

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,  
on 24th April 2014 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; G. Lauder, Team Leader (Environmental Health and Trading Standards); C. Andrew, Licensing Standards Officer; and J. McClure, Committee Services Officer.

Also Attending: Chief Inspector W. Ramsay, 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 Council Chamber, Town Hall, New Bridge Street, Ayr on Tuesday, 20th May 2014 at 10.00 a.m.

### **3. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 13th March 2014 (issued) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

### **4. Update from Licensing Standards Officer (LSO).**

The Licensing Standards Officer advised

- (1) that the Licensing Team continued to raise awareness among Personal Licence Holders of the need to undertake refresher training within five years of the grant of their Personal Licence and that, despite information being delivered nationally to the licensed trade and locally with assistance from the local press; letters directly to Personal Licence Holders; and strong links with agents and training providers, the large number of individuals still to undertake refresher training remained a huge concern;
- (2) that, in South Ayrshire, this amounted to over 600 people who it was anticipated required to undertake the training by 1st September 2014 and who would require to provide the Licensing Section with the training certificate to prove that this had been undertaken by 30th November 2014 and that, of today's date, Licensing had received and updated a total of only 53 Personal Licences;
- (3) that the LSOs were currently working to remind all Personal Licence Holders of this essential requirement and they held a list of training dates available locally to assist Licence Holders; and

- (4) that, the Licensing Section was aware of a number of Personal Licence Holders who had completed the training but had not yet produced the certificate and Personal Licence for updating and wished to remind Licence Holders that this was an essential step.

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

**5. Extended Hours for Special Events.**

There was submitted a report (issued) of 10th April 2014 by the Clerk to the Licensing Board advising of forthcoming special events for which extended hours may be sought, namely:-

- (1) Football World Cup (12th June to 13th July 2014);
- (2) Commonwealth Games (23rd July to 3rd August 2014);
- (3) Scottish Independence Referendum (18th September 2014); and
- (4) Ryder Cup (26th to 28th September 2014).

**Decided:**

- (a) to agree to grant extended hours for the Football World Cup only where applications for extended hours were made; and
- (b) to instruct the Clerk to the Board to deal with the applications for extended hours during the Football World Cup as decided by the Board and to grant delegated powers to the Clerk as appropriate.

**6. Applications for Transfers Granted Under Delegated Powers.**

There was submitted a report (issued) of 10th April 2014 by the Clerk to the Licensing Board advising of the following determination of applications for Transfer of a Licence between the last Board meeting and the present one:-

- (1) Burns Tavern, 7 River Street, Ayr – licence transferred to Jessie Clark on 9th April 2014; and
- (2) Galloway Food Store, 14/18 Galloway Avenue, Ayr – licence transferred to Muhammad Malik on 10th April 2014.

**Decided:** to note the transfers granted under delegated powers.

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

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

The Board considered the following application:

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Aldi Stores Limited	33 Main Street Ayr

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 a 500m radius only North of the River Ayr would be the appropriate locality for consideration of this application.

The Board then heard from the applicant's representative and having determined that none of the grounds for refusal had been established, the Board granted the above application, the hours as applied for.

(b) **Application for Variation of a Premises Licence.**

The Board considered the following applications:

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Arif Ali Malik	Toll Mini Mart 157-159 Ayr Road Prestwick

**Existing Licensed Hours**

**On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**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 4.00 p.m.

**Proposed Licensing Hours**

**On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**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.

Amendment of terminal hour on Sundays to 10.00 p.m.  
 Increase in display capacity from 11.088 square metres to 16.19 square metres.

Having heard from the applicant's representative, the Board granted the above application, the hours as applied for.

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(2) Ayr Gaiety Partnership Limited	Ayr Gaiety Theatre Carrick Street 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 5.00 p.m. to 11.00 p.m.	N/A

Proposed Licensing 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 midnight	N/A
Saturday 11.00 a.m. to midnight	N/A
Sunday 5.00 p.m. to midnight	N/A

To allow the whole Gaiety complex to be licensed under one premises licence.

The combined capacity of the premises will be 809 persons.

At present two areas (the cafe/bar area and studio area) are licensed. Under this variation the licence would apply to the whole building including the auditorium.

Drinks will only be served in the cafe/bar and studio but could be taken from either into the main auditorium if served in a plastic glass. Glasses and bottles will not be permitted outside the two service areas of the cafe/bar and studio.

Change to the core hours.

The applicants have intimated that for specific events organised in advance, they may open beyond midnight but an extended hours application will be required for such events.

Having heard from the applicant, the Board granted the above application, the hours as applied for.

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(3) Kenny Chan	PO King Restaurant 2-6 Castle Street & 22 High Street Maybole

Additional restaurant area and waiting area for 30 additional covers and additional entrance from 22 High Street, Maybole.

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

**(c) Application Under Section 135.**

The Board considered the following application:-

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
Britannia Hotels Limited	Adamton Country House Hotel Baird Road Monkton

Having heard from the applicant's representative, the Board granted the above application to relieve failure to comply with rules and requirements and to allow the licence to be transferred to Britannia Hotels Limited subject to outstanding annual fees being paid.

**Variation in Order of Business.**

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

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

The Board considered the following applications:-

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(1) Alastair McClymont	The Lairage Shed Livestock Auction Mart Whitefordhill Ayr

The Annual County Rally Dance for the Ayrshire Association of Young Farmers Clubs – 17/05/14 – 9.00 p.m. to 1.00 a.m.

(2) Alastair McClymont	The McCandlish Hall Main Street Straiton
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21st Birthday Party – 03/05/14 – 8.00 p.m. to 1.00 a.m.

