

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 8th February 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; and Chief Inspector G. l'Anson, Sergeant D. Dougan and Constable E. McArthur, Police Scotland

1. Declarations of Interest.

Councillor Brown declared an interest in items 4(b) (1) to (5) and 4(c) as the applicants were known to her.

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 March 2018 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 11th January 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 25th January 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:-

- The Memorial Club, 20 North Harbour Street, Ayr – transferred to The Memorial Club on 23rd January 2018.

Decided: to note the transfer granted under delegated powers.

5. Revocation of Personal Licences.

There was submitted a report (issued) of 25th January 2018 by the Clerk to the Licensing Board advising of the revocation of personal licences.

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

6. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that, since the implementation of the Licensing (Scotland) Act 2005, she had been receiving questions from Premises Managers regarding the requirement for staff training and how and when this should be delivered;
- (2) that the Licensing (Training of Staff) (Scotland) Regulations 2007 required that all staff who worked on licensed premises must be trained and the minimum that was acceptable was in-house training delivered by a personal licence holder covering seventeen specific points and that, once this training had been received by a staff member, they must sign a declaration saying that each topic had been covered and the personal licence holder delivering the training must also make a declaration;
- (3) that, over the past year when she had been visiting premises, she had found that there was a general lack of the required type of staff training and that even those with signed training records had appeared unaware of the training they had actually received;
- (4) that, as the absence of correct staff training was not exclusive to a particular 'type' of premises or a particular locality in South Ayrshire, she had organised a staff training event taking place on the morning of 20th March 2018 which she would provide in association with two local Premises Managers who were regularly involved in training staff;
- (5) that a training presentation was currently being developed in conjunction with officers from Police Scotland and Trading Standards that would allow future events to be held to cover the requirements prescribed by the Regulations, including requirements for Guide Dogs and the Proof of Age Scheme and that information packs would be provided for licence holders attending;
- (6) that following these training events and the issuing of further information and guidance, it was expected that all premises would be complying with the regulations and, therefore, any premises remaining non-compliant after this awareness raising project would be brought to the attention of the Board;
- (7) that invitations for the event would be issued to the trade in the next few weeks to allow staff to register for the 60 free available spaces and certificates would be issued to everyone who completed the training; and that it was hoped to run a similar event in the Carrick area in the next few months;
- (8) that it was a requirement for all licensed premises to operate a Challenge 25 Policy and request proof of age from anyone looking under that age meaning that door staff and bar staff would refuse entry and service to anyone who could not prove they were 18 or over by providing suitable ID; and that it had recently been highlighted by South Ayrshire Licensed Trade that this was proving difficult for some young people from the LGBT community who presented themselves differently at weekends or on nights out to the way in which they appeared on the photograph used for their proof of age, eg a driving licence, passport, Young Scot card or similar PASS approved card;

- (9) that, although the Young Scot cards issued in schools and education establishments in South Ayrshire to young people up to the age of 26 did not specify a gender, they showed the person's name and photograph and, if that description did not fit an individual who presented at a licensed premises then policy and procedure dictated that they would be refused service;
- (10) that in order to tackle this issue for the Licensed Trade and the young people concerned, she had approached National Young Scot, with the assistance of the Council's Youth Strategy Officer, asking if it would be possible to obtain two ID cards, presenting them in both genders to allow young people the ability to provide appropriate ID and to assist those who presented as non-binary which would allow the Trade to make an informed decision about the person's age;
- (11) that it was understood that some persons who lived in one part of Ayrshire but studied in another part were able to obtain a card in both localities as the card was used for a variety of reasons, thus there was a practice of issuing more than one card per person if it was required;
- (12) that currently Young Scot had advised that they required to meet with the card issuer NECPO to confirm if it was possible to meet this request of having two cards and it was hoped that a solution could be found; and
- (13) that stewards and staff in licensed premises had the authority to refuse service or entry to licensed premises and did not require to give a reason, however, she was keen to ensure that young people had the opportunity to be able to provide suitable ID and, as over 70% of young people in South Ayrshire had a Young Scot card, this would be an obvious solution.

