

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting in the County Buildings, Ayr,  
on 15 August 2019 at 10.00 a.m.

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

Apology: Councillor Lee Lyons.

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 B. Anderson and D. Hastings, Police Scotland.

### **1. Chair's Remarks.**

The Chair outlined that the Licensing Board had undertaken late night visits to various licensed premises in Ayr and Prestwick on Saturday 27 July 2019 which had given the Board an understanding of how premises operated and of the challenges faced by Police Scotland and the street pastors when these premises closed.

The Chair, on behalf of the Board, then thanked Sergeant Dougan and Sergeant Cowan. Police Scotland for accompanying Board Members on this visit.

### **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, 12 September 2019 at 10.00 a.m.

### **4. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 13 June 2019 (**issued**) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

**5. Applications for Transfer Granted Under Delegated Powers.**

There was submitted a report ([issued](#)) of 1 August 2019 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of a Licence between the last Board meeting and the present one:-

- (1) Flynn's Boatyard, 1-5 Bridge Street, Girvan – licence transferred to New River Community Pubs on 5 June 2019;
- (2) 10-12 The Cross, Prestwick – licence transferred to LAL (Public House) Ltd.on 24 June 2019; and
- (3) 7 Saints, 3/5 The Cross, Prestwick – licence transferred to Star Pubs and Bars Limited on 24 June 2019.

**Decided:** to note the transfers granted under delegated powers.

**6. Revocation of Personal Licences.**

There was submitted a report ([issued](#)) of 1 August 2019 by the Clerk to the Licensing Board advising of the revocation of personal licences.

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

**7. Update from Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that, since the previous Board meeting on 13 June 2019, she had continued to visit licensed premises in South Ayrshire offering guidance and ensuring compliance with the legislation and Board policy;
- (2) that the majority of her visits had concentrated on Members' Clubs, which she had found were the least compliant with requirements, particularly in relation to training and the overall entry requirement which meant that patrons should either be members or correctly signed in guests of members, unless an Occasional Licence was in place for an event;
- (3) that, in order to reinforce the requirements and to offer a training opportunity, an "Information and Training Session for Members' Clubs" was held in County Buildings on Friday 5 July 2019 with attendance from approximately 50 people from a variety of clubs in South Ayrshire with feedback suggesting that it had been a worthwhile event;
- (4) that the Licensing (Scotland) Act 2005 contained special provisions for Members' Clubs that they must not operate in a way that made them "open to the public" like other licensed premises and that, in order to ensure a level playing field, it was important that Members' Clubs adhered to the rules and, therefore, her current work plan would be to ensure that checks were made on all Club premises over the next few months;

- (5) that there was an opportunity for Members' Clubs to apply for up to twelve one-day occasional licences per year for functions and events and she was aware that many Clubs utilised this to allow them to hire out their premises for functions and when this type of licence was in force, the premises were permitted to be "open to all", however, there should be no permanent signage or advertising which suggested that all were welcome; and
- (6) that, whilst she was still offering information and guidance in relation to signage and training records, she was mindful of the fact that the Licensing (Scotland) Act 2005 had now been in force for ten years and, therefore, premises should be compliant. Having also held the Information and Training Session, she felt that Members' Clubs had been given the opportunity to obtain assistance and, for that reason, any premises continuing to operate outwith the terms of their Members Club Licence would be brought to the attention of the Board.

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

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

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) T. J. Morris (Scot) Ltd.	Home Bargains Unit 1A Heathfield Retail Park Liberator Drive Ayr

Retail Sale of Alcohol (Off Premises) – Every Day from 10.00 a.m. to 10.00 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, the Board granted the above application.

(2) Partnership of Rosemary Robertson and Peter Childe	Ropes Harbour Road Maidens
---	----------------------------------

Retail Sale of Alcohol (On Premises) – Every Day from 11.00 a.m. to 11.45 p.m.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that the village of Maidens would be the appropriate locality for consideration of this application.

Having heard from the applicant, from two objectors and from a representative for two of the objectors and following questions, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the above application.

(b) Applications for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Dorothy Birks	Kirkmichael Arms 3-5 Straiton Road Kirkmichael

Former gift shop on premises being converted to a private dining room or overspill for main dining area.

Increase in capacity from 69 persons to 80 persons.

Having heard from the applicant, the Board granted the above application.

(2) Global Wine Distributors Limited	The Buf 7-9 Arthur Street 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	noon to 2.30 a.m.
Friday	noon to 2.30 a.m.
Saturday	noon to 2.30 a.m.
Sunday	10.00 a.m. to midnight

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.
noon to 10.00 p.m.
noon to 10.00 p.m.
noon to 10.00 p.m.
10.00 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	noon to 2.30 a.m.
Friday	noon to 2.30 a.m.
Saturday	noon to 2.30 a.m.
Sunday	noon to 2.30 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.
noon to 10.00 p.m.
noon to 10.00 p.m.
noon to 10.00 p.m.
noon to 10.00 p.m.

