

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 19th April 2018 at 10.00 a.m.

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

Apology: Councillor Craig Mackay.

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.

Also Attending: Chief Inspector G. l'Anson and Constable E. McArthur, Police Scotland; and E. Caldwell, Public Health Programme Lead, Ayrshire & Arran Health Board.

1. Appointment of Chair.

In the absence of the Chair, the Depute Clerk to the Board invited nominations for the appointment of Chair of this meeting.

Councillor Brown, seconded by Councillor Brennan-Whitefield, moved that Councillor Douglas Campbell be appointed Chair.

By way of Amendment, Councillor Fitzsimmons, seconded by Councillor Toner, moved that Councillor Pollock be appointed Chair.

On a vote being taken by a show of hands, four Members voted for the Amendment and four for the Motion.

The Depute Clerk to the Board then resolved that such a tied vote should be by drawing of lots by cutting cards. The Depute Clerk opened a new pack of cards, shuffled them and Councillors Douglas Campbell and Pollock both selected a card.

The card selected by Councillor Pollock was higher than that selected by Councillor Campbell. Councillor Pollock then took the Chair.

2. Declarations of Interest.

There were no declarations of interest by Members of the Board in terms of the Councillors' Code of Conduct.

3. 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, 17th May 2018 at 10.00 a.m.

4. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 8th March 2018 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

5. Revocation of Personal Licences.

There was submitted a report (issued) of 5th April 2018 by the Depute Clerk to the Licensing Board advising of the revocation of personal licences.

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

6. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that the staff training event held on Tuesday 20th March 2018 had been fully subscribed with sixty eight attendees ranging from staff who had only worked in licensed premises for a few months to those with thirty years plus experience in the trade with the training delivered by herself with assistance from David Cuthill of Wildings at Maidens and Scott Smith from Craig Tara;
- (2) that the Licensing (Training of Staff) Scotland Regulations 2007 specified what must be included in the training course and additional information on assistance dogs was also included;
- (3) that, following the success of this event and the demand for a future event, it was hoped to hold another course in the next few months;
- (4) that the Scottish Government had advised that there would be no "period of grace" when the minimum unit pricing was introduced on 1st May 2018, therefore, alcohol retailers required to be selling alcohol at the correct price on 1st May 2018 with no exceptions;
- (5) that she had been carrying out visits to off-sales to discuss minimum pricing and most retailers had access to a pricing list via the cash and carry or franchise, however, still had unanswered questions, therefore a free information session had been organised by Licensing Services on Monday, 23rd April 2018 in the County Buildings for any alcohol retailer who wished to ensure that they were fully aware of requirements and how this would be monitored;
- (6) that all off-sales had been written to advising them of the information session, however, there had been a low response in terms of bookings and a high attendance rate was not expected, however, further information regarding minimum pricing would be available on the Licensing Section of the Council's website in the near future;

- (7) that, with the Scottish Grand National at Ayr Racecourse imminent, partnership working and pre-planning with representatives from Ayr Racecourse continued as in previous years, however, this year she had also briefed staffing agencies who supplied temporary bar staff to the racecourse for the Grand National providing them with feedback from previous race meetings; and
- (8) that, following complaints from members of the public regarding a small number of premises causing concern to neighbours and the community, she had resolved most matters in liaison with colleagues from Environmental Health and Police Scotland, however, any continued breaches may result in a Premises Licence Review being brought in front of the Board for consideration.

7. Licensing (Scotland) Act, 2005.

(a) Applications for Variation of Premises Licence.

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Lidl UK GmbH	Lidl UK GmbH 15 Allison Street Ayr

Increase to the capacity of the alcohol area from 41.71m² to 48.88m².

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

(2) Buzzworks Inns Limited	Treehouse 67 Sandgate Ayr
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Layout amended to incorporate premises at 2 Boswell Park, Ayr, the said area will utilise as a bar with an entirely new bar counter. Outside terrace to be removed and replaced with an extension to the building comprising the Terrace Room and further additional toilet accommodation and a staff room. Amend Operating Plan to remove outdoor drinking facilities. No change in capacity.

Having heard the applicant's representative above, the Board granted the above application, the occupant capacity being 204.

Applicant

Premises

(3) Buzzworks Inns Limited

Treehouse
67 Sandgate
Ayr

Existing Licensed Hours

On-Sales

Off-Sales

Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	11.00 a.m. to 1.30 a.m.	11.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 1.30 a.m.	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

Off-Sales

Monday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Tuesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Wednesday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Thursday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Friday	noon to 2.30 a.m.	noon to 10.00 p.m.
Saturday	noon to 2.30 a.m.	noon to 10.00 p.m.
Sunday	11.00 a.m. to midnight	11.00 a.m. to 10.00 p.m.

Amend core times when alcohol will be sold for consumption on the premises on Fridays and Saturdays as follows: delete opening time 11.00 a.m. and replace with noon. Delete terminal hours of 1.30 a.m. and replace with 2.30 a.m.

