores, 1A Belmont Road, Ayr;
- (2) Tower Hotel, 23 Beach Road, Barassie;
- (3) The Harbour Bar, 169-173 Templehill, Troon;
- (4) 5 Hollow Park Court, Ayr;
- (5) Express by Holiday Inn, 4 Wheatpark Place, Ayr;
- (6) Braefoot Stores, 1-2 Braefoot, Annbank;
- (7) Riverside Inn, Minishant;
- (8) Marine Hotel, 8 Crosbie Road, Troon; and
- (9) Express by Holiday Inn, 4 Wheatpark Place, Ayr.

Decided: to note the transfers granted under delegated powers.

6. Update from Licensing Standards Officer (LSO).

The Licensing Standards Officer advised

- (1) that over the past month trade meetings had been held in Maybole, Girvan, Prestwick, Ayr and Troon to update Premises Managers on current issues, legislative requirements and Board policy with meetings in the Carrick area being particularly well attended and that she would like to thank colleagues in Trading Standards who had provided advice and information regarding proof of age;
- (2) that LSO visits had focussed on staff training as it was still concerning that, despite the requirement for all staff to be trained being introduced in September 2009, many premises were still not complying, training records were not being kept for staff without personal licences and shortfalls in training were being noticed when staff were questioned on the basic requirements;
- (3) that compliance notices would be issued to premises who failed to satisfy the staff training requirements and these may ultimately lead to a Premises Licence Review request from the LSO, however, there were also examples of good practice in relation to staff training with some premises opting to send the majority of staff on the Scottish Certificate for Personal Licence Holders training, with one example of this being Bryson's Garage in Prestwick who had an off-sales facility;
- (4) that Challenge 25 was now included as a condition of the premises licence, each premises required to have a written policy in relation to this, staff must be trained regarding acceptable proof of age and any person who appeared to be under the age of 25 must be asked for ID;
- (5) that concerns in South Ayrshire relating to underage young people consuming alcohol did not appear to suggest that direct sales were the main issue but that agent sales or proxy purchases were the most likely source, whereby alcohol was purchased on behalf of the young person by someone of the legal age, however, Challenge 25 should assist in preventing this if each individual premises adhered to their written policy and, with this in mind, she was currently working with colleagues in the Police and Trading Standards to develop a future initiative to promote this;

- (6) that there were also examples of good practice in relation to refusing and/or questioning sales with one recent example being a male member of staff at the Co-op premises in Dailly who had questioned the sale to a mature adult of a product known to be popular with young drinkers and the staff member did not complete the sale until he had satisfied himself that the intended recipient was of legal drinking age and explained to the purchaser that he would have refused the sale if he had thought otherwise; and
- (7) that Peter McCarroll had recently joined the Licensing Service as a Licensing Standards Officer for South Ayrshire and that, after ten years as a solo officer she welcomed Peter's appointment which would add greatly to the number of premises visits possible each month and would provide licenceholders with a further source of information and guidance, with Peter initially concentrating on the Troon and Prestwick locality and her focus remaining in Carrick and Ayr.

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

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

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Gold Filling Stations Ltd.	Loans Filling Station 7 Main Street Loans

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's representative) that the whole of Loans would be the appropriate locality for consideration of this application.

Having heard the Chair establish none of the objectors were present, having heard from the applicant's representative and having taken all submissions and written representations into account, including a Petition tabled by the applicant, the Board considered if any of the grounds for refusal applied (having particular regard to Section 23(5)(a) and Section 123 of the Act and whether the premises were excluded premises) 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 application:-

<u>Applicant</u>	<u>Premises</u>
(1) Haven Leisure Ltd.	The Spar Supermarket Craig Tara Holiday Park Dunure Road Ayr

To vary the capacity of the premises from 43.86m² to 46.5m².

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

The Board also agreed to consider the application for Extended Hours from Haven Leisure Ltd. at this point.

Variation in order of business.

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

(c) Application for Extended Hours.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Haven Leisure Ltd.	Turnberry Gardens Restaurant Craig Tara Heads of Ayr Ayr

14/07/12 and 15/07/12 – 10.00 p.m. to 1.00 a.m.

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

(d) Application for Variation of Premises Licences.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
(2) J & J Crawford	Seafeld Stores 45 Blackburn Drive Ayr

Increase in premises size to incorporate new pharmacy to include new internal layout and relocation of alcohol display. Increase capacity from 5.5m² to 6.7m².

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

Applicant

Premises

- (3) The Partnership of Andrew Dunlop and Margaret Dunlop Fourways
1 Annbank Road
Mossblown

Existing Licensed Hours

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

Proposed Licensing Hours

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

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

- (4) Zuppa Kitchens Limited Velvet Apple
20 Portland Street
Troon

Inclusion of fixed seating, movement of deli-counter from front to rear. Removal of alcohol (bottles) from area adjacent to seating (to be placed at deli-counter towards the rear). Removal of off-sales, on sale alcohol to be placed in deli-counter to rear.

