

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 23rd November 2017 at 10.00 a.m.

Present: Councillors Craig Mackay (Chair), Laura Brennan-Whitefield, Douglas Campbell, Ian Fitzsimmons, Lee Lyons, Bob Pollock and Margaret Toner.

Apologies: Councillors Siobhian Brown and Andy Campbell.

Attending: M. Douglas, Depute Clerk to the Board; G. Lauder, Team Leader (Trading Standards and Environmental Health); C. Andrew, Licensing Standards Officer; and J. McClure, Committee Services Lead Officer; and Chief Inspector G. l'Anson and Constable E. McArthur, 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, 11th January 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 26th October 2017 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Chief Constable's Report.

There was submitted the Chief Constable's annual report (issued) outlining the activity undertaken by Police Scotland over the twelve month period from 1st April 2016 to 31st March 2017; and outlining how the Police services would be delivered over the following twelve months.

Having heard an update from Chief Inspector l'Anson on the key aspects of the annual report and following questions from Members, the Board

Decided: to thank the Chief Inspector l'Anson for his interesting and informative report.

5. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 9th November 2017 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) Harry's Bar, 13 Beresford Terrace, Ayr – transferred to Shanter Inns Limited on 31st October 2017;
- (2) West of the Moon, 11-13 Arthur Street, Ayr – transferred to Daidalus Properties Limited on 7th November 2017; and
- (3) 106 Dalrymple Street, Girvan – transferred to McColls Limited on 7th November 2017.

Decided: to note the transfers granted under delegated powers.

6. Statement of Licensing Policy.

There was submitted a report (issued) of 8th November 2017 by the Clerk to the Licensing Board advising that the Licensing Policy Statement required to be reviewed by November 2018 and seeking approval to arrange an initial meeting with interested parties to garner views on this forthcoming review.

Decided: to approve the establishing of a meeting with interested parties to garner views on the Board's forthcoming review of Licensing Policy.

7. Revocation of Personal Licences.

There was submitted a report (issued) of 9th November 2017 by the Clerk to the Licensing Board advising of the revocation of personal licences.

Decided: to note the 38 personal licences revoked as outlined in Appendix 1 of the report.

8. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that, at this time of year, most on-sales premises were keen to increase their trading hours to take advantage of festive celebrations, office parties and holidays and that each individual premises' Operating Plan had a section for Seasonal Variations with the majority of premises automatically granted an additional hour's trading from 1st December to 2nd January as this formed part of the Board's Festive Policy;
- (2) that the few premises which did not have the additional hour could apply for Extended Hours which could be granted under delegated powers, provided the hours did not take the trading hours beyond 2.30 a.m.;

- (3) that, due to Christmas and New Year falling on a Monday in 2017/18, some premises may have earlier terminal hours on these days and, therefore, even with the additional hour granted under the Festive Policy, these premises are requesting additional hours;
- (4) that, in these cases, premises were seeking an extension to the festive extension that had already been granted to them, e.g. if a premises is permitted to trade until midnight on a Sunday to Thursday and 2.00 a.m. on a Friday and Saturday and the festive extension was built into the Operating Plan, the premises would be permitted to trade until 1.00 a.m. on Sunday to Thursday and 3.00 a.m. on a Friday and Saturday;
- (5) that, as this Hogmanay was on a Sunday, premises would only be able to trade until 1.00 a.m., however, last year Hogmanay had been on a Saturday so the premises would automatically have been permitted to a 3.00 a.m. terminal hour;
- (6) that she was encouraging staff to be clear on the opening hours of their premises throughout the month of December and to contact her if they had any queries on this matter;
- (7) that, since the last Board meeting, she had been visiting off-sales premises, particularly supermarkets, to check that alcohol displays were within the permitted area as, in a large number of cases, she had found that whilst the alcohol was not incorrectly displayed, other grocery items had been, as they had been placed within the area reserved for alcohol or soft drinks;
- (8) that, whilst it may seem trivial to instruct that the gift bags, corkscrews, peanuts and crisps be moved out of the alcohol display area as it would seem common sense to have these items displayed together, it in fact demonstrated the reason this rule existed – to ensure that alcohol was not just seen as another grocery item; and
- (9) that she was pleased to report that she had received little resistance to her request to have these items moved, however, it was disappointing and surprising that, with the legislation having now been in force for eight years and with staff training a mandatory requirement, these mistakes continued to be made.

