

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 20th September 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; C. Andrew, Licensing Standards Officer; P. McCarroll, Licensing Standards Officer; G. Lauder, Senior Environmental Health Officer; and J. McClure, Committee Services Officer.

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

2 Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 21st June 2012 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

3. Update from Licensing Standards Officer.

C. Andrew, Licensing Standards Officer advised

- (1) that since the previous Board meeting licensed premises visits had continued with a specific focus on the Carrick area and in Prestwick, Troon and the surrounding areas where Peter McCarroll, LSO had been introducing himself to the trade and carrying out general checks;
- (2) that staff training continued to be an issue in some premises with Managers still not understanding the importance of keeping training records up-to-date and available for inspection;
- (3) that she continued to have strong links with Auchincruive in relation to the delivery of the personal licence holder's training course and regularly attended to provide a short input in relation to LSO inspections and the requirements and had recently met with the Department Head at Ayr College who also delivered the course to encourage them to also be aware of local policies and trends and to ensure that a consistent message was delivered;
- (4) that attendance numbers for the courses appeared to be fairly consistent with both providers currently offering a monthly course and that the Licensing Section continued to receive applications for personal licences with 1,705 issued to date;

- (5) that, on a more concerning note, in the past few weeks the local press had reported incidents of violence and disorder within licensed premises, allegedly resulting in serious injury with the LSOs aware of a glassing incident in a Prestwick premises, one in an Ayr public house type premises and another in an Ayr nightclub type premises with it understood that these incidents had taken place in the late evening/early morning and all were allegedly carried out by people who had been drinking from earlier that evening;
- (6) that currently nightclub type premises in Ayr operated with 'plastic' glasses, however, some continued to supply drinks in glass bottles which one complainant was particularly concerned with and had brought to the attention of the LSOs;
- (7) that the Board presently had no policy in relation to the use of plastic glasses, however, the LSOs had the right to include this condition on Occasional Licences and this was commonly added as a condition to Occasional Licences, in particular those which were held outside, such as agricultural shows, or some indoor music events when all drinks were decanted into plastic glasses;
- (8) that earlier this month an MP from Wrexham had put forward a '10 minute rule' Bill urging the Government to do more to ensure that Councils in England used existing powers to enforce the use of plastic bottles in licensed premises as around 87,000 violent incidents involving glassware had occurred in the UK and 5,500 glassings were reported each year, costing the Police and NHS millions of pounds in crime prevention and emergency care and that this proposal had received initial support and a second reading had been scheduled for 26th October 2012; and
- (9) that the Board might wish to gather further information in relation to this type of incident to ensure that premises were fulfilling their obligations regarding the licensing objective Protecting and Improving Public Health.

Decided:

- (a) to note the report from the Licensing Standards Officer; and
- (b) that the Board would consider the introduction of 'plastic' glasses in all premises when reviewing its Licensing Policy Statement.

4. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 6th September 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) Rusty Nail, 9/13 South Harbour Street, Ayr;
- (2) Ayr Town Lodge, 9-11 Barns Street, Ayr;
- (3) The Balgarth, 8 Dunure Road, Ayr; and
- (4) The Savoy Cafe, 92 Sandgate, Ayr.

Decided: to note the transfers granted under delegated powers.

5. Letter from Local Licensing Forum.

There was submitted a letter (issued) of 2nd July 2012 from the Chair of the Local Licensing Forum, on behalf of the Forum,

- (1) seeking further information on a number of points, namely
 - (a) why the Board had apparently deviated from its policy on Adult Entertainment to allow a local operator to host Burlesque and Pole Dancing evenings and whether the Board intended to re-write its Policy in relation to Adult Entertainment;
 - (b) the level of importance the Board placed on staff training, following a recent premises licence review when staff training had not been undertaken; and whether the Board viewed compliance with the mandatory conditions to relate more specifically to a premises licence holder or a personal licence holder; and
 - (c) whether the Board would consider amending its Policy in relation to over provision and identify areas in South Ayrshire where they would not generally grant new licences; and
- (2) advising that, having regard to the complex nature of any research required to justify an over provision assessment, the Forum offered its assistance with any tasks the Board might deem appropriate for it to undertake.

