

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 22nd November 2012 at 10.00 a.m.

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

Apology: Councillor Sandra Goldie.

Attending: M. Douglas, Depute Clerk to the Board; G. Lauder, Senior Environmental Health Officer; C. Andrew, Licensing Standards Officer; P. McCarroll, 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, 20th December 2012 at 10.00 a.m.

2 Minutes of Previous Meeting.

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

Decided: to note the Minutes of the previous meeting.

3. Update from Licensing Standards Officer.

P. McCarroll, Licensing Standards Officer advised

- (1) that since the previous Board meeting, he and his colleague had continued to visit local licensed premises providing information and guidance in relation to forthcoming Christmas and New Year festivities and that it had become apparent during these visits that a significant number of premises intended to take advantage of the additional festive extension granted by the Board between 1st December 2012 and 2nd January 2013 which would lead to some premises being open until 3.30 a.m. in some areas;
- (2) that this might be in response to the prevailing economic conditions and poor footfall being experienced in many local premises which was his experience as many premises were delaying opening until well into their permitted hours, presumably to minimise overheads during unprofitable periods of the day;
- (3) that there were clear signs of more aggressive marketing including the availability of alcoholic drinks for £1 in late night premises in Ayr and Prestwick with the most recent marketing move being 80p alcoholic drinks in an Ayr premises, however, all of these offers complied with the guidelines in relation to the irresponsible drinks promotions;

- (4) that, as Board members were aware it had been reported at the last Board meeting that as a result of a joint initiative with Trading Standards and Strathclyde Police, 50% of the 20 premises targeted for the Challenge 25 integrity test had failed, however, as a consequence they had been the subject of joint visits by Licensing and Trading Standards Officers to reinforce the correct procedure and Strathclyde Police had now reported that these premises were recently the subject of further examination under test purchasing conditions and all of the premises had passed; and
- (5) that given the approach of the festive period and the historic evidence of increased alcohol sales at this time, this was a good positive performance from these premises which hopefully would continue into the new year and beyond.

Decided: to thank the Licensing Standards Officer for his update and to note the report.

4. Licensing (Scotland) Act, 2005.

(a) Application for Premises Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Ayr Gaiety Partnership Limited	Performance Studio Gaiety Theatre Carrick Street Ayr

Retail Sale of Alcohol (On 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 300m 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.

(b) Application for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Raghbir Singh Basrai	11 Burns Statue Square Ayr

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 1.30 a.m.	10.00 a.m. to 10.00 p.m.
Friday	10.00 a.m. to 1.30 a.m.	10.00 a.m. to 10.00 p.m.
Saturday	10.00 a.m. to 1.30 a.m.	10.00 a.m. to 10.00 p.m.
Sunday	10.00 a.m. to 1.30 a.m.	10.00 a.m. to 10.00 p.m.

Change core hours as above.

Serving of breakfast from 8.00 a.m.

Allowing young persons (16-17 years) to be admitted for the purpose of taking table meals with no need for them to be accompanied by an adult, or in the case of attendance at a function, for the purposes of the function.

Having heard from the Licensing Standards Officer in relation to the opening hours Thursday to Sunday applied for being outwith the Board's policy and the applicant's representative in response, the Board granted the above application, the hours being as follows:-

Granted 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	11.00 a.m. to 1.30 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 1.30 a.m.	11.00 a.m. to 10.00 p.m.

<u>Applicant</u>	<u>Premises</u>
(2) Prestwick, Symington and Ayr Fort Community Tennis and Fitness Club	Prestwick, Symington and Ayr Fort Community Tennis and Fitness Club 1 Whinfield Road Prestwick

Restriction of licence to Members' Club.
Add conference facilities, restaurant facilities, receptions, club meetings, recorded music, live performances, dance facilities, theatre, films, gaming, televised sport and outdoor drinking facilities to the Operating Plan.
Outside drinking area.

