

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Ayr,
on 21 November 2019 at 10.00 a.m.

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

Apologies: Councillors Siobhian Brown and Lee Lyons.

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

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 January 2020 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 24 October 2019 (**issued**) were submitted.

The Chair outlined that, in relation to item (4) of these minutes entitled "Briefing Paper on Impact of Extended Hours Licensing", when it had been decided that guidance to accompany the Extended Hours application forms was to be approved at this meeting, along with a decision on what constituted a "special event", further discussions still required to take place and these matters would be considered at a future meeting of this Board.

Decided: to approve the Minutes of the previous meeting.

4. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report (**issued**) of 6 November 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) China Moon, 56 Montgomerie Street, Girvan – transferred to Feng Lin on 15 October 2019; and
- (2) SAUWS, Ayr Campus Ayr – transferred to SAUWS 2018 on 1 November 2019.

Decided: to note the transfers granted under delegated powers.

5. **Revocation of Personal Licences.**

There was submitted a report ([issued](#)) of 7 November 2019 by the Clerk to the Licensing Board advising of the revocation of personal licences.

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

6. **Premises Licences Surrendered.**

The Board noted the surrender of the following licences:-

<u>Premises</u>	<u>Date of Surrender</u>
Crosshill Arms Dalhowan Street Crosshill	31 October 2019

7. **Chief Constable's Annual Report.**

There was submitted a report ([issued](#)) by the Chief Constable outlining the work carried out by Police Scotland during 2018/19.

In the absence of an Officer from Police Scotland, the Board noted the report and agreed that any questions on the report could be raised at a future Board meeting.

8. **Occasional Licences for Hogmanay.**

There was submitted a report ([issued](#)) of 7 November 2019 by the Clerk to the Board seeking approval to grant occasional licences beyond midnight on Hogmanay.

Decided: having noted the terms of the report, to instruct the Clerk to the Board to deal with applications for occasional licences for Hogmanay; and to grant delegated powers to the Clerk to grant applications for the night of Hogmanay until 1.00 a.m. on 1 January 2020, notwithstanding that this is outwith Board policy.

9. **Update from Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that, with the festive season approaching, she had been visiting premises and holding local meetings to remind Premises Managers of their responsibilities and to discuss best practice over what would be a busy period for the licensed trade;
- (2) that she was pleased to have the support of Officers from the locality policing teams who had accompanied her on visits and had attended meetings with groups of Premises Managers; and that comments from Officers had been positive as they had found it useful to have the opportunity to meet Premises Managers in a less pressurised situation than attending a busy premises late at night;

- (3) that staff had advised her that they had also found discussions useful as it had provided them with a 'refresher' regarding the mandatory conditions of the licence and they were also confident that everyone was being given the same information;
- (4) that, additionally, she had recently attended a briefing session at Ayr Police Office organised by the Licensing Sergeant, David Dougan which aimed to provide South Ayrshire Officers with a quick reference guide regarding licensed premises visits;
- (5) that Area Commander Brian Anderson and the Locality Inspectors Frank Braddick and John Hamilton had made it clear to Premises Managers that they encouraged the reporting of any incidents or concerns within the premises or outside the premises direct to Police Scotland and that this would not prejudice the premises in any way and advice had been given to premises regarding recording systems, refusals records and additional policies which would ensure they could provide due diligence; and
- (6) that, with the joint work, discussions and information being shared between South Ayrshire Licencing, Police Scotland and the licensed trade, all parties were now prepared for the festive season.

The Board then thanked the Licensing Standards Officer for her update and commended her for this very successful joint working initiative.

10. Licensing (Scotland) Act, 2005.

(a) Application for Premises Licence.

The Board considered the following application:-

Applicant

Matiu Killie Ltd.

Premises

3 Idiots Ayr
10 George Street
Ayr

Retail Sale of Alcohol (On Premises) – every day from 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 a radius of 500m of the applicant premises, stopping at the river, would be the appropriate locality for consideration of this application.

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

(b) Application for Variation of Premises Licences.

The Board considered the following application:-

Applicant

Global Wine Distributors Limited

Premises

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	noon to 2.30 a.m.