Decided: to note that the Board's response was being submitted and considered at the next Local Licensing Forum meeting scheduled to be held on Friday, 28th September 2012 and outlined

- (i) that, while the Board had a policy on Adult Entertainment providing that "following consultation carried out in May 2009, the Board will not normally permit adult entertainment in any premises", it was, however, open to any applicant to make their case and the Board must consider each application on its merits and, taking into account the applicant's case, the lack of objections and current case law, the Board had granted one application to permit adult entertainment, however, there had been no change in policy;
- (ii) that on the question of reviews, again the Board must consider each case on its merits and deal with it accordingly, however, there were a number of sanctions open to the Board and the Board must decide on a proportionate sanction in each case with the need for the sanction to be proportionate recently highlighted by the courts;
- (iii) that initially it would normally be the premises licence which would be reviewed but it should be noted that it was open to the Board to take action against a personal licence holder if the Board made a finding that the personal licence holder's behaviour had been inconsistent with the licensing objectives;

- (iv) that it should be borne in mind that the guidance issued in connection with the Licensing (Scotland) Act 2005 provided that “the named Premises Manager will be responsible for the day to day running of the premises, responsible for the training and supervising of the staff and ensuring the premises is run in accordance with the requirements of the licence. The Act requires a named Premises Manager for each premises since this carries a greater responsibility, as the sale and supply of alcohol can have a wide impact on the wider community and on crime and anti-social behaviour. It is therefore important to have one responsible person who will be required to be knowledgeable of the law and experienced in the supervision and training of staff and suitability qualified. Ultimately the designated Premises will be held responsible by the Licensing Board”;
- (v) that the Board welcomed the Forum’s willingness to assist in research to form the Board’s over provision policy for the forthcoming review of Licensing Policy and the Forum could provide useful information to the Board regarding areas or locations where they considered over provision to be an issue; and
- (vi) that the Board also welcomed comments from the Forum regarding any other parts of the Licensing Policy Statement which they would wish the Board to consider in its forthcoming review.

6. Annual Update Report from the Chief Constable, Strathclyde Police.

There was submitted a letter (issued) of 14th August 2012 from the Chief Constable, Strathclyde Police in accordance with Section 12A of the Licensing (Scotland) Act 2005 relating to Police performance and activities undertaken in the financial year April 2011 to March 2012 and advising

- (1) that the report was divided into two distinct parts, namely
 - (a) the Chief Constable’s views about matters relating to policing in connection with the operation of the Act in the Board’s area during the reporting year and also looking forward and identifying areas he intended to address or focus on in the coming year; and
 - (b) highlighting the steps that officers had taken and intended to take to prevent the sale or supply of alcohol to children or young people in the Board’s area;
- (2) that all areas of South Ayrshire would continue to be policed robustly in ensuring that the provisions of the Licensing (Scotland) Act 2005 were adhered to and, as could be seen in the report, the link between alcohol, anti-social behaviour, disorder and the obtaining and consumption of alcohol by children had been targeted;
- (3) that this proactive approach had led to greater awareness on the part of licenceholders and had reiterated to these licensees that problem persons or premises would not be tolerated; and
- (4) that the forthcoming year would see a continued proactive and dedicated approach to enforcing the provisions of the legislation, with the Licensing Board playing a key part in the education and discipline of those failing.

Decided: to note the report from the Chief Constable.

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

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Paramjit Singh	80 Main Street Ayr

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

Having heard the Chair establish that the objector was not present and having heard from the applicant's representative, the Board granted the above application on condition that the licence would not be confirmed until the licence for 78 Main Street, Ayr had been surrendered.

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

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) 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 10.00 p.m.

Variation to licensed hours for Friday and Saturday to 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

Having heard from the applicant’s representative, the applicant and the
 objector and following questions from Board Members, the Board granted
 the above application.

<u>Applicant</u>	<u>Premises</u>
(3) Buzzworks Claremont Limited	Scotts Bar and Restaurant Troon Yacht Haven Harbour Road Troon

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	10.00 a.m. to midnight	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	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	10.00 a.m. to midnight	10.00 a.m. to 10.00 p.m.

Change operating hours on Saturday.
 Add dance, films and gambling to operating plan.
 Young persons (16-17) allowed access until 11.00 p.m. whilst having a
 meal or attending a function.

Having heard from the applicant and the applicant’s representative and
 following questions from Board Members, the Board granted the above
 application.

Applicant

Premises

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| (4) | Martin McColl Limited | 2/4 Westwood Crescent
Ayr |
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Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	N/A	10.00 a.m. to 9.00 p.m.
Tuesday	N/A	10.00 a.m. to 9.00 p.m.
Wednesday	N/A	10.00 a.m. to 9.00 p.m.
Thursday	N/A	10.00 a.m. to 9.00 p.m.
Friday	N/A	10.00 a.m. to 9.00 p.m.
Saturday	N/A	10.00 a.m. to 9.00 p.m.
Sunday	N/A	10.00 a.m. to 9.00 p.m.

Proposed Licensing 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.

Change to core hours as above.
 Amend capacity from 12.78 sq metres to 13 sq metres.
 Layout of store to be changed.

