

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 16th August 2018 at 10.10 a.m.

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

Apology: Councillor Siobhian Brown.

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

Also Attending: Chief Inspector G. l'Anson, 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, 13th September 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 14th June and 21st June 2018 (Special) (issued) were submitted.

Decided: to approve the Minutes of the previous meetings subject to an amendment to the Minutes of 21st June 2018, item 1 (2) which should read "that in addition to the information already considered by the Board, there was also a South Ayrshire Community Licensing Survey Report undertaken by Public Health which had 339 responses" and not 3339 responses.

4. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (issued) of 2nd August 2018 by the 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:-

- Culzean Castle, Maybole – transferred to National Trust for Scotland Enterprises on 2nd August 2018.

Decided: to note the transfer granted under delegated powers.

5. **Annual Report by Chief Constable, Police Scotland.**

There was submitted the Annual Licensing Report (issued) of by the Chief Constable, Police Scotland outlining the work of Police Scotland for the period 1st April 2017 to 31st March 2018.

Chief Inspector l'Anson highlighted the main points of the report and advised that this was a positive report due to proactive working between Police Scotland, the Alcohol and Drugs Partnership and South Ayrshire Council's Licensing Section.

Following questions and having heard Chief Inspector l'Anson advise that he would attend a briefing to update Board Members on further work currently being undertaken by Police Scotland on various licensing issues, the Board

Decided: to note the report and to thank Chief Inspector l'Anson for his update.

6. **Personal Licence Renewals.**

There was submitted a letter (issued) from the Vice-Chair of SOLACE Scotland to the Director of Justice, the Scottish Government on behalf of all Scottish Local Authority Chief Executives expressing concerns regarding the need for personal licence holders to renew their licences by August 2019.

Decided: to request the Depute Clerk to the Board, in liaison with the Chair, to write to the Scottish Government outlining the Board's concerns and requesting that information be provided as soon as possible on the new fee for processing applications.

7. **Revocation of Personal Licences.**

There was submitted a report (issued) of 2nd August 2018 by the Clerk to the Licensing Board advising of the revocation of personal licences.

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

8. **Premises Licences Surrendered/Ceasing to Have Effect.**

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

Decided: to note the following:-

Premises Licence Surrendered

Licence Holder

Scottish Midland Co-operative Society Limited

Premises

Bargain B's
38 Portland Street
Troon

Premises Licence Ceasing to Have Effect

Licence Holder

Black Cat Enterprise (Scotland) Limited

Premises

Craft and Harbour
111-113 Main Street
Ayr

Liquidator appointed but licence not transferred within the twenty eight day time limit.

9. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that, in addition to the routine monitoring she carried out, she was also addressing complaints in liaison with Police Scotland and the Council's Environmental Health Service;
- (2) that she had issued a Licensing Standards Officer Notice to one premises which had been breached, therefore, this would be submitted to the Board in due course for its consideration; and
- (3) that, following the successful staff training day held in County Buildings on 4th July 2018 which was attended by 72 participants, a further course had now been arranged for Wednesday, 5th September 2018 with limited availability now remaining for this course.

10. Licensing (Scotland) Act, 2005.

(a) Applications for Variation of Premises Licence.

The Board considered the following applications:

| <u>Applicant</u> | <u>Premises</u> |
|---------------------------------------|--|
| (1) Urban Fox Holdings Limited | The Fox and Willow 46 Carrick Road Ayr |
| <u>Existing Licensed Hours</u> | |
| <u>On-Sales</u> | <u>Off-Sales</u> |
| Monday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Tuesday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Wednesday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Thursday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Friday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Saturday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |
| Sunday 11.00 a.m. to midnight | 11.00 a.m. to 10.00 p.m. |

Proposed Licensing Hours

On-Sales

| | |
|-----------|--------------------------|
| Monday | 10.00 a.m. to 12.30 a.m. |
| Tuesday | 10.00 a.m. to 12.30 a.m. |
| Wednesday | 10.00 a.m. to 12.30 a.m. |
| Thursday | 10.00 a.m. to 12.30 a.m. |
| Friday | 11.00 a.m. to 1.00 a.m. |
| Saturday | 11.00 a.m. to 1.00 a.m. |
| Sunday | 10.00 a.m. to 12.30 a.m. |

Off-Sales

| |
|--------------------------|
| 10.00 a.m. to 10.00 p.m. |
| 10.00 a.m. to 10.00 p.m. |
| 10.00 a.m. to 10.00 p.m. |
| 10.00 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. |
| 10.00 a.m. to 10.00 p.m. |

Change to core hours and off-sale hours.

Add seasonal variation, additional hours trading 1st December to 2nd January.

Include additional activities – open from 7.00 a.m. for breakfast.

Change to children's statement to allow children under 14 accompanied by an adult to be on the premises for the purposes of having a meal until 10.30 p.m. or until the end of the function.

15-17 year olds to be allowed on the premises accompanied for the purpose of having a meal.

Children of residents to be allowed access at all times.

Minor amendment to layout plan.

Provision of crèche facilities.

Having heard from the applicant's representative and from the Licensing Standards Officer, the Board granted the above application subject to (1) the company managing the crèche being inspected and monitored by the Care Commission; (2) that there should be no alcohol in the crèche area when it was operating; and (3) that the 15-17 year olds should be in a designated area which should be outlined on a plan and agreed in conjunction with the Depute Clerk to the Board.

