

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 13th September 2018 at 10.00 a.m.

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

Apology: Councillor Laura Brennan-Whitefield.

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.

Also Attending: Inspector J. Hamilton and Sergeant D. Dougan, Police Scotland.

1. Declarations of Interest.

In terms of the Councillors' Code of Conduct, Councillor Andy Campbell declared an interest in item 8(c) of this Minute as the licence holders were known to him and advised that he would leave the room during consideration of this item.

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, 25th October 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 16th August 2018 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 30th August 2018 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) Matha Dickies, 20 Smith Street, Ayr – transferred to B & E Inns Limited on 9th August 2018; and
- (2) Drinks Cellar, 54 Main Street, Ayr – transferred to Afshan Munir on 28th August 2018.

Decided: to note the transfers granted under delegated powers.

5. Revocation of Personal Licences.

There was submitted a report (issued) of 30th August 2018 by the Clerk to the Licensing Board advising of the revocation of personal licences.

Decided: to note the seventeen licences revoked under delegated powers since the last report to the Board.

6. Premises Licences Surrendered.

There was submitted a report (issued) by the Clerk to the Licensing Board advising of one Premises Licence Surrendered recently.

Decided: to note the following licence was surrendered on 20th August 2018:-

<u>Licence Holder</u>	<u>Premises</u>
Irene Christina King	Royal Hotel 57 King Street Crosshill

7. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that the third training session for licence holders had taken place on 5th September 2018 in the County Hall which had provided updates and guidance to the sixty two attendees; and that feedback on this session had been very positive;
- (2) that this session had been the final training session and she would now be focusing on compliance and any breaches of licences; and
- (3) that any non-compliance matters would be reported back to the Board for its consideration.

The Board thanked the Licensing Standards Officer for her update.

8. Licensing (Scotland) Act, 2005.

(a) Applications for Variation of Premises Licence.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Buzzworks Inns Limited	Treehouse 67 Sandgate Ayr

Existing Licensed 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	noon to 2.30 a.m.
Saturday	noon to 2.30 a.m.
Sunday	11.00 a.m. to midnight

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

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 1.00 a.m.
Friday	noon to 2.30 a.m.
Saturday	noon to 2.30 a.m.
Sunday	11.00 a.m. to midnight

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

Amend core times when alcohol will be sold for consumption on the premises on Thursdays as follows: delete existing terminal hour of 12.30 a.m. and replace with 1.00 a.m.

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

<u>Applicant</u>	<u>Premises</u>
(2) Wm Morrison Supermarkets Plc.	Morrisons Cattle Market Castlehill Road Ayr

Question 5(f) of the Operating Plan to be amended as follows:

The sale of food, non-food items and other household goods and the provision of ancillary consumer services outwith licensed hours.

The premises licence holder may offer occasional free samples/tastings of alcohol products to its customers over 18 within the alcohol display area during licensed hours.

(3) Wm Morrison Supermarkets Plc.	Morrisons Dukes Road Troon
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Question 5(a) of the Operating Plan to be amended to reflect the fact that these premises feature a customer café and that restaurant facilities are provided and will be provided both during and outwith licensed hours.

Question 5(f) of the Operating Plan to be amended as follows:-

The sale of food, non-food items and other household goods and the provision of ancillary consumer services outwith licensed hours.

The premises licence holder may offer occasional free samples/tastings of alcohol products to its customers over 18 within the alcohol display area during licensed hours.

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

(b) Applications for Extended Hours.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Sprig Limited	Furys 154 High Street Nile Court Ayr
	Ayr Races Gold Cup Festival – 20/09/18 – 2.30 a.m. to 3.30 a.m.
(2) Sprig Limited	Furys 154 High Street Nile Court Ayr
	Ayr Races Gold Cup Festival – 21/09/18 – 2.30 a.m. to 3.30 a.m.

Applicant

Premises

(3) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Ayr Races Gold Cup Festival – 22/09/18 – 2.30 a.m. to 3.30 a.m.

(4) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

September Weekend Holiday – Guest DJ - 23/09/18 – 2.30 a.m. to 3.30 a.m.

(5) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Guest DJ – MTV Night – 04/10/18 - 2.30 a.m. to 3.30 a.m.