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

9. Occasional Licences for Hogmanay.

There was submitted a report (issued) of 9th November 2017 by the Clerk to the Licensing Board seeking approval to grant occasional licences beyond Midnight on Hogmanay.

Decided: having noted the report,

- (1) to instruct the Clerk to the Licensing Board to deal with applications for occasional licences for Hogmanay and to grant delegated powers to the Clerk to grant applications for the night of Hogmanay until 1.00 a.m. on 1st January 2018 notwithstanding that this was outwith Board policy; and
- (2) to consider amending the Scheme of Delegation to include similar provisions for Hogmanay when reviewing the Statement of Licensing Policy.

10. Licences Surrendered.

There was submitted a report (issued) outlining the following licences which had been surrendered and ceased to have effect:-

- (1) Mrs. Sukhvinder Kaur, 42 Sandgate, Ayr – licence surrendered on 23th October 2017; and
- (2) Mr Muhammad Sajjad Malik, 136 Main Street, Prestwick – premises now a gents hairdresser.

Decided: to note the licence surrendered and the licence ceasing to have effect.

11. Licensing (Scotland) Act, 2005.

(a) Application for Provisional Premises Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
The MacPherson Family Partnership (2017)	The Growler 2 Beresford Terrace Ayr

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.

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 Licence.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Austin's Restaurant Limited	Austin's Restaurant 57 Knockcushan Street Girvan

Existing Licensed Hours

On-Sales

Monday	11.30 a.m. to 11.00 p.m.
Tuesday	11.30 a.m. to 11.00 p.m.
Wednesday	11.30 a.m. to 11.00 p.m.
Thursday	11.30 a.m. to 11.00 p.m.
Friday	11.30 a.m. to 11.00 p.m.
Saturday	11.30 a.m. to 11.00 p.m.
Sunday	12.30 a.m. to 11.00 p.m.

Off-Sales

N/A
N/A
N/A
N/A
N/A
N/A
N/A

Proposed Licensing Hours

On-Sales

Monday 11.00 a.m. to 12.30 a.m.
Tuesday 11.00 a.m. to 12.30 a.m.
Wednesday 11.00 a.m. to 12.30 a.m.
Thursday 11.00 a.m. to 12.30 a.m.
Friday 11.00 a.m. to 12.30 a.m.
Saturday 11.00 a.m. to 12.30 a.m.
Sunday 11.00 a.m. to 12.30 a.m.

Off-Sales

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

Add off sales
Amend existing on sales
Add seasonal variations
Add restaurant facilities, receptions, club meetings, recorded music outwith core hours to accommodate early opening for breakfasts, funerals, meetings, etc.
Add live performances for theme nights.
Change to children's statement to allow 14 years plus to be on premises unaccompanied.

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

Applicant

Premises

(2) Buzzworks Inns Limited

Treehouse
67 Sandgate
Ayr

Amend Operating Plan to include Films
Amend Operating Plan to say "premises will be open from 8.00 a.m. for the service of breakfasts"
Layout is extended to take part of adjacent former shop premises at 2 Boswell Park, Ayr to create new and extended female toilet accommodation and storage
Increase capacity from 190 persons to 192 persons

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

(c) Applications for Occasional Licences.

The Board considered the following applications:-

Applicant

Premises

(1) Barry Scott Thomson

40-42 Waggon Road
Ayr
KA8 8BA

Live Performance by Mark Sherry – 27/12/17 – 8.00 p.m. to 1.30 a.m.

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

	<u>Applicant</u>	<u>Premises</u>
(2)	Emma Fergusson	Maybole Town Hall High Street Maybole
	The Maybole Ball – 29/12/17 – 10.00 p.m. to 2.00 a.m.	
	Having heard from the Licensing Standards Officer, the Board granted the above application.	
(3)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 02/12/17 – 6.00 p.m. to midnight.	
(4)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 08/12/17 – 6.00 p.m. to midnight.	
(5)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 09/12/17 – 6.00 p.m. to midnight.	
(6)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 15/12/17 – 6.00 p.m. to midnight.	
(7)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 16/12/17 – 6.00 p.m. to midnight.	
(8)	Fiona Trousdale	Marquee Enterkine House Annbank
	Christmas Party Night - 22/12/17 – 6.00 p.m. to midnight.	
(9)	Fiona Trousdale	Marquee Enterkine House Annbank
	Family Christmas Ceilidh - 28/12/17 – 6.00 p.m. to 11.00 p.m.	

The Board heard from the applicant's representative who withdrew applications (3) and (8) above.