Off-Sales

Monday	10.00 a.m. to 10.00 p.m.
Tuesday	10.00 a.m. to 10.00 p.m.
Wednesday	10.00 a.m. to 10.00 p.m.
Thursday	noon to 10.00 p.m.
Friday	noon to 10.00 p.m.
Saturday	noon to 10.00 p.m.
Sunday	noon to 10.00 p.m.

Proposed Licensing Hours

On-Sales

Monday	noon to 2.30 a.m.
Tuesday	noon to 2.30 a.m.
Wednesday	noon to 2.30 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

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 10.00 p.m.
Saturday	noon to 10.00 p.m.
Sunday	noon to 10.00 p.m.

Alteration to licensed hours on Monday, Tuesday and Wednesday for on-sales to commence at noon and terminate at 2.30 a.m. on the following morning. Consequent reduction in off-sale hours on Monday, Tuesday and Wednesday commencing at noon and terminating at 10.00 p.m.

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

(c) Application for Occasional Licence.

The Board considered the following applications:-

- | <u>Applicant</u> | <u>Premises</u> |
|----------------------------|---|
| (1) Emma Fergusson | Maybole Town Hall
High Street
Maybole |
| (2) Symington Bowling Club | Symington Bowling Club
Symington Road North
Symington |

Annual Charity Ceilidh – 29/12/19 – 10.00 p.m. to 2.00 a.m.

Having heard from the applicant's representative and from the Licensing Standards Officer, the Board granted the above application, subject to a condition being attached to the licence regarding the attendance of children and young persons under 18 years of age.

Hogmanay Party with Band – 31/12/19 – 9.00 p.m. to 2.00 a.m.

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

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| (3) Jennifer Watson | Anchorage Hotel
149 Templehill
Troon
KA10 6BQ |
|---------------------|--|

Licence in lieu of Premises Licence – 18/12/19 to 31/12/19
On-sales 10.00 a.m. to 1.00 a.m.; off-sales 10.00 a.m. to 10.00 p.m.

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

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| (4) David McIlroy | Troon Town Hall
South Beach
Troon |
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Darts Exhibition – 06/12/19 – 5.00 p.m. to midnight

Having heard from the Licensing Standards Officer, the Board granted the above application, with the removal of that part of the application which allowed children and young persons under 18 years to attend, in accordance with the Protecting Children from Harm licensing objective.

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

The Board considered the following applications:-

- | <u>Applicant</u> | <u>Premises</u> |
|--|---|
| (1) Christopher Morrison | Cheeky Charlies
47 Templehill
Troon |
| Christmas Day – 25/12/19 – 2.00 a.m. to 3.30 a.m. | |
| Having heard from the Licensing Standards Officer, the Board granted the above application. | |
| (2) Charlene Irvine | Flix Fun Bar
35A Bridge Street
Girvan |
| Christmas and New Year – 24/12/19, 25/12/19, 26/12/19, 31/12/19 and 01/01/20 – 1.30 a.m. to 3.30 a.m. | |
| Having heard from the applicant and the Licensing Standards Officer, the Board granted the above applications. | |
| (3) Geraldine Haylen | Hamilton Arms
22 Bridge Street
Girvan |
| Christmas Eve Party in Function Room – 24/12/19 – 2.00 a.m. to 3.30 a.m. | |
| (4) Geraldine Haylen | Hamilton Arms
22 Bridge Street
Girvan |
| Christmas Night Party in Function Room – 25/12/19 – 2.00 a.m. to 3.30 a.m. | |
| (5) Geraldine Haylen | Hamilton Arms
22 Bridge Street
Girvan |
| New Year's Eve Party in Function Room – 31/12/19 – 2.00 a.m. to 3.30 a.m. | |
| (6) Geraldine Haylen | Hamilton Arms
22 Bridge Street
Girvan |
| New Year's Night Party in Function Room – 01/01/20 – 2.00 a.m. to 3.30 a.m. | |
| Having heard from the applicant and from the Licensing Standards Officer, the Board granted applications (3) to (6) above. | |

Applicant

Premises

(7) Daleglade Ltd.

Madisons
38A Carrick Street
Ayr

Boxing Day Night – 26/12/19 – 3.00 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.

(8) Shanter Inns Ltd.