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

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| (5) | Asda Stores Limited | Asda Store
1 Liberator Drive
Ayr |
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To increase the height of the existing alcohol display units to 2,800mm to enable additional stock to be stored on top of that display unit giving total display area of 387.055m² (previously 184.7m²).

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

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| (6) | Asda Stores Limited | Asda Store
15 Vicarton Street
Girvan |
|-----|---------------------|--|

To increase the height of the existing alcohol display units to 2,800mm to enable additional stock to be stored on top of that display unit giving total display area of 83.3m² (previously 70.08m²).

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

Applicant**Premises**

- (7) The Ladies Golf Club Troon The Ladies Golf Club Troon
7 Crosbie 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 11.00 p.m.	N/A
Saturday	11.00 a.m. to 11.00 p.m.	N/A
Sunday	12.30 p.m. to 6.30 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	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Change to core hours as outlined above.

Allow consumption off premises.

Change seasonal demand to one hour extra 1st December to 2nd January.

Allow conference facilities, receptions, recorded music, live music, outdoor drinking and restaurant facilities. Add bridge, demonstrations, Burns Suppers, charity evenings and coffee mornings to activities.

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

- (8) Ayr Wattfield Bowling Club Ayr Wattfield Bowling Club
9 Wattfield Road
Ayr

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 11.00 p.m.	N/A
Saturday	11.00 a.m. to 11.00 p.m.	N/A
Sunday	noon to 8.00 p.m.	N/A

Proposed Licensing 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 11.00 p.m.	N/A
Saturday	11.00 a.m. to 11.00 p.m.	N/A
Sunday	11.00 a.m. to 11.00 p.m.	N/A

Change to Sunday opening, Social Functions, Bar Meals, Receptions, Recorded Music, Dance Facilities.
Increase capacity to 100 persons.

Having heard from the applicant and from the objectors and following questions from Board Members, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the above application and agreed that the objectors should meet with the Licensing Standards Officer to discuss the issue of noise from the premises and also the issue of parking which could then be referred to the relevant Council Department for action to be taken as appropriate.

Applicant

Premises

- (9) Amber House (Holdings) Limited Ayr Town Lodge
9-11 Barns Street
Ayr

Outside drinking area.

Add poker to events allowed in bar.

Extend areas where children and young persons are allowed to include the bar and lounge area and outside drinking area.

Having heard the Chair establish that the objector was not present and having heard from the applicant and the Senior Environmental Health Officer, the Board granted the above application subject to the following conditions:-

No form of amplified sound or noise systems in outdoor drinking area;

The outside drinking area shall be restricted to daylight hours and no later than 10.00 p.m.;

The use of the outside drinking area must not increase the ambient background noise level in the neighbourhood; and

When music is provided in the bar, the outside drinking area must be closed for the duration of the entertainment.

Applicant**Premises**

(10) Campbell Retailers Ltd.

Braefoot Stores
1-2 Braefoot
Annbank**Existing Licensed Hours**

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	N/A	10.00 a.m. to 8.00 p.m.
Tuesday	N/A	10.00 a.m. to 8.00 p.m.
Wednesday	N/A	10.00 a.m. to 8.00 p.m.
Thursday	N/A	10.00 a.m. to 8.00 p.m.
Friday	N/A	10.00 a.m. to 8.00 p.m.
Saturday	N/A	10.00 a.m. to 8.00 p.m.
Sunday	N/A	10.00 a.m. to 8.00 p.m.

Proposed Licensing 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.

Increase core hours as above.

Extending internal floor space of shop and increase the space currently allocated to alcohol from 6.6m² to 19.88m².

Having heard the Chair confirm that the objector was not present, having heard from the applicant's representative and following questions from Board Members, the Board granted the above application.

(11) RCS Girvan Limited

Girvans
66 Portland Street
Troon**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	10.30 a.m. to 1.00 a.m.	10.30 a.m. to 10.00 p.m.
Saturday	10.30 a.m. to 1.00 a.m.	10.30 a.m. to 10.00 p.m.
Sunday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.

Amendment of licensed hours as above.

Remove references in Operating Plan to facilities provided for caddies and golf related activities. Existing reference to indoor sports will include use of a pool table and provision for the playing of darts and dominoes.

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

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

<u>Applicant</u>	<u>Premises</u>
(2) Buzzworks Leisure Limited	Elliot's Terrace, Bar and Restaurant 132 Main Street Prestwick

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 p.m. to 10.00 p.m.
Wednesday	noon to 2.30 a.m.	noon to 10.00 p.m.
Thursday	11.00 a.m. to 1.30 a.m.	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 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	noon to 2.30 a.m.	noon to 10.00 p.m.
Thursday	noon to 2.30 a.m.	noon 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 10.00 p.m.