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(3) Alastair McClymont	McCosh Hall Patna Road Kirkmichael
21st Birthday Party – 12/07/14 – 8.00 p.m. to 1.00 a.m.	
(4) Alastair McClymont	The Claude Hamilton Hall 35 Hillhead Coylton

Presentation Dance for the Annual Mauchline and District YFC Car Treasure Hunt – 13/06/14 – 8.00 p.m. to 12.30 a.m.

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

Upon reconvening, the Board granted application number (1) above, the hours as applied for as an exception to policy owing to the location of the premises; and granted applications (2), (3) and (4) to midnight only in accordance with policy.

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

The Board considered the following applications:

<u><b>Applicant</b></u>	<u><b>Premises</b></u>
(1) Robert Jardine	Westcliffe Hotel 13/14 Louisa Drive Girvan

40th Girvan Folk Festival – 02/05/14 from 12.30 a.m. to 2.00 a.m.; 03/05/14 from 12.30 a.m. to 2.00 a.m. and 04/05/14 from midnight to 2.00 a.m.

The Board heard from the Licensing Standards Officer in relation to this application.

(2) Sandra Horne	Le Mirage 35a Bridge Street Girvan
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40th Girvan Folk Festival – 02/05/14 from 2.30 a.m. to 3.30 a.m.; 03/05/14 from 2.30 a.m. to 3.30 a.m.; and 04/05/14 from 2.00 a.m. to 3.00 a.m.

The Board heard from the applicant and from the Licensing Standards officer in relation to this application.

**Applicant**

**Premises**

- (3) Buzzworks Leisure Ltd.                      Elliots Terrace, Bar and Restaurant  
132 Main Street  
Prestwick

Early May Bank Holiday Weekend Party – 04/05/14 from midnight to 1.00 a.m.

- (4) Buzzworks Leisure Ltd.                      Elliots Terrace, Bar and Restaurant  
132 Main Street  
Prestwick

Spring Bank Holiday Weekend Party – 25/05/14 from midnight to 1.00 a.m.

The Board heard from the applicant and from the Licensing Standards Officer in relation to applications number (3) and (4) above.

- (5) Daleglade Limited                              Madisons  
38A Carrick Street  
Ayr

Ayr Gold Cup – 19/09/14 and 20/09/14 from 2.30 a.m. to 3.30 a.m.

The Board heard from the Licensing Standards Officer in relation to the above application.

- (6) Crest Court Ltd.                                Club de Mar  
1-5 Arthur Street  
Ayr

Bank Holiday – 04/05/14 from 2.30 a.m. to 3.30 a.m.

- (7) Crest Court Ltd.                                Club de Mar  
1-5 Arthur Street  
Ayr

Bank Holiday – 25/05/14 from 2.30 a.m. to 3.30 a.m.

The Board heard from the applicant and from the Licensing Standards Officer in relation to applications number (6) and (7) above.

The Board then adjourned to consider the above applications.

Upon reconvening, the Board granted applications number (1) to (7) above.

**Councillor Goldie left the meeting during consideration of the following matter.**

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

The Board considered the following application for review:-

**Licenceholder**

Kirsteen McConnachie

**Premises**

Central Bar  
13 New Bridge Street  
Ayr

Following a Request for Review from D. McLellan, a neighbour of the premises, alleging a breach of the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance, Protecting and Improving Public Health and Protecting Children from Harm, the Board agreed to hold a hearing in relation to these premises.

There were submitted

- (1) a report dated 10th April 2014 by the Clerk to the Board (issued) outlining the options open to the Board on considering this review;
- (2) the Premises Licence Review Application from D McLellan (issued) dated 27th February 2014, outlining the reasons for requesting the Review;
- (3) a report dated 1st April 2014 by the Licensing Standards Officer (issued) advising of previous visits she had made to the premises and the outcome of these visits;
- (4) a letter dated 31st March 2014 from the Chief Constable, Police Scotland (issued to members only) advising of all cases, complaints and representations from the period between 11th March 2013 and 11th March 2014 concerning anti-social behaviour within a 50 metre radius of the premises; and
- (5) a report dated 10th March 2014 from Environmental Health Service (issued) regarding noise activity in relation to these premises

The Board then heard from the applicant for the Review in relation to the reasons for requesting the Review as outlined within his Review Application and the Premises Licence Holder advised in response

- (a) that she had installed an air conditioning unit at considerable cost to enable doors and windows to remain closed while the karaoke was taking place to prohibit noise break-out;
- (b) that she was aware that a window was broken which could cause some noise break-out, however, Ayr Renaissance were modernising the front of the premises, again at considerable cost to herself, and the windows would be replaced at this time;



- (c) that there were toilets within her premises and it was outwith her control if a customer left her premises and urinated in the street, however, if she became aware of any customer doing this, they would then be barred from the premises; and
- (d) that, on receiving a telephone call from the applicant for the review, Police Scotland had attended the premises, however, they had found no problems within the premises.

The Premises Manager further advised

- (i) that she attended to problems within the premises as they arose, including noise problems;
- (ii) that if there was a disturbance outside the premises she would telephone Police Scotland for assistance; and
- (iii) that she found this application for review unfair,

and, following questions, the Board adjourned for consideration of this review.

Upon reconvening, the Board agreed that the grounds for review had not been established and that no action would be taken.

**Councillor Goldie rejoined the meeting at this point.**

**(h) Application for a Personal Licence.**

The Board considered the following application:-

<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
SA/14/00048/LAPRS	Arlette Alexander

Having heard an observation from Police Scotland and the applicant in response, the Board granted the above application.

The meeting ended at 12.05 p.m.