

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 12th January 2017 at 10.00 a.m.

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

Apologies: Councillors Mary Kilpatrick and Rita Miller

Attending: M. Douglas, Depute Clerk to the Board; J. McClure, Committee Services Lead Officer; and Chief Inspector G. l'Anson and Sergeant G. Griffiths, 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 Hall, County Buildings, Ayr on Thursday, 9th February 2017 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 24th November 2016 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 21st December 2016 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of Licences between the last Board meeting and the present one:-

- (1) Willie Wastles, 30 New Bridge Street, Ayr – transferred to Andrea Sargent on 11th November 2016;
- (2) Latte Da, 35-37 Beresford Terrace, Ayr – transferred to Paul Davidson on 16th November 2016;
- (3) 16 West Portland Street, Troon – transferred to Mahar Nasir on 2nd December 2016; and
- (4) Christina's Bar, 39 Mill Street, Ayr – transferred to Christina's Bistro Limited on 13th December 2016.

Decided: to note the transfers granted under delegated powers.

5. Update from Licensing Standards Officer.

The Board noted that there was no update report at present.

6. Letters from South Ayrshire Licensing Forum.

There were submitted two letters (issued) from the Chair of the Local Licensing Forum, on behalf of the Forum outlining

- (1) the Forum's concerns at the Board's deviation from its policy on permitting a Golf Club to sell alcohol from 8.00 a.m. for a Tournament when the Board's policy generally did not permit licensed hours prior to 10.00 a.m.; and
- (2) the Forum's pleasure of the Board's refusal of an Occasional Licence for children to access a tented venue with comedy entertainment and no food at a high profile local event.

Decided: having heard the Chair advise that a new Statement of Licensing Policy would be implemented following the Local Government Election on 4th May 2017 and that the Forum's comments would be taken on board when implementing this Policy, it was agreed to note the Forum's comments.

7. Online Alcohol Sales.

There was submitted a letter from Alcohol Focus Scotland (issued) highlighting its concerns regarding online alcohol sales and the ability of the local licensing system to respond to these and a further letter (issued) from Alcohol Focus Scotland to the Cabinet Secretary for Justice requesting that solutions be found for Licensing Boards receiving applications from online retailers.

Decided: to note the comments of Alcohol Focus Scotland.

8. Licensing (Scotland) Act, 2005.

(a) Premises Licence Reviews – Non-Payment of Annual Fees.

There was submitted a report (issued) of 21st December 2016 by the Clerk to the Licensing Board advising that all premises had been due to pay their annual fee on 1st October 2016 as payment of the annual fee was a mandatory condition of the Premises Licence; and that a number of premises had failed to pay their annual fees despite reminders in the form of a Section 14(2)(a) Notice being issued by the Licensing Standards Officer requiring compliance with these regulations.

Decided:- having heard the Depute Clerk advise that none of these premises were currently trading; and that, as the conditions of the premises licences of the following premises had been breached, to suspend the following licences with immediate effect and to grant delegated powers to the Clerk to the Board to reinstate the licences on payment of the annual fee:-

- (1) New City Homes Limited for Drumley Inn, 76 Mauchline Road, Mossblown;
- (2) River Cottage Bar and Restaurant Ltd for River Cottage, 4 River Terrace, Ayr;
- (3) Passion Restaurants (Scotland) Limited for Adairs, Units 29 and 32 Queens Court, Sandgate, Ayr;
- (4) Ayr Quay Limited, Quay West, 33-35 South Harbour Street, Ayr;
- (5) Ayr Town Lodge Limited for Ayr Town Lodge, 9-11 Barns Street, Ayr; and
- (6) Catherine Munro for Welltrees Inn, 9-11 Welltrees Street, Maybole.

(b) Application for Occasional Licence.

The Board considered the following application:-

Applicant

Nan Li

Premises

Blairquhan Castle
Maybole

Wedding – 17/03/17 and 18/03/17

17/03/17 - 5.00 p.m. to midnight
18/03/17 – 2.00 p.m. to 1.00 a.m.

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

(c) Application for Personal Licence.

The Board considered the following application:-

Application Number

SA/16/00203/LAPRS

Applicant

Stuart Wallace Alston

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

(d) Variation in Order of Business.

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

(e) Application for Occasional Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Danny Stirling	Troon Concert Hall South Beach Ayr Street Troon

Seaside Ska 3 – 11/02/17 – 6.00 p.m. to 11.45 p.m.

Having heard from the Depute Clerk to the Board and from the applicant's representative and following questions from Board Members, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the above application on condition that all children of 17 years and under should be restricted to the balcony area.

(f) Premises Licence Review Under Section 36.

The Board considered the following application for review:-

<u>Licence Holder</u>	<u>Premises</u>
Helen Margaret Imrie	The Victory Bar 26 South Park Avenue Girvan

Following a request for Review from the Licensing Standards officer under Section 36 of the Licensing (Scotland) Act 2005, the Board held a hearing under Section 38 in relation to these premises.

There were submitted

- (1) a report (issued) of 20th December 2016 from the Clerk to the Board outlining the options open to the Board;
- (2) a report (issued to members only) of 16th December 2016 by the Licensing Standards Officer requesting a review of the premises licence in respect of the premises known as The Victory Bar, 26 South Park Avenue, Girvan, as, in terms of Section 14(2)(a) of the Act, there had been non-compliance with a notice issued following the Mandatory Conditions of the Premises Licence not being complied with; and an updated report from the Licensing Standards Officer (issued to members only) dated 10th January 2017 containing further information; and
- (3) copies of correspondence between the Licensing Standards Officer and the Licence Holder (issued to members only).

After hearing the Depute Clerk to the Board outline the circumstances which led to the review request, having considered the Licensing Standards Officer's report and having heard from the Licence holder and her representative, the Board adjourned for consideration of this request for review.

Upon reconvening, the Board

Decided:

- (a) that the grounds for review had been established and to suspend the premises licence with immediate effect for four weeks;
- (b) that the Board required the Premises Licence Holder to:-
 - (i) appoint a Manager who held a Personal Licence;
 - (ii) prepare staff training records for all staff working on the premises, either a training record signed by the Personal Licence Holder or evidence that the staff member had undertaken the appropriate training course;
 - (iii) display the Premises Licence;
 - (iv) display the Children's Notice; and
 - (v) display the Challenge 25 Policy; and
- (c) that, should the Licence Holder comply with these requirements, she could then reapply to the Board to have the Premises Licence reinstated.

Thereafter, the licence holder was reminded that even after the four week suspension was over, the premises could still not re-open until such time as a Premises Manager had been appointed.

(g) Personal Licence Review Request.

The Board noted that Police Scotland had withdrawn the request for review for the following Licence Holder at this time:-

<u>Application Number</u>	<u>Name</u>
SA/11/00166/LAPRS	Andrea Domigan

The meeting ended at 11.05 a.m.