

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 18 April 2019 at 10.00 a.m.

Present: Councillors Craig Mackay (Chair), Laura 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; K. Briggs, 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.

In Attendance: Chief Inspector D. Frew and Sergeant R. Ferguson, 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, 16 May 2019 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 7 March 2019 (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 4 April 2019 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) Cassillis Hotel, 49 Cassillis Road, Maybole – transferred to Justin Mairs on 22 February 2019;
- (2) Lidl, 15 Allison Street, Ayr – transferred to Lidl Great Britain Limited on 1 March 2019;
- (3) Premises at Craig Tara Holiday Park – transferred to Bourn Leisure Limited on 25 March 2019; and
- (4) The 19th Hole, 40 Golf Course Road, Girvan – transferred to Thomas Milligan on 2 March 2019.

Decided: to note the transfers granted under delegated powers.

5. Revocation of Personal Licences.

There was submitted a report (issued) of 4 April 2019 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. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that one of the main issues she was currently aware of within South Ayrshire licensed trade was proof of age and the Challenge 25 Policy;
- (2) that it was a mandatory condition of the Premises Licence that staff request ID from anyone who appeared to be under the age of 25, with the acceptable forms of proof of age specified in the legislation;
- (3) that it had come to her attention recently that a number of premises were not operating the mandatory Challenge 25 Policy and, therefore, these premises may be subject to a future report to this Board if their practices did not improve;
- (4) that, in addition to this, a number of premises had been seeking clarity regarding their rights and responsibilities regarding retaining and reporting ID which had been misused (ie, genuine ID which was being used by another person);
- (5) that, in order to advise on best practice regarding this and a number of other issues, a final programme had now been set for the Licensed Premises Best Practice Seminar on Wednesday, 29 May 2019 taking place at Brig O'Doon Hotel with input and presentations from various Police Personnel, the Chair of this Board and the Depute Clerk to the Board with a reflection of ten years since the Act first came into force in 2009;
- (6) that this Seminar was the result of partnership working between herself, the local licensed trade and Inspector John Hamilton of Police Scotland, with 150 delegate spaces; and letters of invitation being issued to the trade in the next few weeks;
- (6) that it was hoped that the event would provide examples of good practice and highlight to the trade in South Ayrshire what was expected of them regarding the Licensing Scotland Act 2005, the Board's Policy and guidance from Police Scotland.

Board Members welcomed this Seminar and thanked the Licensing Standards Officer and Police Scotland for their work in this regard.

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

(a) **Applications for Variation of Premises Licences.**

The Board considered the following applications:-

| <u>Applicant</u> | <u>Premises</u> |
|-----------------------------------|---|
| (1) Buzzworks Hospitality Limited | Elliots Terrace, Bar and Restaurant 132 Main Street Prestwick |

Amend name of premises to "Vic's and The Vine"
Extensive refurbishment of the whole premises
Enclose former external drinking area in glass with new canvas roof
Provision of additional toilet facilities
Reconstruction and re-siting of the bar counter in the bar area
Provision of two gaming machines and shuffle board table
Provision of dart board in bar area

The Board noted that this application had been continued from the meeting of 7 March 2019 and having heard from the applicant's representative, agreed to grant this application, the maximum capacity agreed as 300 persons.

| | |
|---------------------------------|---|
| (2) Daedalus Properties Limited | Arthur Street Kitchen 11-13 Arthur Street Ayr |
|---------------------------------|---|

Amend Operating Plan to include indoor and outdoor sports.
Add activities for the beer garden/exterior area – prior to 10.00 p.m.
Festive and seasonal markets/fetes/stalls.
Live Music.
External food and drink service.
Large screen projector/television (showing music films and sport).

There was submitted an updated noise impact assessment dated 17 March 2019 by McIntyre Acoustics (issued) and a report by Environmental Health Services (issued) assessing the noise impact report.

The Board noted that this application had been continued from the meeting of 7 March 2019 and having heard from the applicant's representative and from the Environmental Health Officer, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the following:-

Amend Operating Plan to include indoor and outdoor sports.
Add activities for the beer garden/exterior area – prior to 10.00 p.m.
Festive and seasonal markets/fetes/stalls.
Background music
Large screen projector/television for showing music films.
External food and drink service.

Subject to the following conditions:-

- (1) any recorded music played in the outside drinking area must be played through the existing sound system. i.e. eight small (6.5") Adastra ceiling speakers. In the event of these being replaced with another system, that system must be approved by South Ayrshire Environmental Health Team before being used; and
- (2) live music from a single performer is permitted in the outdoor drinking area provided that the music is played either without amplification of any kind or through the sound system referred to in Condition (1) above.

Applicant

Premises

- (3) Global Wine Distributors Limited The Buf
7-9 Arthur Street
Ayr

Existing Licensed Hours

On-Sales

Off-Sales

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

Proposed Licensing Hours

On-Sales

Off-Sales

| | | |
|-----------|--------------------------|--------------------------|
| Monday | 10.00 a.m. to 12.30 a.m. | 10.00 a.m. to 10.00 p.m. |
| Tuesday | 10.00 a.m. to 12.30 a.m. | 10.00 a.m. to 10.00 p.m. |
| Wednesday | 10.00 a.m. to 12.30 a.m. | 10.00 a.m. to 10.00 p.m. |
| Thursday | noon to 2.30 a.m. | noon 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 | 10.00 a.m. to midnight | 10.00 a.m. to 10.00 p.m. |

Alteration to licence hours on Thursdays, Fridays and Saturdays for on-sales to commence at noon and terminate at 2.30 a.m. the following morning.
Certain forms of reception/meetings may take place outwith core licensed hours.
Live performances, dance facilities and films may occasionally continue before core licensed hours.

