

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 18th June 2014 at 10.00 a.m.

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

Apologies: Councillors Andy Campbell and Rita Miller.

Attending: M. Douglas, Depute Clerk to the Board; 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: Inspector S. Mangan, Constable. R. Patterson and D. Hastings, Police Scotland.

1. Declarations of Interest.

There were no declarations of interest by Members of the Board in terms of the Councillors' Code of Conduct.

2. Date of Next Board Meeting.

The Chair advised that the next Board meeting would be held in the County Buildings, Wellington Square, Ayr on Thursday 21st August 2014 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meetings of South Ayrshire Licensing Board of 20th May 2014 and 5th June 2014 (Special) (issued) were submitted.

Decided: to approve the Minutes of the previous meetings.

4. Update from Licensing Standards Officer (LSO).

The Licensing Standards Officer advised

- (1) that personal licence holders had now been completing the refresher training in greater numbers and had contacted the Licensing Section to update their licence accordingly;
- (2) that currently a total of 158 licence holders were on the Licensing system and, having spoken to local training providers, Licensing were aware that courses were well attended, however, spaces were still available;
- (3) that there still appeared to be a perception among the licensed trade that there was ample time to complete the training, however, with the deadline of 1st September fast approaching, it was essential that those affected (particularly premises managers) book onto courses now; and

- (4) that it was encouraging that, following on from the Special Licensing Board of 5th June 2014, she had now met with representatives from Costley and Costley Hoteliers and, as a result of the Board highlighting its concerns and staff changes within the organisation, an individual had now been nominated as the main contact for Licensing issues and the organisation was both concerned and embarrassed at recent administrative failings with Directors assuring her that they were taking matters very seriously; and she soon would visit all premises accompanied by Greg McGarry to ensure compliance with all licensing requirements.

Decided: to thank the Licensing Standards Officer for her update.

5. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 5th June 2014 by the Clerk to the Licensing Board advising of the following determination of applications for Transfer of Licences between the last Board meeting and the present one:-

- (1) Red Lion, 9 The Cross, Prestwick – transferred to LT Management Services Limited on 16th May 2014; and
- (2) The Eagle Tavern, 3/5 The Cross, Prestwick – transferred to Ceader Limited on 23rd May 2014.

Decided: to note the transfers granted under delegated powers.

6. Licensing (Scotland) Act, 2005.

(a) Application for a Provisional Premises Licences.

The Board considered the following application:

| <u>Applicant</u> | <u>Premises</u> |
|-------------------------|----------------------------------|
| Gillian Hamilton | 18 West Portland Street Troon |

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

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that a 500m radius of the applicant premises would be the appropriate locality for consideration of this application.

The Board then heard from the applicant and, having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as applied for, subject to the licence for the Velvet Apple, 20 Portland Street, Troon being surrendered before confirmation of the Provisional licence.

(b) Application for Variation of a Premises Licence.

The Board considered the following application:

Applicant

Britannia Hotels Limited

Premises

Adamton House Hotel
Baird Road
Monkton

Existing Licensed Hours

On-Sales

Monday 10.00 a.m. to 12.30 a.m.
Tuesday 10.00 a.m. to 12.30 a.m.
Wednesday 10.00 a.m. to 12.30 a.m.
Thursday 10.00 a.m. to 12.30 a.m.
Friday 10.00 a.m. to 12.30 a.m.
Saturday 10.00 a.m. to 12.30 a.m.
Sunday 10.00 a.m. to midnight

Off-Sales

10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.

Proposed Licensing Hours

On-Sales

Monday 10.00 a.m. to 12.30 a.m.
Tuesday 10.00 a.m. to 12.30 a.m.
Wednesday 10.00 a.m. to 12.30 a.m.
Thursday 10.00 a.m. to 12.30 a.m.
Friday 10.00 a.m. to 12.30 a.m.
Saturday 10.00 a.m. to 12.30 a.m.
Sunday 10.00 a.m. to 12.30 a.m.

Off-Sales

10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.

To vary the terminal hour on Sunday to 12.30 a.m.

To add seasonal variation in accordance with the Board's policy.

Include at question 5 to vary the following activities: conference facilities, restaurant facilities, bar meals, club or other group meetings, etc., recorded music, live performances, dance facilities, indoor/outdoor sports, televised sports and outdoor drinking facilities to outwith core hours.

At question 5 to add the activity of Gaming which shall be provided during and outwith core licensed hours.

To vary the information required to explain why activities detailed in the operating plan are outwith core hours.

At question 5(f) to add the following activities: Quiz nights and Charity Events.

To vary access to children and young persons.

To add external drinking areas.

Having heard from the applicant's representative, the Board granted the above application, the hours as applied for and the Board agreed not to impose the usual local condition regarding outdoor drinking finishing at 10.00 p.m. in view of the locality.

7. **Variation in Order of Business.**

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

8. **Gambling Act 2005**

Application for Bingo Licence.

