

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 7 February 2019 at 10.00 a.m.

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

Apology: Councillor Bob Pollock.

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

In Attendance: Inspector J. Hamilton and Sergeant D. Dougan, 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, 7 March 2019 at 10.00 a.m.

3. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 10 January 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 24 January 2019 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:-

- 1B Alloway Place, Ayr – transferred to Café Kawiarnia Ltd. on 18 January 2019.

Decided: to note the transfer granted under delegated powers.

5. Revocation of Personal Licences.

There was submitted a report (issued) of 24 January 2019 by the Clerk to the Licensing Board advising of the revocation of personal licences.

Decided: to note the fifteen 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 she was pleased to report that a number of operators were taking advantage of the quieter period at the start of the year to upgrade, decorate and renovate premises in South Ayrshire; it was encouraging that new ideas and facilities were being considered and that applications relating to these would be before the Board in the coming months;

- (2) that, since the last Board meeting, she had been working with one of the larger operators in South Ayrshire who had several premises to ensure that all staff training and requirements were up to date as it was important that licence holders had systems in place to ensure there was an ongoing solution to providing staff training and ensuring that signage and other requirements were met; and that she was happy to visit premises to provide information and guidance;
- (3) that, following the successful and well attended staff training sessions provided by Licensing Services last year, a further session had been organised to take place on 21 February 2019 at Craig Tara which would be free of charge to anyone in the South Ayrshire Licensed Trade, with plenty spaces available for candidates;
- (4) that the Licensing Service relied on close links with local Police Officers to ensure information was shared and to ensure that information and advice were given to the local trade regarding relevant issues; and
- (5) that she had arranged a Licensing Best Practice Seminar for Wednesday 29 May 2019, in partnership with Inspector John Hamilton (the Inspector for Prestwick, Troon and Carrick and until recently had been overseeing Ayr), which would include an address from the Chair of the Licensing Board and Chief Inspector Frew, Police Scotland to acknowledge 10 years since the Licensing (Scotland) Act 2005 came into force.

The Board thanked the Licensing Standards Officer for her update.

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) Dobbies Garden Centres Plc.	Dobbies Garden World Old Toll Holmston Ayr

Reconfiguration and relocation of off-sales display area resulting in an increased off-sales capacity from 10m² to 16.2m².

Licensed footprint of store extended to cover whole building, due to the removal of tills in foodhall.

Amendment to terms of access by children and young persons to allow children aged 12 and over to access the restaurant unaccompanied and children under 12 will require to be accompanied by an adult.

Young persons to have access unaccompanied at all times.

Children and young persons may access the remainder of the premises (excluding the restaurant area) unaccompanied.

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

Applicant

Premises

- (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 a.m.
Festive and seasonal markets/fetes/stalls.
Live music.
External food and drink service.
Large screen projector/television (showing music, films and sport).

Having heard from the applicant and his representative, the Board requested a noise report on this application; and agreed to carry out a site visit to these premises and to continue consideration of this application to the next meeting.

- (3) Hayley Kaur Hollow Park Stores
5 Hollow Park
Ayr

Increase off-sale capacity from 4.8m² to 18.7m²

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

(b) Applications for Occasional Licence.

The Board considered the following applications:-

Applicant

Premises

- (1) Martin John Dunlop Blairquhan Castle
Straiton

Residential Stay – 11/03/19 to 13/03/19
Monday 11/03/19 – noon to 1.00 a.m.; Tuesday 12/03/19 – noon to 1.00 a.m.

- (2) Martin John Dunlop Blairquhan Castle
Straiton

Residential Stay – 14/04/19 to 16/04/19
Sunday 14/04/19 – noon to 1.00 a.m.; Monday 15/04/19 – noon to 1.00 a.m.

- (3) Martin John Dunlop Blairquhan Castle
Straiton

Residential Stay – 18/08/19 to 20/08/19
Sunday 18/08/19 – noon to 1.00 a.m.; Monday 19/08/19 – noon to 1.00 a.m.

- (4) Martin John Dunlop Blairquhan Castle
Straiton

Residential Stay – 21/08/19 to 22/08/19
Wednesday 21/08/19 – noon to 1.00 a.m.; Thursday 22/08/19 – noon to 1.00 a.m.

Having heard from the Licensing Standards Officer, the Board granted applications (1) to (4) above.

(c) Applications for Extended Hours.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Daleglade Limited	Madisons Nightclub 38A Carrick Street Ayr
DJ Set from George Bowie – 02/03/19 – 2.30 a.m. to 3.30 a.m.	
(2) Daleglade Limited	Madisons Nightclub 38A Carrick Street Ayr
Scottish Grand National and Ladies Day – 12/04/19 & 13/04/19 – 2.30 a.m. to 3.30 a.m.	

<u>Applicant</u>	<u>Premises</u>
(3) Daleglade Limited	Madisons Nightclub 38A Carrick Street Ayr
Easter Sunday – 21/04/19 – 2.30 a.m. to 3.30 a.m.	

Having heard from the Licensing Standards Officer and from the applicant's representative, the Board granted applications (1) to (3) above.

(d) Premises Licence Review Request.

The Board considered the following application for review:-

<u>Licence Holder</u>	<u>Premises</u>
Tariq Rafiq	Pearl Tandoori 8-10 Bridge Street Girvan

Following a request for Review from Police Scotland under Section 36(3)(ZA) of the Licensing (Scotland) Act 2005, the Board held a hearing under Section 38 in relation to these premises.

There were submitted

- (1) a letter (issued to members only) from Police Scotland dated 14 January 2019 requesting a review of the premises licence in respect of the premises known as Pearl Tandoori, 8-10 Bridge Street, Girvan, as in terms of Section 36(3) (ZA) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence;
- (2) a report (issued to members only) of 24 January 2019 from the Clerk to the Board outlining the options open to the Board; and

- (3) a report (issued to members only) of 17 January 2019 by the Licensing Standards Officer outlining the findings of her recent visits to the premises.

Having heard from Police Scotland in relation to the reasons for requesting the review and having heard the licence holder in response, the Board

Decided: that the grounds for review had been established and that, as the licence holder is not a fit and proper person to be the holder of the licence, in terms of Section 36(3)(ZA), the premises licence for the above premises be revoked, in terms of Section 39(2)(a), the revocation to take effect at the end of the 28 day period, beginning from today's Board meeting.

(e) **Personal Licence Review Under Section 83(7).**

<u>Application Number</u>	<u>Name</u>
SA/14/00004/LAPRS	Tariq Rafiq

The Board considered

- (1) a letter from the Chief Constable, Police Scotland dated 14 January 2019 (issued to members only) advising that Tariq Rafiq had acted in a manner inconsistent with the licensing objective articulated at Section 4(1) of the Act, namely Preventing Crime and Disorder and thus the Board should consider the aforementioned grounds for review and take such steps as it considered necessary or appropriate for the purposes of the licensing objectives, in accordance with the terms of Section 84(7) of the Act; and
- (2) a report (issued) of 24 January 2019 by the Clerk to the Board outlining the options open to the Board on review.

The Board then heard from Police Scotland in relation to the licence holder's conduct and from the licence holder in response and the Board

Decided: that the grounds for review had been established and that the personal licence currently held by Tariq Rafiq be revoked with immediate effect.

The meeting ended at 10.35 a.m.