

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 11th January 2018 at 10.00 a.m.

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

Attending: M. Douglas, Depute Clerk to the Board; K. Briggs, Depute Clerk to the Board; 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, 8th February 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 23rd November 2017 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Consultation on Minimum Pricing.

There was submitted a report (issued) of 21st December 2017 by the Clerk to the Licensing Board advising of a consultation being carried out by the Scottish Government on minimum pricing.

Decided: to request the Clerk to the Licensing Board to submit a response to the consultation advising that South Ayrshire Licensing Board supported the proposed introduction of the minimum price of 50 pence per unit.

5. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 21st December 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) The Greenside, 5 Greenside, Maybole – transferred to Francis Wilkie on 16th November 2017;

- (2) Club de Mar, 1-5 Arthur Street, Ayr – transferred to Ultimate Leisure (Scotland) Limited on 4th December 2017; and
- (3) 47 Burns Statue Square, Ayr – transferred to U Ani Ltd. on 14th December 2017.

Decided: to note the transfers granted under delegated powers.

6. Revocation of Personal Licences.

There was submitted a report (issued) of 21st December 2017 by the Clerk to the Licensing Board advising of the revocation of personal licences.

Decided: to note the 37 personal licences revoked as outlined in Appendix 1 of the report.

7. Update from Licensing Standards Officer.

The Licensing Standards Officer advised that, over the festive period premises had operated well and there had been very few complaints, all of which had now been dealt with.

Decided: to note the update from the Licensing Standards Officer.

8. Licensing (Scotland) Act, 2005.

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

There was submitted a report (issued) of 21st December 2017 by the Clerk to the Licensing Board advising that all premises had been due to pay their annual fee on 1st October 2017 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:-

- (1) having heard the Depute Clerk advise that none of the following premises were currently trading; and that, as the conditions of the premises licences of these 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:-
 - (a) La Luce Limited, Unit 2, 6 Cumbrae Drive, Ayr;
 - (b) Fiona Piper, Manor Park Hotel, 48 Kilmarnock Road, Monkton;
 - (c) Black Cat Enterprise (Scotland) Limited, Craft and Harbour, 111-113 Main Street, Ayr;
 - (d) Babar Hussain, The Village Store, 2 Kennedy Drive, Dunure;

- (e) Firm of the Plough Inn, Plough Inn, 10 Cunningham Street, Tarbolton; and
 - (f) Ross McRoberts, Ocean Stores, Churchill Tower, South Harbour Street, Ayr; and
- (2) to note that payment of the annual fee had now been received from James Dunlop, The Carrick, 15 Whitehall, Maybole and to take no further action in relation to this matter.

(b) Application for Provisional Premises Licence.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Ayrshire College	Training Restaurant Ayrshire College Dam Park Ayr
	Retail Sale of Alcohol (On Premises) – Monday 11.00 a.m. to 6.00 p.m. Tuesday 11.00 a.m. to 10.00 p.m. Wednesday 11.00 a.m. to 6.00 p.m. Thursday 11.00 a.m. to 10.00 p.m. Friday 11.00 a.m. to 6.00 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 500m 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.

(2) Seasons Holidays Plc.	Brunston Castle Brunston Avenue Dailly
	Retail Sale of Alcohol (On Premises) – Every Day 11.00 a.m. to 11.00 p.m. Retail Sale of Alcohol (Off Premises) – Every Day 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's representative) that the village of Dailly would be the appropriate locality for consideration of this application.

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

(c) **Application for Variation of Premises Licence.**

The Board considered the following application:

Applicant

Martin McColl Limited

Premises

2/4 Westwood Avenue
Ayr

Change internal layout of premises.
Increase capacity from 14.52m² to 25.54m²
Change operating plan to show premise will operate as a convenience store trading other products such as grocery, cold drinks, snacks, household goods and other items during and outwith the core hours.

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

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

The Board considered the following applications:-

Applicant

(1) Nan Li

Premises

Blairquan Castle
Straiton
Maybole

Wedding – 10/02/18 – 1.00 p.m. to 1.00 a.m.

(2) Nan Li

Blairquan Castle
Straiton
Maybole

Wedding – 08/03/18 to 10/03/18
08/03/18 – 6.00 p.m. to 11.00 p.m.
09/03/18 – 5.00 p.m. to 11.00 p.m.
10/03/18 – 1.00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer, the Board granted applications (1) and (2) above.

(3) Alastair McClymont

The Silage Shed
Carcluie Farm
Dalrymple

21st Birthday Party – 04/05/18 – 8.00 p.m. to 1.00 a.m.

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

(e) **Request for Review of Personal Licence Under Section 84.**

Licenceholder

Licence Number

Andrea Domigan

SA/11/00166/LAPRS

Following a Request for Review from Police Scotland under Section 84A(1) of the Licensing (Scotland) Act 2005 dated 13th December 2017 (issued to members only) advising the Board of the Personal Licence Holder, Andrea Domigan, acting in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of the Act, namely 'Preventing Crime and Disorder' and 'Security Public Safety', there was submitted a report by the Clerk to the Licensing Board dated 13th December 2017 (issued to members only) outlining the options open to the Board.

Having heard from Police Scotland in relation to the incident in question and having viewed CCTV from the incident the Board then heard from the Personal Licence Holder.

The Board then determined that the grounds for Review had been established and agreed that the Personal Licence held by Andrea Domigan be revoked.

The meeting ended at 11.00 a.m.