The Board considered the following application:-

Applicant

Britannia Jinky Jersey Ltd.

Premises

Adamton Country House Hotel
Baird Road
Monkton

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

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

(a) **Applications for Extended Hours.**

The Board considered the following applications:

Applicant

(1) Western House Catering Ltd.

Premises

Princess Royal Stand
Ayr Racecourse
2 Whitletts Road
Ayr

Dance Event – 28/06/14 – 12.30 a.m. to 2.30 a.m.

(2) Western House Catering Ltd.

Princess Royal Stand
Ayr Racecourse
2 Whitletts Road
Ayr

Colours Dance Event – 12/09/14 and 13/09/14 – 12.30 a.m. to 2.30 a.m.

The Board heard from the Licensing Standards Officer in relation to the above two applications and from the applicant's representative who amended the application for the event on 28/06/14 to 2.00 a.m. and the Board granted the above applications, the hours as follows:-

Dance Event – 28/06/14 – 12.30 a.m. to 2.00 a.m.

Colours Dance Event – 12/09/14 and 13/09/14 – 12.30 a.m. to 2.30 a.m.

| <u>Applicant</u> | <u>Premises</u> |
|-------------------------|---|
| (3) Crest Court Limited | Club de Mar 1-5 Arthur Street Ayr |

August Bank Holiday – 03/08/14 – 2.30 a.m. to 3.30 a.m.

The Board heard from the Licensing Standards Officer and granted the above application, the hours as applied for.

(b) Applications for Occasional Licences.

The Board considered the following applications:-

| <u>Applicant</u> | <u>Premises</u> |
|-------------------------|-----------------------------|
| (1) Kenneth McHugh | Marquee on Low Green Ayr |

Armed Forces Day – 21/06/14 – 11.00 a.m. to 6.30 p.m.

Having heard from the Licensing Standards Officer, Police Scotland and from the applicant, the Board granted the above application, the hours as applied for, subject to the condition that four appropriately licensed stewards supervise the bar area.

| | |
|-----------------------------|---|
| (3) Ayr Rugby Football Club | Marquee on Grounds of Ayr Rugby Football Club Millbrae Alloway |
|-----------------------------|---|

Joint 60th/70th Birthday Party – 26/07/14 – 6.00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer and from the applicant, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the above application, the hours as applied for, subject to the condition that the live band/music cease playing at 12.30 a.m., that a minimum of three appropriately licensed stewards supervise the bar area and that the Club liaise with Environmental Health regarding noise breakout and provide an acoustic engineer's report.

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

| <u>Applicant</u> | <u>Premises</u> |
|-------------------------|--|
| (2) Alastair McClymont | Forehill Primary School Cessnock Place Ayr |

Summer Fete – 20/06/14 – 6.30 p.m. to 9.30 p.m.

(c) **Review of Personal Licence Under Section 84.**

| | <u>Application Number</u> | <u>Applicant</u> |
|-----|----------------------------------|--------------------------|
| (1) | SA/09/00231/LAPRS | Alistair David Catterson |
| (2) | SA/09/00531/LAPRS | Lenka Hudcova |

Reference was made to the Minutes of 20th May 2014 (Page 5, paragraph 5(d)) when it had been agreed to continue consideration of these reviews to allow the Board to request the CCTV footage from the Procurator Fiscal, at which time a decision would be made on the reviews and the CCTV footage was provided.

There were submitted

- (a) reports relating to both licence holders dated 1st May 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering these reviews; and
- (b) letters relating to both licence holders dated 24th April 2014 from the Chief Constable (issued to members only) outlining the background to these reviews and the reasons for requesting the reviews.

The Board then viewed the CCTV footage and heard Police Scotland outline that their position remained the same, however, the premises licence holders concerned and the Company had been very co-operative with Police Scotland.

The applicant's representative advised

- (i) that, in his opinion, the young person in question looked over 18 years of age and acted very confidently, however, he accepted that Challenge 25 should have been implemented; and
- (ii) that all staff had now been retrained and the two licence holders who were the subject of this review had been issued with a first and final warning.

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

Upon reconvening, the Board agreed that the grounds for review had been established in both cases and the Board decided that, as the licence holders' conduct had been inconsistent with the licensing objective of 'Preventing Crime and Disorder' as the licence holders did not implement the Challenge 25 policy, the licences of Alistair David Catterson and Lenka Hudcova should be endorsed.

10. **Gambling Act 2005**

Application for Licensed Premises Gaming Machine Permit.

| <u>Applicant</u> | <u>Premises</u> | <u>No. of Machines</u> |
|---|--|-------------------------------|
| Greene King Brewing and Retailing Ltd. | Rabbies Bar 23 Burns Statue Square Ayr | Cat C - 3 Total - 3 |

The Board granted the above application.

The meeting ended at 11.45 a.m.