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

(3) Lynnet Leisure Group Ltd.	Furys Unit 3 154 High Street Ayr
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Existing Licensed Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	8.00 p.m. to 2.00 a.m.	N/A
Tuesday	8.00 p.m. to 2.00 a.m.	N/A
Wednesday	8.00 p.m. to 2.00 a.m.	N/A
Thursday	8.00 p.m. to 2.00 a.m.	N/A
Friday	8.00 p.m. to 2.30 a.m.	N/A
Saturday	8.00 p.m. to 2.30 a.m.	N/A
Sunday	8.00 p.m. to 2.00 a.m.	N/A

Proposed Licensing Hours

	<u>On-Sales</u>	<u>Off-Sales</u>
Monday	noon to 2.30 a.m.	noon to 10.00 p.m.
Tuesday	noon to 2.30 a.m.	noon 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	noon to 2.30 a.m.	noon to 10.00 p.m.

Inclusion of the ground floor premises known as Harleys. Installation of acoustic lobbies around all doors on the ground floor premises. Alteration of core hours. Inclusion of off-sales. Changes to operating plan to allow conference facilities, restaurant facilities, bar meals, club meetings, films, indoor/outdoor sports, televised sport and outdoor drinking facilities.

To allow children under 18 on the premises until 10.00 p.m. for the purposes of having a meal or attending a birthday party or other function. Children or young persons over the age of 14 may be permitted access to the premises until midnight whilst accompanied by a responsible adult, if attending a birthday party or function, at the management's discretion. Change to capacity. Ground floor 375 persons (as previous). First floor 270 persons (previously 300). Installation of stage area. Relocation of DJ booth. Installation of raised seating area. Installation of additional female toilets.

Having heard from the applicant's representative and noting that he had instructions to surrender the licence for the ground floor premises known as Harleys, the Board granted the above application.

(c) Applications for Personal Licence.

The Board considered the following applications:-

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

The Board decided, in the absence of the applicant, to continue consideration of this application to a future Board meeting to allow the applicant to attend.

(2)	SA/12/00186/LAPRS	Graeme Allan
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Having heard from Strathclyde Police and the applicant's representative in response, the Board granted the above application.

Variation in order of business.

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

(d) Applications for Occasional Licences.

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Victoria Lynn Stirling	Ballantrae Community Hall Main Street Ballantrae

Ballantrae Annual Christmas Dance – 07/12/12 - 7.00 p.m. to 1.00 a.m.

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

<u>Applicant</u>	<u>Premises</u>
(2) Alastair McClymont	Maybole Town Hall High Street Maybole

Charity Hogmanay Ball in aid of The Ayrshire Hospice – 31/12/12 – 7.30 p.m. to 1.00 a.m.

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

(3) Jenny Fergusson	Maybole Town Hall High Street Maybole
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The Maybole Ball – 29/12/12 – 10.00 p.m. to 2.00 a.m.

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

(e) Applications for Extended Hours.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
(1) Buzzworks Leisure Ltd.	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick

Christmas Extension – 23/12/12 – midnight to 2.30 a.m.

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

(2) Buzzworks Leisure Ltd.	Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick
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Hogmanay Party – 31/12/12 – 12.30 a.m. to 2.30 a.m.

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

(3) Buzzworks Claremont Ltd.	Treehouse 67 Sandgate Ayr
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Hogmanay Extension – 31/12/12 – 12.30 a.m. to 2.30 a.m.

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

<u>Applicant</u>	<u>Premises</u>
(4) Buzzworks Claremont Ltd.	Scotts Bar and Restaurant Troon Yacht Haven Harbour Road Troon

Hogmanay Party – 31/12/12 – 12.30 a.m. to 2.30 a.m.

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

(5) Prestwick St. Cuthberts Golf Club	Prestwick St Cuthberts Golf Club East Road Prestwick
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New Years Eve – 31/12/12 – 11.00 p.m. to 1.30 a.m.