Having then heard further from the applicant's representative, from the Environmental Health Team Leader and from an objector and following questions from Board Members, the Board adjourned for consideration of these applications.

Upon reconvening, the Board granted the above applications (4), (5), (6), (7), (9) and (10) subject to:-

- (a) prior to 8th December 2017, the licence holder must instruct an independent noise consultant to carry out testing with a live band and set a noise limiter to the volume and tone controls of any amplified music system(s) in such a way that the sound level emanating from the amplified music system(s) shall not cause nuisance within the nearest noise sensitive dwelling house or building and shall be inaudible in the nearest noise sensitive dwelling house or building after 11.00 p.m.;
- (b) the licence holder must be present on the premises at all times; and
- (c) the licence holder must ensure that no live amplified entertainment, or use of a public address system, is allowed in the marquee after 11.00 p.m.

(d) Applications for Extended Hours.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Charlene Irvine	Flix Fun Bar 35 Bridge Street Girvan
Festive Period – 24/12/17, 25/12/17, 26/12/17, 28/12/17, 31/12/17 and 01/01/18 – Monday, Tuesday and Thursday from 1.30 a.m. to 3.30 a.m. and Sunday from 3.00 a.m. to 3.30 a.m.	
Having heard from the Licensing Standards Officer and from the applicant, the Board granted the above application, with the exception of the application for 28/12/17 which was refused.	
(2) Shanter Inns Ltd.	Tam O'Shanter Inn 230 High Street Ayr
Festive Period – 24/12/17 and 31/12/17 – 1.00 a.m. to 2.30 a.m.	

Applicant

Premises

- (3) Shanter Inns Ltd. Market Inn
2 Castlehill Road
Ayr

Festive Period – 24/12/17 and 31/12/17 – 1.00 a.m. to 2.30 a.m.

Having heard from the Licensing Standards Officer in relation to applications (2) and (3) above, the Board granted these applications.

- (4) Signature Pubs Ltd. The Wick
36 Main Street
Prestwick

Festive Period – 24/12/17 and 31/12/17 – 1.00 a.m. to 2.30 a.m.

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

- (5) Buzzworks Hospitality Limited Lido
11-17 West Portland Street
Troon

Hogmanay – 31/12/17 – 1.00 a.m. to 2.00 a.m.

- (6) Buzzworks Hospitality Limited Scotts Bar and Restaurant
Troon

Hogmanay – 31/12/17 – 1.00 a.m. to 2.00 a.m.

- (7) Buzzworks Hospitality Limited Treehouse
67 Sandgate
Ayr

Hogmanay – 31/12/17 – 1.00 a.m. to 2.00 a.m.

Having heard from the Licensing Standards Officer and from the applicant's representative in relation to applications (5), (6) and (7) above, the Board granted these applications.

- (8) Cambusdoon Sports Club Cambusdoon Sports Club
2 Burns Wicket
Alloway

Christmas/New Year Holidays – 15/12/17 to 01/01/18 – Sunday to Thursday 11.00 p.m. to midnight; Friday and Saturday 12.30 a.m. to 1.30 a.m.; 31/12/17 11.00 p.m. to 1.30 a.m.

Having heard from the Licensing Standards Officer and the representative for the applicants, the Board granted the above application.

(e) **Premises Licence Review Request.**

The Board considered the following application for review:-

<u>Licence Holder</u>	<u>Premises</u>
Arif Ali Malik	Nicedays 63 High Street Maybole

Following a request for Review from the Licensing Standards officer under Section 36(4)(a) and (b) 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 to members only) of 6th November 2017 from the Clerk to the Board outlining the options open to the Board;
- (2) a report (issued to members only) of 6th October 2017 by the Licensing Standards Officer requesting a review of the premises licence in respect of the premises known as Nicedays, 63 High Street, Maybole as, in terms of Section 14(2)(a) of the Act, there had been a breach of the Mandatory Conditions of the Premises Licence, the matters had not been dealt with to the satisfaction of the officer, namely the display of Licence and Mandatory Notice and the training of staff; and
- (3) copies of correspondence between the Licensing Standards Officer and the Licence Holder (issued to members only).

Having heard from the Licensing Standards Officer in relation to the reason for requesting the review and having heard the licence holder's representative advise of the actions carried out since this review had been requested and that the licence holder would voluntarily retake the SCPLH course, 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 that the premises be issued with a written warning; and
- (b) to recommend to the Premises Licence Holder that a personal licence holder be present on the premises at all times.

The meeting ended at 12.15 p.m.