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

<u>Applicant</u>	<u>Premises</u>
(5) Prestwick Sailing Club Grangemuir Road Prestwick	Prestwick Sailing Club Grangemuir Road Prestwick

Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	5.00 p.m. to 11.00 p.m.	N/A
Tuesday	5.00 p.m. to 11.00 p.m.	N/A
Wednesday	5.00 p.m. to 11.00 p.m.	N/A
Thursday	5.00 p.m. to 11.00 p.m.	N/A
Friday	5.00 p.m. to 11.00 p.m.	N/A
Saturday	11.00 a.m. to 11.00 p.m.	N/A
Sunday	12.30 p.m. to 11.00 p.m.	N/A

Proposed Licensing Hours

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

Changes to core hours. Changes to activities to allow Receptions, recorded music, live performances and televised sport.

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

(6) Prestwick Bowling Club	Prestwick Bowling Club 6 Midton Road Prestwick
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Change to seasonal variations to read "from 1st December to 2nd January inclusive – open until 1.00 a.m.".

Change to operating plan to allow restaurant facilities and recorded music. Identify external drinking areas.

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

<u>Applicant</u>	<u>Premises</u>
(7) Prestwick St. Nicholas Golf Club 31 Grangemuir Road Prestwick	Prestwick St. Nicholas Golf Club 31 Grangemuir Road Prestwick

Existing Licensed Hours

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

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	10.00 a.m. to midnight	N/A
Tuesday	10.00 a.m. to midnight	N/A
Wednesday	10.00 a.m. to midnight	N/A
Thursday	10.00 a.m. to midnight	N/A
Friday	10.00 a.m. to midnight	N/A
Saturday	10.00 a.m. to midnight	N/A
Sunday	10.00 a.m. to midnight	N/A

Change of licensed hours (on sale) as above.
Outdoor drinking area identified on layout plan.

Having heard from the applicant's representative and the Licensing Standards Officer and following questions from Board Members, the Board granted the above application.

(8) Forbes Robertson	Millionayr 12 River Street Ayr
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Add live burlesque and pole dancing to operating plan.

Having heard from the applicant, from one of his employees, from Strathclyde Police and the Licensing Standards Officer and following questions from Members of the Board, the Board adjourned for consideration of this application.

Upon reconvening, the Chair advised that whilst deliberating, the Board had considered the operating hours of the premises, the level of control proposed from stewarding, that an over 21s policy was in place, that the pole dancing would be for corporate events only, that the premises were outwith the town centre and that there had been no public or Police objections.

The Board then agreed to grant the above application; instructed the licenceholder to submit written details of the arrangements for the pre-booking and stewarding of all events to the Clerk to the Board; and, as it was noted that he wished to serve food, advised him that he would require to submit a further application for this.

<u>Applicant</u>	<u>Premises</u>
(9) Royal Troon Golf Club 2 Craighend Road Troon	Royal Troon Golf Club 2 Craighend Road Troon

Existing Licensed Hours

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

Proposed Licensing Hours

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

Change of licensed hours (on sale) as above.
Outdoor drinking area identified on layout plan.

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

Applicant**Premises**

(10) Costley Inns and Wine Bars Limited

Peggy's Tearoom
43-45 Main Road
Kirkoswald**Existing Licensed Hours**

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	N/A	10.00 a.m. to 10.00 p.m.
Tuesday	N/A	10.00 a.m. to 10.00 p.m.
Wednesday	N/A	10.00 a.m. to 10.00 p.m.
Thursday	N/A	10.00 a.m. to 10.00 p.m.
Friday	N/A	10.00 a.m. to 10.00 p.m.
Saturday	N/A	10.00 a.m. to 10.00 p.m.
Sunday	N/A	10.00 a.m. to 10.00 p.m.

Proposed Licensing Hours

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

Access for children and young persons. Outside drinking.

Having heard applicant's representative amend the application to delete references to on-sales and restaurant facilities including conference facilities and bar meals, receptions and recorded music, the Board granted the above application.

(11) Buzzworks Claremont Limited

The Dome Cafe Bar
71-75 Main Street
Prestwick**Existing Licensed Hours**

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

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.
Friday	noon to 2.30 a.m.	noon to 10.00 p.m.
Saturday	noon to 2.30 a.m.	noon to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to midnight

Variation to licensed hours for Friday and Saturday from noon to 2.30 a.m.
Change to seasonal variations – festive season – an additional hour from 1st December to 2nd January.

Children and young persons allowed entry to premises until 10.30 p.m.

Allow off-sales facilities.

A change to allow food service outwith core opening times - breakfast service from 8.30 a.m.