Applicant

(2) Hawthorn Leisure Scotco Limited

Premises

Red Lion
9 The Cross
Prestwick

Existing Licensed Hours

On-Sales

| | |
|-----------|-------------------------|
| Monday | 10.00 a.m. to midnight |
| Tuesday | 10.00 a.m. to midnight |
| Wednesday | 10.00 a.m. to midnight |
| Thursday | 10.00 a.m. to midnight |
| Friday | 11.00 a.m. to 1.30 a.m. |
| Saturday | 11.00 a.m. to 1.30 a.m. |
| Sunday | 11.00 a.m. to midnight |

Off-Sales

| |
|-----|
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |

Proposed Licensing Hours

On-Sales

| | |
|-----------|------------------------|
| Monday | 10.00 a.m. to midnight |
| Tuesday | 10.00 a.m. to midnight |
| Wednesday | 10.00 a.m. to midnight |
| Thursday | 10.00 a.m. to midnight |
| Friday | noon to 2.30 a.m. |
| Saturday | noon to 2.30 a.m. |
| Sunday | 10.00 a.m. to midnight |

Off-Sales

| |
|-----|
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |
| N/A |

Amend core hours.

Add seasonal variations.

Allow restaurant facilities outwith core hours.

Allow recorded music outwith core hours.

Allow the outdoor area to be used outwith core hours.

Allow the outdoor area to be used for the sale of alcohol, service of food, snacks and refreshments, barbeques and televised sport.

Allow children and young persons on premises from opening until 10.00 p.m. daily.

Allow young persons (aged 16 and 17) on the premises until end of a function or 1.30 a.m. whichever is earlier.

Having heard from two of the objectors, from the applicant's representative and from the Licensing Standards Officer, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the above application with the exception of the televised sport in the outside area which was refused; and further conditions imposed on the licence:- there should be no music in the outdoor area, either recorded or live; the outdoor area should not be utilised between the hours of 10.00 p.m. and 9.00 a.m.; music in the premises should be recorded and acoustic only; and SIA approved stewards should be on the premises every Friday and Saturday from 9.00 p.m until close.

Applicant

- (4) The National Trust for Scotland
Enterprises Limited

Premises

Culzean Castle Home Farm
Restaurant
Culzean
Maybole

Existing Licensed Hours

On-Sales

| | |
|-----------|------------------------|
| Monday | 11.00 a.m. to midnight |
| Tuesday | 11.00 a.m. to midnight |
| Wednesday | 11.00 a.m. to midnight |
| Thursday | 11.00 a.m. to midnight |
| Friday | 11.00 a.m. to midnight |
| Saturday | 11.00 a.m. to midnight |
| Sunday | 12.30 p.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. |
| 11.00 a.m. to 10.00 p.m. |
| 11.00 a.m. to 10.00 p.m. |
| 12.30 p.m. to 10.00 p.m. |

Proposed Licensing Hours

On-Sales

Monday 11.00 a.m. to 1.00 a.m.
Tuesday 11.00 a.m. to 1.00 a.m.
Wednesday 11.00 a.m. to 1.00 a.m.
Thursday 11.00 a.m. to 1.00 a.m.
Friday 11.00 a.m. to 1.00 a.m.
Saturday 11.00 a.m. to 1.00 a.m.
Sunday 11.00 a.m. to 1.00 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.

Terminal hour to be extended to 1.00 a.m. daily.

Conference, restaurant facilities, receptions and events may take place from 9.00 a.m.

Outdoor drinking facilities, farmers market.

Children and young persons to be admitted to all parts of the premises.

Include gift shop with off-sales capacity of 6.15m².

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

The Board noted that the following application had been continued at the applicant's request:-

| <u>Applicant</u> | <u>Premises</u> |
|---|--------------------------------------|
| (3) The National Trust for Scotland Enterprises Limited | Culzean Castle Culzean Maybole |

Operating plan to be amended at question 7 to include capacity of Ailsa Room – 50 persons and also include capacity for off-sales in Castle Shop as 0.46m² / 0.93m³.
Updated ground floor layout to show the Castle Shop now being located in the old Scullery Room and the Ailsa Room now licensed to hold the café/restaurant with a 50 person capacity.

(b) Applications for Occasional Licences.

The Board considered the following applications:-

| <u>Applicant</u> | <u>Premises</u> |
|------------------|--------------------------|
| (1) Shona McHarg | Pinmerry Farm Maybole |

Charity Sheep Race Night – 24/08/18 – 7.30 p.m. to 1.00 a.m.

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

Applicant

Premises

(2) Ayr Railway Club

Ayr Railway Club
20 James Street
Ayr

Cabaret Christmas Party Night – 07/12/18 – 6.00 p.m. to 1.00 a.m.

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

(3) Nan Li

Blairquhan Castle
Maybole

Residential stay for a maximum of 25 adult guests – 11/10/18 to 14/10/18 –
Thursday 11/10/18 – noon to 1.00 a.m.
Friday 12/10/18 – noon to 1.00 a.m.
Saturday 13/10/18 – noon to 1.00 a.m.

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

(c) Applications for Extended Hours.

The Board considered the following applications:-

Applicant

Premises

(2) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Scottish Air Show – 01/09/18 – 2.30 a.m. to 3.30 a.m.

(3) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Scottish Air Show – 02/09/18 – 2.30 a.m. to 3.30 a.m.

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

The Board noted that the following application had been withdrawn:-

| <u>Applicant</u> | <u>Premises</u> |
|-------------------------|---|
| (1) Sprig Limited | Furys 154 High Street Nile Court Ayr |

Special Guest DJ/Performance (Love Island) – 26/08/18 – 2.30 a.m. to 3.30 a.m.

11. **A.O.C.B.**

Statement of Licensing Policy.

The Board agreed to extend the public consultation period for comments on the Statement of Licensing Policy to Friday, 14th September 2018.

The meeting ended at 11.50 a.m.