Change operating hours on Thursday.

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

The Board continued consideration of the following application to the next Board meeting scheduled to be held on Thursday, 25th October 2012 to allow the applicant to attend:-

<u>Application Number</u>	<u>Applicant</u>
SA/12/00106/LAPRS	Craig Kerr

(d) **Application for Occasional Licence.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Stewart Hamilton	Ayr Town Hall 29 New Bridge Street Ayr

Hogmanay Music Concert – 31/12/12 – 6.00 p.m. to 1.00 a.m.

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

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

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Western House Catering Limited	Western House Hotel Craigie Road Ayr

Hogmanay Dinner Dance – 31/12/12 – 12.30 a.m. to 2.00 a.m.

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

Variation in Order of Business.

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

(f) Application for Variation of Premises Licences.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Shabaz Ahmad	Spar 23 Lang Road Troon

Change to the layout to increase the space given to off-licence.
Capacity increasing from 13.835m² to 18.425m².

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

(g) Premises Licence Review Request Under Section 44(7).

The Board considered the following review:-

<u>Licenceholder</u>	<u>Premises</u>
Malcolm McGuire	The Vulcan Tavern 18 Green Street Lane Ayr

There was submitted a report (issued) of 3rd September 2012 by the Clerk to the Board outlining that an application for a Premises Licence Review had been made by the Licensing Standards Officer in respect of these premises due to an alleged breach of the licensing objective, Protecting and Improving Public Health.

The Board heard from the Licensing Standards Officer regarding the credit book system being operated; and previous problems regarding the lack of appropriate signage and the inability by staff to produce staff training records, the Operating Plan or a Challenge 25 written policy which had then been rectified following the serving of notices.

The Premises Licence Holder then challenged the review on the basis that the statutory notices had been complied with and advised the Board

- (1) that, as he had not yet undertaken the appropriate training course, he had entrusted his staff to ensure that all policies and procedures were in place, but that he now intended to carry out this training as soon as possible;
- (2) that he was aware of the credit system being operated, however, he was under the impression that this was operated at premises country wide;
- (3) that many of the people on benefits who had been given credit had the opportunity pay the money owed back in instalments;
- (4) that the member of staff who had been responsible for awarding credit had now left his employment by mutual consent; and
- (5) that, as there was no reference made to credit being offered under unacceptable promotions in the Board's Policy, there was no case to answer.

The Premises Manager further outlined that a few customers had requested credit at periods such as Christmas, the debts were always manageable and people were never drinking excessively on credit, however, she now understood that credit should never have been given.

The Depute Clerk to the Board then advised that the LSO could bring a review to the Board if a breach had not been remedied, such as the formal notices not being on display and there being no training records, Operating Plan or Challenge 25 Policy available for inspection, however, these matters had been remedied in this case and the Board was therefore to consider that, as the premises had operated the credit system, it was alleged that the premises had breached the terms of the licensing objective Protecting and Improving Public Health, under Section 14(2)(b) of the Act.

Following questions from Members, the Board then adjourned for consideration of this matter.

Upon reconvening, the Board agreed that the grounds for the review had not been established and that no action would be taken, however, the offering of credit was not a practice that the Board was satisfied with and therefore this would be considered when the Board's Statement of Licensing Policy was being reconsidered.

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

The Board considered the following reviews:-

<u>Licenceholder</u>	<u>Premises</u>
(1) Somerfield Stores Limited	The Co-operative Food 19-23 High Street Maybole
	The Co-operative Food 26 Main Street Prestwick

There was submitted a letter from Strathclyde Police (issued to members only) dated 28th June 2012 outlining that Somerfield Stores Ltd. had incurred two convictions from Scarborough Magistrates Court on 4th May 2012 under the Health and Safety at Work Act 1974 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" and the Board agreed to note the convictions and to take no further action.

<u>Licenceholder</u>	<u>Premises</u>
(2) Asda Stores Limited	Asda Store 1 Liberator Road Ayr
	Asda Store 15 Vicarton Street Girvan

There was submitted a letter from Strathclyde Police (issued to members only) dated 6th July 2012 outlining that Asda Stores Ltd. had incurred two convictions from Reading Crown Court on 6th June 2012 under the Regulatory Reform (Fire Safety) Order 2005 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" and the Board agreed to note the convictions and to take no further action.

8. The Gambling Act 2005 – Application for Club Machine Permit.

The Board granted the following application:-

<u>Applicant</u>	<u>Premises</u>
Crooksmoss Bowling Club	Crooksmoss Bowling Club Glenmuir Place Ayr

The meeting ended at 12.10 p.m.