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

At the request of the Licenceholder, the Board agreed to continue consideration of the following application to the next Board meeting scheduled to be held on Thursday, 17th May 2018:-

<u>Applicant</u>	<u>Premises</u>
(4) Muir William Lawrie Fulton	Redstone Inn 92 Main Road Whitletts Ayr

Existing Licensed 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	10.00 a.m. to 12.30 a.m.
Saturday	10.00 a.m. to 12.30 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.
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.

Proposed Licensing Hours

On-Sales

Monday	11.00 a.m. to 1.30 a.m.
Tuesday	11.00 a.m. to 1.30 a.m.
Wednesday	11.00 a.m. to 1.30 a.m.
Thursday	11.00 a.m. to 1.30 a.m.
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 1.30 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.

Change of core hours as above.

Allow premises to open from 9.00 a.m. for the service of teas, coffees and breakfast rolls.

Allow children and young persons on the premises only to attend functions and stay to the end.

(b) 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

Girvan Folk Festival – 4th to 6th May 2018 – 2.30 a.m. to 3.30 a.m.

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

Applicant

Premises

(2) Geraldine Haylen

Hamilton Arms
22 Bridge Street
Girvan

Girvan Folk Festival – 4th to 7th May 2018 – 2.30 a.m. to 3.30 a.m.

Having heard from the Licensing Standards Officer, the Board granted part of the above application, from 4th to 6th May 2018 but refused the application for 7th May 2018.

(3) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Scottish Grand National – 20th April 2018 – 2.30 a.m. to 3.30 a.m.

(4) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Scottish Grand National – 21st April 2018 – 2.30 a.m. to 3.30 a.m.

(5) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

May Bank Holiday - 6th May 2018 – 2.30 a.m. to 3.30 a.m.

(6) Sprig Limited

Furys
154 High Street
Nile Court
Ayr

Spring Bank Holiday – 27th May 2018 – 2.30 a.m. to 3.30 a.m.

Having heard from the applicant's representative and from the Licensing Standards Officer in relation to items (3) to (6) above, the Board granted these applications.

(7) Ultimate Leisure (Scotland) Limited

1-5 Arthur Street
Ayr

Scottish Grand National – 21st April 2018 – 2.30 a.m. to 3.30 a.m.

(8) Ultimate Leisure (Scotland) Limited

1-5 Arthur Street
Ayr

May Bank Holiday – 6th May 2018 – 2.30 a.m. to 3.30 a.m.

Having heard from the applicant's representative in relation to items (7) and (8) above, the Board granted these applications.

(c) **Application for Occasional Licences.**

The Board considered the following application:-

Applicant

John Orr

Premises

Marquee
Glenapp Castle
Ballantrae

Wedding – 1st to 3rd June 2018 – 5.00 p.m. to 2.00 a.m.

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

Councillor Fitzsimmons left the meeting at this point.

8. Review of Licensing Policy Statement - Presentation from Public Health.

Elaine Caldwell, Public Health Programme Lead, Ayrshire and Arran Health Board provided a presentation to the Board ([attached](#)) on Alcohol and Health Harms in South Ayrshire outlining Scotland's Alcohol Strategy and providing data in relation to alcohol related deaths, alcohol related hospital discharges, alcohol dependence rates, most prevalent alcohol diagnoses, and alcohol related hospital stays.

Questions were raised and responded to by the Public Health Programme Lead in relation to the change in demographics and the ageing population; the price and availability of alcohol; the rise in levels of drinking in affluent areas; and whether the NHS was encouraging the Government to review the Licensing (Scotland) Act 2005; and comments were made by Board Members regarding the latest figures on crime rates and availability of alcohol; and drinking in on-sales premises being a more controlled environment.

Decided: to thank the Public Health Programme Lead for her interesting and informative presentation.

9. Alcohol Licensing in Scotland.

There was submitted a letter (issued) of 6th April 2018 from the Convener to the Local Government and Communities Committee of the Scottish Parliament inviting the Board to comment on Alcohol Licensing in Scotland.

A full discussion on the three main themes took place when it was outlined

- (1) that in respect of the theme “the transparency, accountability and public participation in the decision making processes for the licensing system”, the objection period required to be extended to allow Community Councils to consider applications and to make an objection if required; and that the formality of the Board meetings was intimidating for members of the public;
- (2) that, in respect of the theme “how LLFs operate across Scotland”, South Ayrshire Local Licensing Forum was active and met quarterly, however, there was a high turnover of membership, it was challenging to acquire “young people” to sit on the Forum due to exams, university, etc; and Forum members’ had a lack of understanding of their role and a frustration at the restriction of the role; that the remit of LLFs should be extended to enable them to take on more issues; that the Forum brought together disparate groups of people with differing reasons for sitting on the Forum; and that a national Forum would be advantageous to discuss experiences of the Local Licensing Forums; and
- (3) that, in respect of the theme “how appropriate levels of licensed premises in local areas are determined” it was noted that a locality was determined prior to an application being considered to consider the number of licensed premises in the vicinity; and Members agreed that it would be preferable if the Act were amended to only allow off-sales from dedicated off-sales premises rather than from multiple outlets which also sold other goods.

Decided: to request that the Depute Clerk to the Board respond to the Scottish Parliament on behalf of the Board.

The meeting ended at 11.15 a.m.