Extensive refurbishment of the whole premises.

Main bar within the bar/restaurant area reduced in size.

Creation of new function room area in the former rear public bar with new seating and tables and adjustments to the server.

Construction of an accessible toilet.

New signage to front elevation.

Having heard from the Licensing Standards Officer and from the applicant's representative and having considered a letter from the sound engineer (tabled), the Board granted the above application.

(b) Application for Personal Licence.

The Board considered the following application:-

| <u>Application Number</u> | <u>Name</u> |
|----------------------------------|------------------------|
| SA/19/00044/LAPRS | Connor Leroy McFadzean |

The Board heard from Police Scotland and from the applicant and granted the above application.

(c) Applications for Occasional Licences.

The Board considered and granted the following applications:-

| <u>Applicant</u> | <u>Premises</u> |
|--|-------------------------------|
| (1) Martin John Dunlop | Blairquhan Castle Straiton |
| Wedding – 05/08/19 and 06/08/19 Monday 05/08/19 – 1.00 p.m. to 1.00 a.m. Tuesday 06/08/19 – noon to midnight. | |
| (2) Martin John Dunlop | Blairquhan Castle Straiton |
| Wedding – 06/09/19 and 07/09/19 – Friday 06/09/19 – 4.00 p.m. to midnight Saturday 07/09/19 - 1.00 p.m. to 1.00 a.m. | |

(d) Applications for Extended Hours.

Discussion took place in relation to events of local and national significance and the need to support local businesses whilst adhering to the terms of the licensing objectives.

The Board then heard from each applicant, the Licensing Standards Officer in response and from Police Scotland in relation to application (12) below and adjourned for consideration of these application.

Upon reconvening, the Board granted the following applications:-

| <u>Applicant</u> | <u>Premises</u> |
|---|---|
| (1) Christopher Morrison | Cheeky Charlies 47 Templehill Troon |
| Easter Weekend – 20/04/19 only - 2.30 a.m. to 3.30 a.m. | |

| <u>Applicant</u> | <u>Premises</u> |
|--|---|
| (2) Ultimate Leisure (Scotland) Ltd. | Vinyl Nightclub 1-5 Arthur Street Ayr |
| Easter Sunday – 21/04/19 – 2.30 a.m. to 3.30 a.m. | |
| (3) Ultimate Leisure (Scotland) Ltd. | Vinyl Nightclub 1-5 Arthur Street Ayr |
| Special Guest DJ – 04/05/19 – 2.30 a.m. to 3.30 a.m. | |
| (4) Daedalus Properties Ltd. | Arthur Street Kitchen 11-13 Arthur Street Ayr |
| Ayr United FC – Player of the Year Awards and end of season dinner with party – 20/04/19 – 2.00 a.m. to 3.00 a.m. | |
| (5) Charlene Irvine | Flix Fun Bar 35 Bridge Street Girvan |
| Easter – 20/04/19 – 2.30 a.m. to 3.30 a.m. | |
| (6) Charlene Irvine | Flix Fun Bar 35 Bridge Street Girvan |
| Girvan Folk Festival – 03/05/19, 04/05/19, 05/05/19 – 2.30 a.m. to 3.30 a.m. | |
| (7) Daleglade Ltd. | Madisons 38A Carrick Street Ayr |
| GBX Fantastic Beats Tour – 11/05/19 – 2.30 a.m. to 3.30 a.m. | |
| (8) Sprig Ltd. | Furys Nightclub 154 High Street Nile Court Ayr |
| Charity Rockfest – 20/04/19 – 2.30 a.m. to 3.30 a.m. | |

Applicant

Premises

(9) Sprig Ltd.

Furys Nightclub
154 High Street
Nile Court
Ayr

Easter Sunday – 21/04/19 – 2.30 a.m. to 3.30 a.m.

(11) Sprig Ltd.

Furys Nightclub
154 High Street
Nile Court
Ayr

May Bank Holiday – 05/05/19 – 2.30 a.m. to 3.30 a.m.

(13) Daleglade Ltd.

Madisons
38A Carrick Street
Ayr

Guest DJs – 01/06/19 – 2.30 a.m. to 3.30 a.m.

(14) Geraldine Haylen

Hamilton Arms
22 Bridge Street
Girvan

Easter Sunday – 21/04/19 – 1.00 a.m. to 2.30 a.m.

(15) Geraldine Haylen

Hamilton Arms
22 Bridge Street
Girvan

Folk Festival – 03/05/19, 04/05/19, 05/05/19

Friday 03/05/19 – 2.30 a.m. to 3.30 a.m.

Saturday 04/05/19 – 2.30 a.m. to 3.30 a.m.

Sunday 05/05/19 – 1.00 a.m. to 2.30 a.m.

The Board refused the following applications on the grounds that they did not meet the Board's policy on extended hours and had not demonstrated that the hours requested were appropriate in the circumstances:-

| <u>Applicant</u> | <u>Premises</u> |
|--|---|
| (1) Christopher Morrison | Cheeky Charlies 47 Templehill Troon |
| Easter Weekend –18/04/19, 19/04/19 and 21/04/19 - 2.30 a.m. to 3.30 a.m. | |
| (10) Sprig Ltd. | Furys Nightclub 154 High Street Nile Court Ayr |
| Burnsfest After Party – 04/05/19 – 2.30 a.m. to 3.30 a.m. | |
| (12) Sprig Ltd. | Furys Nightclub 154 High Street Nile Court Ayr |
| Ayr Agricultural Show – 11/05/19 – 2.30 a.m. to 3.30 a.m. | |

The meeting ended at 12.05 p.m.