Having heard from the applicant's representative and from the Licensing Standards Officer, the Board granted the above applications (1) to (5).

(6) Ultimate Leisure (Scotland) Limited

Vinyl Nightclub
1-5 Arthur Street
Ayr

Ayr Races Gold Cup Festival – 22/09/18 – 2.30 a.m. to 3.30 a.m.

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

(7) Christopher Stanley Morrison

Cheeky Charlies
47 Templehill
Troon

Ayr Gold Cup Racing Weekend – 21/09/18 to 22/09/18 – 2.30 a.m. to 3.30 a.m.

(8) Christopher Stanley Morrison

Cheeky Charlies
47 Templehill
Troon

Annual Real Ale Festival – 04/10/18 to 06/10/18 – 2.30 a.m. to 3.30 a.m.

(9) Christopher Stanley Morrison

Cheeky Charlies
47 Templehill
Troon

Annual Winterstorm Classic Rock Weekender Music Festival – 23/11/18 and 24/11/18 – 2.30- a.m. to 3.30 a.m.

Having heard from the applicant and from the Licensing Standards Officer, the Board granted applications (7), (8) and (9) above.

Having previously declared an interest in this item, Councillor Andy Campbell left the room during consideration of this matter.

(c) Premises Licence Review Request.

The Board considered the following application for review:-

<u>Licence Holder</u>	<u>Premises</u>
James Dunlop	The Carrick 15 Whitehall 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 30th August 2018 from the Clerk to the Board outlining the options open to the Board;
- (2) a report (issued to members only) of 30th July 2018 by the Licensing Standards Officer requesting a review of the premises licence in respect of the premises known as The Carrick, 15 Whitehall, 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 use of the area to the rear of the premises being used by patrons for outside drinking despite a notice prohibiting this; and
- (3) copies of correspondence including a letter of objection to the application considered by the Licensing Board at its meeting of 15th September 2016; an excerpt from the minutes of the Licensing Board of 15th September 2016; the Statement of Reasons regarding the decision of the Licensing Board; a letter dated 8th June 2018 from the Licensing Standards Officer (LSO) to the Licence Holder; a copy of the Section 14(2)(a) Notice issued by the LSO; a letter dated 16th August 2018 from Police Scotland to the Clerk to the Board; a letter dated 29th August 2018 from the Service Lead – Trading Standards and Environmental Health to the Depute Clerk to the Board; and photographs of the rear of the premises showing patrons drinking outside (issued to members only).

Having heard from the Licensing Standards Officer in relation to the reasons for requesting the review, from Police Scotland and from the Environmental Health Service; and having heard the licence holder in response, the Board asked questions then adjourned for consideration of this request for review.

Upon reconvening, the Board, having expressed its concerns at the lack of monitoring of the premises,

Decided:

- (a) that the grounds for review had been established and that, in addition to the licence holder having failed to take the action specified in the notice served by the Licensing Standards Officer, the actions of the licence holder had been inconsistent with the licensing objectives of preventing crime and disorder and preventing public nuisance;
- (b) that the premises should continue to be monitored by the Licensing Standards Officer and the Environmental Health Service;
- (c) that any future infringements would be viewed negatively by the Board and could lead to a possible Review of Mr. and Mrs. Dunlop's Personal Licences;
- (d) that the premises licence should be varied as follows:-
 - (i) the outside drinking area should be removed;
 - (ii) the back doors to the premises should be continually monitored to ensure the doors remained closed;
 - (iii) there should be no live music or karaoke on the premises;
 - (iv) the volume of music from DJs should be kept to an acceptable level; and
 - (v) an SIA approved steward should be on the premises every Friday and Saturday from 10.00 p.m. until close, commencing Friday, 28th September 2018; and
- (e) that the licence holder could apply for a variation of these conditions in due course if the premises were operating to the satisfaction of the Licensing Standards Officer and the Environmental Health Service.

9. Gambling Act 2005.

Betting Office Premises Surrendered.

The Board noted that the following betting office premises licence had been surrendered:-

<u>Licence Holder</u>	<u>Premises</u>	<u>Date Surrendered</u>
Coral	5 South Harbour Street Ayr	14/08/18

The meeting ended at 11.25 a.m.