Alterations to licensed hours on Sundays for on-sales to commence at noon and terminate at 2.30 a.m. on the following morning.

Consequent reduction in off-sales hours on Sundays commencing at noon and terminate at 10.00 p.m.

The Board heard an objection from Police Scotland and from the applicant's representative in response.

Councillor Brennan-Whitefield, seconded by Councillor Brown, moved that the application be granted.

By way of Amendment, Councillor Pollock, seconded by Councillor Toner, moved that the application be refused.

On a vote being taken by a show of hands, three Members voted for the Amendment and five for the Motion which was accordingly declared carried.

The application was, therefore, granted.

The Board noted that the following two applications had been continued to a future meeting of the Board, at the request of the applicant's representative:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(3) Iceland Foods Limited	Iceland 125-143 High Street Ayr

**Existing Licensed Hours**

**On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**Off-Sales**

10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.

**Proposed Licensing Hours**

**On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**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.

Amendment to core licensing hours as above.

Sale of groceries and other goods outwith core hours but not before 7.00 a.m. or after 11.00 p.m.

**Applicant****Premises**

(4) Iceland Foods Limited

Iceland  
7 Hollow Park Court  
Ayr**Existing Licensed Hours****On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**Off-Sales**

10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.
10.00 a.m. to 8.00 p.m.

**Proposed Licensing Hours****On-Sales**

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

**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.

Amendment to core licensing hours as above.

Sale of groceries and other goods outwith core hours but not before 7.00 a.m. or after 11.00 p.m.

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

The Board considered the following application:-

**Applicant****Premises**

Ayr Railway Club

Ayr Railway Club  
20 James Street  
Ayr

Christmas Party Night – 20 December 2019 – 6.00 p.m. to 1.00 a.m.

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

(d) **Applications for Extended Hours.**

The Board considered the following applications:-

- | <b><u>Applicant</u></b>  | <b><u>Premises</u></b>                             |
|--|--|
| (1) Daleglade Ltd.   | Madisons<br>38A Carrick Street<br>Ayr              |
| “HNFG” Club Tour – features five DJs and MC including “Jamie B” and Michael Smith – 31/08/19 – 2.30 a.m. to 3.30 a.m.                  |  |
| (2) Daleglade Ltd.   | Madisons<br>38A Carrick Street<br>Ayr              |
| Halloween Saturday – Guest DJ x 2 – 26/10/19 – 2.30 a.m. to 3.30 a.m.  |  |
| (3) Daleglade Ltd.   | Madisons<br>38A Carrick Street<br>Ayr              |
| Ayr Races – Gold Cup – 20/09/19 and 21/09/19 – 2.30 a.m. to 3.30 a.m.  |  |
| Having heard from the applicant’s representative and the Licensing Standards Officer, the Board granted applications (1) to (3) above. |  |
| (5) Buzzworks Hospitality Ltd.   | Vic’s and the Vine<br>132 Main Street<br>Prestwick |
| DJ and Music – 25/08/19 – 1.30 a.m. to 2.30 a.m.   |  |
| (6) Buzzworks Inns Ltd.  | Treehouse<br>67 Sandgate<br>Ayr                    |
| DJ and Live Music – 25/08/19 – midnight to 1.00 a.m.   |  |
| (7) Buzzworks Hospitality Ltd.   | Lido<br>11-17 West Portland Street<br>Troon        |
| DJ and Music – 25/08/19 – midnight to 1.00 a.m.  |  |
| Having heard the Licensing Standards Officer in relation to applications (5) to (7) above, the Board refused these applications.       |  |

<u>Applicant</u>	<u>Premises</u>
(8) Ultimate Leisure (Scotland) Ltd.	Vinyl 1-5 Arthur Street Ayr

BCM World Tour – 31/08/19 – 2.30 a.m. to 3.30 a.m.

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

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

<u>Applicant</u>	<u>Premises</u>
(4) Daleglade Ltd.	Madisons 38A Carrick Street Ayr

West FM Birthday Party – 26/10/19 - 2.30 a.m. to 3.30 a.m.

**(e) Application for Personal Licence.**

The Board considered the following application:-

<u>Application Number</u>	<u>Name</u>
SA/19/00218/LAPRS	Laura Nevin

The Board heard from Police Scotland in relation to the above application.

Councillor Pollock, seconded by Councillor Fitzsimmons, moved that this application be refused.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Brown, moved that this application be continued.

On a vote being taken by a show of hands, five Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried and consideration of this application was continued to the next meeting of the Board to allow the applicant to attend.

The meeting ended at 11.50 a.m.