Decided: to commend the Licensing Standards Officer on her work on these matters.

4. **Licensing (Scotland) Act, 2005.**

(a) **Application for Provisional Premises Licence.**

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Avtar Holdings Limited	58 Sandgate Ayr
Retail Sale of Alcohol (On Premises) –	Monday noon to 10.00 p.m. Tuesday noon to 10.00 p.m. Wednesday noon to 10.00 p.m. Thursday noon to 10.00 p.m. Friday noon to 11.00 p.m. Saturday noon to 11.00 p.m. Sunday noon to 11.00 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 500m of the applicant premises would be the appropriate locality for consideration of this application.

Having heard from the applicant's representative who withdrew that part of the application for conference facilities, the Board granted the above application.

Having previously declared an interest in the following applications, Councillor Brown left the meeting at this point.

(b) Applications for Occasional Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Fiona Trousdale	Marquee Enterkine House Annbank
Wedding Reception – 10/02/18 – 1.00 p.m. to midnight	
(2) Fiona Trousdale	Marquee Enterkine House Annbank
Wedding Reception – 03/03/18 – 1.00 p.m. to midnight	
(3) Fiona Trousdale	Marquee Enterkine House Annbank
Wedding – 21/04/18 – 6.00 p.m. to midnight	
(4) Fiona Trousdale	Marquee Enterkine House Annbank
Wedding Reception – 28/04/18 – 1.00 p.m. to midnight	
(5) Fiona Trousdale	Marquee Enterkine House Annbank
Wedding Reception – 14/04/18 – 2.00 p.m. to midnight	

Having heard from the applicant's representative who intimated that applications (2) and (5) above had now been withdrawn and having considered a letter from an objector, the Board granted application (1) above subject to the following conditions:-

- (a) the licence holder must set a noise limiter to the volume and tone controls of any amplified music system(s) in such a way that the sound level emanating from the amplified music system(s) shall not cause nuisance within the nearest noise sensitive dwelling house or building and shall be inaudible in the nearest noise sensitive dwelling house or building after 11.00 p.m.;
- (b) the licence holder must be present on the premises at all times; and

- (c) the licence holder must ensure that no live amplified entertainment or use of a public address system is allowed in the marquee after 11.00 p.m.

The Board then agreed to continue consideration of items (3) and (4) to the next Board meeting scheduled to be held on Thursday, 8th March 2018, to allow further noise monitoring to take place.

Applicant

Premises

- (6) Stuart Hamilton
Ayr Town Hall
29 New Bridge Street
Ayr

Hogmanay Music Concert – 31/12/18 – 7.00 p.m. to 1.00 a.m.

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

- (7) Alastair McClymont
The Lairige Shed
Ayr Cattle Market
Whitefordhill
Ayr

The Annual Ayrshire Association of Young Farmers Clubs County Rally Dance and Prize Presentation – 19/05/18 – 9.00 p.m. to 1.00 a.m.

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

- (8) Nan Li
Blairquan Castle
Straiton
Maybole

Wedding – 25/05/18 to 27/05/18
Friday 25/05/18 – 5.00 p.m. to 11.00 p.m.
Saturday 26/05/18 – 4.00 p.m. to 11.00 p.m.
Sunday 27/05/18 – 2.00 p.m. to 1.00 a.m.

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

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

Licenceholder

Licence Number

Kevin Finnie

SA/16/00147/LAPRS

Following a Request for Review from Police Scotland under Section 84A(1) of the Licensing (Scotland) Act 2005 dated 24th January 2018 (issued to members only) advising the Board of the Personal Licence Holder, Kevin Finnie, 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 'Securing Public Safety', there was submitted a report by the Clerk to the Licensing Board dated 24th January 2018 (issued to members only) outlining the options open to the Board.

Having heard from Police Scotland in relation to the incident in question and from the Personal Licence Holder and having considered a letter from the licence holder's Solicitor, the Board adjourned for consideration of this matter.

Upon reconvening, the Board agreed that the grounds for Review had been established and that the Personal Licence held by Kevin Finnie be revoked.

The meeting ended at 11.35 a.m.