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

(f) Review of Personal Licence Under Section 83.

The Board considered the following review:-

<u>Application Number</u>	<u>Applicant</u>
SA/11/00005/LAPRS	Joanne Livingston

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”, on 10th October 2012 Ms. Livingston had submitted a letter outlining that she had three convictions under the Social Security Act 1992 and Strathclyde Police had submitted a letter (issued to Members only) of 16th October 2012 outlining the details of the offences and, having heard from Strathclyde Police and the licence holder, the Board adjourned for consideration of this matter.

Upon reconvening, the Board decided that Ms. Livingston’s licence should be endorsed.

(g) Review of Premises Licence Under Section 38.

The Board considered the following application for review:-

<u>Licenceholder</u>	<u>Premises</u>
The Daring Gentlemen Ltd. and Jodi Holmes	Forte Bar 39 South Harbour Street Ayr

Following a request for review from a neighbour of the Forte Bar under Section 38 of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There were submitted

- (1) a report (issued) of 7th November 2012 by the Clerk to the Licensing Board advising of the background to this review and the options available to the Board;
- (2) the Premises Licence Review Application from the complainer (issued) dated 2nd November 2012 outlining the reasons for the review request;
- (3) a report from the Licensing Standards Officer (issued) dated 7th November 2012 outlining the meetings which had taken place with herself, the complainer, the previous Premises Manager and the current Premises Manager;
- (4) 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;
- (5) a letter from Strathclyde Police dated 6th November 2012 with details of visits to the premises in relation to noise complaints.

The Board then heard from the complainer in relation to the reasons for requesting the review; from the Licensing Standards Officer regarding meetings she had held with the complainer and the Premises Managers (previous and current); from the Senior Environmental Health Officer on the visits to the licensed premises and the complainer's premises; and from Strathclyde Police in relation to visits made to the premises by Officers.

The representative for the licence holder then advised

- (a) that the premises had been closed for five years and had only re-opened in May 2012, were fairly traditional premises with a mixed clientele and brought business to that part of the town once again;
- (b) that, as the premises had been closed for a number of years, any level of noise would create a disturbance for neighbours which should be borne in mind;

- (c) that the Premises Manager had received complaints from the complainer immediately after the premises had opened and steps had been taken to come to a mutual agreement, with the licence holder appointing a noise consultant and, following recommendations from the consultant, fitting a sound limiter on the juke box;
- (d) that, following the fitting of the sound limiter, a new Premises Manager had then been appointed who had met with the complainer in an attempt to resolve the situation and that Gary Martin, the previous Premises Manager was then no longer responsible for the premises;
- (e) that all of the recommendations within the consultant's report had been carried out with a timer now being fitted to the juke box whereby the juke box would not work after 11.00 p.m., which was two hours before the terminal hour and the bass had been removed from the speakers;
- (f) that this review had been requested due to two incidents when cleaning of the premises had taken place during the night, however, the staff concerned had been disciplined regarding this and cleaning in the middle of the night had now been banned;
- (g) there had been no other complaints and the current Premises Manager had taken steps to maintain the Licensing Objectives.

Having asked questions of the complainer, the licence holder's representative and the Senior Environmental Health Officer, the Board then adjourned for consideration of this matter.

Upon reconvening,

- (i) the Board decided, having considered all of the evidence heard,
 - (A) that the grounds for review had been established and that the premises licence should be varied so that;
 - (I) there should be no music on the premises;
 - (II) the televisions should be muted in line with the Licensing Objective of Preventing Public Nuisance; and
 - (III) no-one should be on the premises half an hour after closing time; and
 - (B) that the previous premises manager, Gary Martin had acted in a manner which was inconsistent with the licensing objectives, and a review of the personal licence held by him would be held in due course; and
- (ii) the Board advised the licence holder that, should further soundproofing work be carried out, an application could then be made to the Board to vary the conditions.

The meeting ended at 11.30 a.m.