

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 25th October 2012 at 10.00 a.m.

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

Apology: Councillor Peter Convery.

Attending: K. Briggs, 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 Constable C. McLean, 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, 22nd November 2012 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 20th September 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 10th October 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 Waterside, 4 South Harbour Street, Ayr; and
- (2) The Brig, 1 Main Street, Ayr.

Decided: to note the transfers granted under delegated powers.

4. Update from Licensing Standards Officer.

C. Andrew, Licensing Standards Officer

(1) advised

- (a) that since the previous Board meeting, a joint initiative between the Licensing Standards Officers, Strathclyde Police and Trading Standards Officers had taken place to promote the need to 'Challenge 25'

- (b) that Board Members would be aware that 'Challenge 25' had become a mandatory condition of the premises licence in October 2011 and that since then premises were required to request secure photographic ID (such as a passport, driving licence or Young Scot card) from anyone who appeared to be under the age of 25, when attempting to purchase alcohol;
 - (c) that the recent initiative, known as 'integrity testing' had used an 18 year old Council employee who did not live in the area as a 'customer' attempting to purchase alcohol, cigarettes and some general grocery items from twenty off-sales premises in Ayr, Maybole and Coylton and that, due to his age, the sale and purchase of alcohol and cigarettes was not illegal, however, any sales which took place without the sales person requesting ID, showed a potential flaw in the internal 'Challenge 25' policy and staff training which was highlighted to the Premises Managers in the recent follow-up visits aimed at providing information and guidance on best practice and the need to have robust systems in place which was further highlighted by the fact that the 'customer' in this instance had only turned eighteen the month before; and
 - (d) that out of the twenty premises visited, ten had refused the sale when the customer was unable to provide ID, however, ten had made the sale without any questions and in most cases apparently without much regard to the purchaser; and
- (2) outlined
- (a) the names of the ten premises which had refused the sale based on their 'Challenge 25' Policy and advised that these premises would receive a letter to confirm that the visit had taken place, if they had not already done so;
 - (b) that Challenge 25 was a mandatory condition of the Premises Licence and consequently it was very disappointing to note that there was an overall 50% failure rate in relation to requesting proof of age and an effective age verification policy and that, whilst the LSOs were not requesting any further action from the Board in relation to these premises at this stage, it should be noted that this was an indication of the need for improved practice and procedures in these premises; and
 - (c) that the benefit of this joint initiative had been the provision of information to licence holders from both Licensing, in terms of alcohol sales and Trading Standards officers, in relation to the sale of tobacco and age related products and intelligence gathering for all three agencies which might inform future work.

Decided: having outlined concerns regarding the ten premises which had failed the integrity testing, to note the report from the Licensing Standards Officer.

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

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

The Board considered the following application:-

Applicant

Blue Strand Limited

Premises

Kildonan House
Barrhill

Retail Sale of Alcohol (On Premises) – every day from 11.00 a.m. to 1.00 a.m.
Retail Sale of Alcohol (Off Premises) – every day from 11.00 a.m. to 10.00 p.m.

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

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

The Board considered the following applications:-

Applicant

(1) New City Homes Limited

Premises

Drumley Inn
76 Mauchline Road
Mossblown

Removal of existing partition at the extended kitchen area thereafter making good the walls, floor and ceiling at the dountaking. This assists the kitchen area being extended and the floor within the extended kitchen being levelled through.

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

(2) Punch Partnership Limited

Roxy Cafe Bar
1-5 Bridge Street
Girvan

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 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 12.30 a.m.	11.00 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	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 1.00 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Amend core hours for on and off sale as above.

Amend the times children and young persons are allowed entry to the premises to 11.00 a.m. to 10.00 p.m.

Allow clubs (both sporting and non-sporting) to use the premises to hold meetings.

The Board granted the above application.

Applicant

Premises

- | | |
|--------------------------|--|
| (3) Alan James Gillespie | Doonfoot Stores
96 Doonfoot Road
Ayr |
|--------------------------|--|

Change to capacity from 13m² to 18.09m² – inclusion of additional area behind till counter.

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

(c) Applications for Personal Licence.

The Board considered the following applications:-

Application Number

Applicant

- | | |
|-----------------------|------------|
| (1) SA/12/00106/LAPRS | Craig Kerr |
|-----------------------|------------|

Having heard from Strathclyde Police, the Board granted the above application.

- | | |
|-----------------------|----------------|
| (2) SA/12/00147/LAPRS | Margery Murray |
|-----------------------|----------------|

Having heard from Strathclyde Police and the applicant in response, the Board adjourned for consideration of this application.

Upon reconvening, the Board decided that this application be refused as the granting of the application would be inconsistent with the Preventing Crime and Disorder Licensing Objective.

<u>Application Number</u>	<u>Applicant</u>
(3) SA/12/00160/LAPRS	Stuart Dunning

Having heard from Strathclyde Police, the Board decided that this application be refused as the granting of the application would be inconsistent with the Preventing Crime and Disorder Licensing Objective.

(d) 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

Reference was made to the Minutes of 21st June 2012 (Page 11, paragraph 7(g)) when it had been agreed, in the absence of Mr. Saleem, to suspend his licence with immediate effect and to continue the matter to this meeting to allow Mr. Saleem to attend.

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 had 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 and Strathclyde Police had submitted a letter (issued to members only) of 24th April 2012 outlining the circumstances surrounding the offence and having heard from Strathclyde Police and in the absence of Mr. Saleem, the Board adjourned for consideration of this matter.

Upon reconvening, the Board decided that Mr. Saleem's licence should be suspended for six months with immediate effect.

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

The Board considered the following review:-

<u>Licence holder</u>	<u>Premises</u>
Tesco Stores Limited	Tesco Express 99 Main Street Prestwick
	Tesco Unit 2 84/86 Prestwick Road Ayr
	Tesco Express 42 Portland Street Troon
	Tesco Express 140-142 High Street Ayr
	Tesco Extra Whitletts Road Ayr

There was submitted a letter from Strathclyde Police (issued to members only) dated 11th September 2012 outlining that Tesco Stores Ltd. had incurred two convictions from Cardiff and the Vale of Glamorgan Magistrates Court on 15th August 2012 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 agreed to note the convictions 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>
Luxury Leisure	Nobles Amusements 202 High Street Ayr

The Board granted the above application.

The meeting ended at 10.40 a.m.