

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 14th June 2018 at 10.00 a.m.

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

Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Sergeant D. Dougan and Constable A. Kerr, 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 to consider applications would be held in the County Hall, County Buildings, Ayr on Thursday, 16th August 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 17th May 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 31st May 2018 by the Depute Clerk to the Licensing Board advising of the following determination of an application for the Transfer of a Licence between the last Board meeting and the present one:-

- (1) Anchorage Hotel, Templehill, Troon; and
- (2) Priya Authentic Indian Kitchen, 6 Cumbrae Drive, Ayr.

Decided: to note the transfers granted under delegated powers.

5. Variation in the Order of Business.

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

6. Annual Functions and Financial Reports.

There was submitted a report (issued) of 31st May 2018 by the Depute Clerk to the Board advising of the requirement for an annual functions report as well as a financial report imposed by changes to the Licensing (Scotland) Act 2005 with the commencement of Section 56 of the Air Weapons and Licensing Act 2015.

Decided: having thanked the Depute Clerk to the Board for her comprehensive report,

- (1) to approve the annual functions and financial report as set out in Appendix 1 to the report; and
- (2) to request that the Depute Clerk to the Board seek further clarification from the Scottish Government on the requirements of the report.

7. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that she was continuing to monitor off-sales premises to ensure that minimum pricing was being adhered to and was still offering advice to licence holders;
- (2) that a second staff training course had been arranged for 4th July 2018 in the County Hall which was free to licensed trade staff; and
- (3) that a good response had been received to attend this course and that she would report back to the Board following the Summer recess on the success of the course.

Decided: having thanked the Licensing Standards Officer for her ongoing work on these matters, to note her report.

8. Licensing (Scotland) Act, 2005.

(a) Application for Variation of Premises Licence.

The Board considered the following application:

Applicant

Daedalus Properties Limited

Premises

Arthur Street Kitchen
11-13 Arthur Street
Ayr

Add seasonal variations, conference facilities, restaurant facilities and gaming.
Premises open from 8.30 a.m. for various activities (core hours remain unchanged).
More customers seated than standing.
Change to young persons statement to allow children aged 0-14 to be allowed entry if accompanied by an adult while having a meal or attending a function.
Young persons 15-17 to be allowed entry unaccompanied for a meal or snack.
Children and young persons to be permitted entry until 9.30 p.m. for a meal or snack.
Children and young persons attending a function to be permitted to stay to the end of the function.

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

(b) Applications for Occasional Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Nan Li	Blairquhan Castle Maybole
Wedding – 03/08/18, 04/08/18 and 05/08/18 – 03/08/18 – 4.00 p.m. to 11.00 p.m. 04/08/18 – noon to 1.00 a.m. 05/08/18 – 10.00 a.m. to 5.00 p.m.	
(2) Nan Li	Blairquhan Castle Maybole
60th Birthday Party – 17/08/18 and 18/08/18 – 17/08/18 – 4.00 p.m. to 1.00 a.m. 18/08/18 – 1.00 p.m. to 1.00 a.m.	
(3) Nan Li	Blairquhan Castle Maybole
Wedding – 06/10/18 – 1.00 p.m. to 1.00 a.m.	
(4) Nan Li	Blairquhan Castle Maybole
Wedding – 27/12/18, 28/12/18 and 29/12/18 – 27/12/18 – 4.00 p.m. to midnight 28/12/18 – 4.00 p.m. to midnight 29/12/18 – 2.00 p.m. to 1.00 a.m.	

Having heard from the Licensing Standards Officer in relation to items (1) to (4) above, the Board granted these applications.

(5) Alastair McClymont	The Marquee The Front Lawn Pinmore House Pinmore Girvan
Wedding Reception, Dinner and Dance – 21/07/18 - 2.30 p.m. to 1.00 a.m.	

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

(6) Stephen Gauld	Walker Hall South Beach Troon
Wedding Reception – 30/06/18 – 7.00 p.m. to 1.00 a.m.	

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

(c) **Personal Licence Applications.**

The Board considered the following applications:-

<u>Application Number</u>	<u>Name</u>
(1) SA/18/00044/LAPRS	Dale Hume

The Board heard from Police Scotland and from the applicant in response and, following consideration, refused this application as the applicant's conduct had been inconsistent with the Licensing objective "Preventing Crime and Disorder".

(2) SA/18/00049/LAPRS	Danielle Kennedy
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The Board heard from Police Scotland and from the applicant in response and adjourned for consideration of this application.

Upon reconvening, the Board granted the above application.

(d) **Personal Licence Review.**

Review Under Section 83(7) of the Licensing (Scotland) Act 2005.

<u>Licenceholder</u>	<u>Licence Number</u>
Anthony Mwangombe Mwaighonda	SA/17/00057/LAPRS

There was submitted a report (issued) of 30th May 2018 by the Depute Clerk to the Board advising

- (1) that Mr. Mwaighonda had submitted details of two convictions he had incurred during the term of his licence;
- (2) that Police Scotland had confirmed the details of the convictions but had not made any recommendation to the Board; and
- (3) of the options open to the Board in dealing with this review.

The Board then heard from Police Scotland and from the licence holder in response.

Councillor Brennan-Whitefield, seconded by Councillor Pollock, moved that the licence held by Anthony Mwangombe Mwaighonda be revoked with immediate effect.

By way of Amendment, Councillor Andy Campbell, seconded by Councillor Fitzsimmons, moved that the licence not be revoked.

On a vote being taken by a show of hands, six Members voted for the Amendment and three Members for the Motion. The Amendment was accordingly declared and the licence held by Anthony Mwangombe Mwaighonda was not revoked.

Thereafter, the Board unanimously agreed that the licence be endorsed.

9. **Review of Statement of Licensing Policy.**

There was submitted a report (issued) of 31st May 2018 by the Depute Clerk to the Licensing Board advising of the review of the Statement of Licensing Policy.

Decided: having considered the information provided by Public Health (attached as Appendix 1 to the report) in relation to assessing over provision, to convene a special meeting of the Licensing Board on Thursday, 21st June 2018 to discuss the draft Statement of Licensing Policy.

The meeting ended at 10.50 a.m.