The Board heard from the applicant's representative and granted that part of the application for a change to allow food service outwith core opening times – breakfast service from 8.30 a.m.

The Board agreed that those other parts of the application be continued to a future meeting of the Board.

(d) Application for Transfer of Premises Licence.

The Board considered the following application:-

Applicant

Martin McColl Limited

Applicant

2/4 Westwood Crescent
Ayr

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

(e) Application for Occasional Licence.

The Board considered the following application:-

Applicant

David James Burns

Premises

Woodend
Failford
Mauchline

Wedding Reception – 14/07/12 – 2.00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer and following questions from Board Members, the Board granted the above application.

(f) **Application for Extended Hours.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Troon Portland Bowling Club	Troon Portland Bowling Club Shore Road Troon

05/07/12 – 9.00 a.m. to 10.00 a.m.

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

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

The Board considered the following review:-

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

In accordance with Section 82(2) of the Licensing (Scotland) Act 2005 which states “that the licence holder must, no later than one month after the date of the conviction, give notice of the conviction to the Licensing Board which issued the personal licence held by the licence holder”, Mr. Saleem’s Solicitor submitted a letter dated 2nd April 2012 (issued to members only) outlining that he had been convicted of attempting to pervert the course of justice on 8th March 2012. In terms of Section 83(7) the Board then held a hearing.

In the absence of the licenceholder, the Board agreed to suspend Mr. Saleem’s licence with immediate effect and continue this matter to the next Board meeting to allow Mr. Saleem to attend.

(h) **Premises Licence Review Proposal Under Section 44(7).**

The Board considered the following review:-

Premises Licence Holder – Tesco Stores Limited:-

**Whitletts Road/Gemmell Crescent, Ayr
140-142 High Street, Ayr
Unit 4, 49 Maybole Road, Ayr
86 Prestwick Road, Ayr
42 Portland Street, Troon
99 Main Street, Prestwick**

There was submitted a letter from Strathclyde Police (issued to members only) dated 24th April 2012 outlining that Tesco had incurred a conviction from Leicestershire Magistrates Court on 2nd March 2012 under the Health and Safety at Work Act 1974, Section 3 and that, in accordance with Section 44(7) of the Licensing (Scotland) Act 2005 which states "if the Licensing Board receives from the appropriate Chief Constable a notice under subsection 4(b), the Licensing Board must make a premises licence review proposal in respect of the premises licence", the Board held a review to consider this matter.

The Board agreed to note the conviction and to take no further action.

8. The Gambling Act 2005 – Application for Adult Gaming Centre Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Imbex 88 (Westclub)	240-242 High Street Ayr

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

9. Licensing (Scotland) Act, 2005 – Any Other Business.

(a) Application for Occasional Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Alastair McClymont	Dalreoch House Colmonell

Wedding Reception/Dinner and Dance – 27/07/12 – 4.00 p.m. to 1.00 a.m.

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

(b) Request for Review of Premises Licence Under Section 36.

The Board considered the following application for review:-

<u>Licenceholder</u>	<u>Premises</u>
Imran Nasim	Symington Stores 53 Brewlands Drive Symington

Following a Request for Review from the Chief Constable in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted

- (1) a report dated 14th June 2012 by the Clerk to the Board (issued) advising of the grounds for the review and that the licenceholder had failed to comply with the Licensing Objective of Preventing Crime and Disorder which related to a test purchase which had been conducted at the premises when a bottle of cider had been sold to a test purchaser without the test purchaser being asked for identification or being challenged as to their age;
- (2) a report dated 14th June 2012 by the Licensing Standards Officer (issued) advising of previous visits made to the premises and the outcome of these visits; and
- (3) a letter dated 13th June 2012 from the Chief Constable, Strathclyde Police (issued to members only) advising of the reasons for requesting the review and that the Board may wish to consider appropriate action under the terms of Section 39(2) of the Act, for the purpose of securing the licensing objectives.

The licenceholder of the premises then advised

- (a) that the records were not on the premises at the time of the LSO's visit as the premises were being refurbished and he had removed them;
- (b) that further training had taken place since the test purchase, with the person who had sold the alcohol to the under-age young person also being trained;
- (c) that twelve people had been refused sale of alcohol this year; and
- (d) that his premises had passed the follow-up test purchase carried out by Strathclyde Police.

The Board then adjourned to consider this Review.

Upon reconvening, the Board agreed, by a majority, that the grounds for review had been established and agreed, by a majority,

- (i) to request the Clerk to the Board to issue a firm written warning to the premises licenceholder regarding the test purchase failure and the need to implement the Challenge 25 Policy at all times;
- (ii) that the licenceholder should ensure that all staff members are properly trained to implement licensing legislation and relevant procedures; and
- (iii) that the LSO should monitor the premises.

The meeting ended at 12.50 p.m.