Market Inn
2 Castlehill Road
Ayr

Festive Season – 24/12/19 and 31/12/19 – 1.00 a.m. to 2.00 a.m.

(9) Shanter Inns Ltd.

Tam O'Shanter Inn
230 High Street
Ayr

Festive Season – 24/12/19 and 31/12/19 – 1.00 a.m. to 2.00 a.m.

(10) Shanter Inns (Prestwick) Ltd.

The Buf
36 Main Street
Prestwick

Christmas Eve Celebrations with DJ and Dancing - 24/12/19 – 1.30 a.m. to 2.30 a.m.

(11) Shanter Inns (Prestwick) Ltd.

The Buf
36 Main Street
Prestwick

New Year's Eve Celebrations with DJ and Dancing - 31/12/19 – 1.30 a.m. to 2.30 a.m.

Having heard from the Licensing Standards Officer, the Board granted applications (8) to (11) above.

The Board noted that as the following premises had been granted a variation of it's licence at item 10(b) of this minute, these applications now fell:-

<u>Applicant</u>	<u>Premises</u>
(12) Global Wine Distributors Ltd.	The Buf 7-9 Arthur Street Ayr
	Christmas Eve Celebrations with DJ and Dancing – 24/12/19 – 1.30 a.m. to 2.30 a.m.
(13) Global Wine Distributors Ltd.	The Buf 7-9 Arthur Street Ayr
	New Year's Eve Celebrations with DJ and Dancing – 31/12/19 – 1.30 a.m. to 2.30 a.m.

(e) **Premises Licence Reviews – Non-Payment of Annual Fees.**

There was submitted a report (issued) of 6 November 2019 by the Clerk to the Licensing Board advising that all premises had been due to pay their annual fee on 1 October 2019 as payment of the annual fee was a mandatory condition of the Premises Licence; and that a number of premises had failed to pay their annual fees despite reminders in the form of a Section 14(2)(a) Notice being issued by the Licensing Standards Officer requiring compliance with these regulations, when payment had not been made by 31 October 2019.

Decided:-

- (1) that, as the conditions of the premises licences of these premises had been breached, to suspend the following licences from Monday 25 November 2019 and to grant delegated powers to the Clerk to the Board to reinstate the licences on payment of the annual fee:-

<u>Premises Licence Holder</u>	<u>Premises</u>
(a) Andrew McKenzie MacFarlane	Kirkland Stores 40 Kirkland Street Maybole
(b) U Ani Ltd.	Polska Chata 47 Burns Statue Square Ayr
(c) New River Community Pubs Ltd.	Flynns Boatyard 1-5 Bridge Street Girvan

Premises Licence Holder

Premises

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|-----------------------------|---|
| (d) John Kirkland Dunlop | Kirkoswald Post Office and General Store
60-62 Main Road
Kirkoswald |
| (e) Stewart William Wallace | MacIntyres Bar
11 Templehill
Troon |
| (f) John McCallum | McCallums of Troon
The Oyster Bar
Harbour Road
Troon |
| (g) James Moloney | Sam's Bar
Middlemuir Caravan Park
Tarbolton |
| (h) Bruce Taverns Ltd. | Harbour Bar
46 North Harbour Street
Ayr |
| (i) Edward James Carden | Geordies Byre
103 Main Street
Ayr |
- (2) to note that payment of the annual fee had now been received from the following premises and to take no further action in relation to these:-
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|-----------------------------|--|
| (a) Strongroom Ayr Limited | Smoking Goat
2A Academy Street
Ayr |
| (b) Narinder Singh | 2A Paterson Street
Ayr |
| (c) James Dunlop | The Carrick
15 Whitehall
Maybole |
| (d) C and D Leisure Limited | Saffy's Café Bar and Brasserie
2 Dalblair Road
Ayr |
| (e) Balbirs Restaurants | Balbirs at Route 77
38 Kilmarnock Road
Symington |
| (f) Troon Football Club | Troon Football Club
Portland Street
Troon |

<u>Premises Licence Holder</u>	<u>Premises</u>
(g) Northern Star Leisure Limited	Lagganhouse Country Park Ballantrae Girvan
(h) RCS Girvan Limited	Girvans 66 Portland Street Troon

The meeting ended at 10.30 a.m.