

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a Meeting in County Buildings, Wellington Square, Ayr,  
on 12th November 2009 at 10.00 a.m.

Present: Councillors Douglas Campbell (Chair), Ian Douglas, Ian Fitzsimmons, Ann Galbraith, Bill Grant, Alec Oattes and Tom Slider.

Apology: Councillor Andy Campbell.

Attending: D. Russell, Clerk to the Board; V. Andrews, Legal Manager; D. Thomson, Trading Standards and Environmental Health Manager; M. Douglas, Licensing Policy Officer; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

In Attendance: Superintendent J. Hazlett and Sergeant A. Kelly, Strathclyde Police.

### **1. 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, 10th December 2009 at 10.00 a.m.

### **2. Minutes of Previous Meeting.**

The Minutes of the Meetings of South Ayrshire Licensing Board of 1st October 2009 and the Special Meeting of 1st October 2009 (issued) were submitted.

**Decided:** to note the Minutes of the previous meetings.

### **3. Letter from Kenny MacAskill, Cabinet Secretary for Justice – Licensing (Scotland) Act 2005 – Designated Premises Manager.**

There was submitted a letter (issued) dated 29th October 2009 from Kenny MacAskill MSP, Cabinet Secretary for Justice

- (1) outlining his concerns that he had received reports that some Personal Licence applications had yet to be processed for people fulfilling the role of Deemed Premises Manager as allowed by the Licensing (Scotland) Act (Transitional Provisions) Order 2009 and, with the deadline of 1st November 2009 approaching, he was requesting that Licensing Boards pay particular attention to processing such applications as quickly as possible; and
- (2) advising
  - (a) that, whilst he understood that in a number of cases the problems arose where the Premises was in one Licensing Board area and the Personal Licence application rested with another Licensing Board, he would request that Licensing Boards co-operate in ensuring the smoothest and swiftest conclusion to these applications;

- (b) that, whilst he was aware that this would not be possible for all applications, particularly those where the Police had voiced concerns or applicants had yet to provide evidence of their qualifications, in all other circumstances he would urge a co-operative approach to ensuring businesses continued to trade; and
- (c) that he appreciated that such co-operation had been commonplace in the majority of applications and he had been informed of circumstances where Licensing staff had gone to great lengths to assist applicants, however, as the final deadline of 1st December 2009 approached with the possibility of Premises Licences' revocations, he would request that such assistance continued.

The Licensing Policy Officer advised that this Council presently had no outstanding Personal Licence applications for people fulfilling the role of Designated Premises Manager.

**Decided:** to note the contents of the letter from the Cabinet Secretary for Justice.

#### **4. Work of Trading Standards and Environmental Health Services on Licensed Premises 2008/09.**

There was submitted a report (issued) of 22nd October 2009 by the Depute Chief Executive and Director of Development and Environment advising of the range of duties carried out on licensed premises by staff from the Council's Trading Standards and Environmental Health Services who devoted a great deal of time to ensuring that licensed premises operated safely and fairly and complied with a wide range of legislative requirements, as outlined in the Appendix to the report.

Questions were asked by Board members in relation to Food Hygiene statistics, the work of the Smoking Enforcement Officers and the originators of noise complaints and the Trading Standards and Environmental Health Manager responded accordingly and outlined the work of the pan-Ayrshire Out of Hours Noise Team who responded to complaints of noise outwith office hours.

**Decided:** to note and recognise the work carried out by the staff from the Council's Trading Standards and Environmental Health Services which affects the operation of licensed premises.

#### **5. Implementation of the Licensing (Scotland) Act 2005.**

There was submitted a report (tabled) of 10th November 2009 by the Executive Director of Corporate Services advising

- (1) that the Licensing (Scotland) Act 2005 had come into force on 1st September 2009 and that, under this Act, all premises which sold alcohol must have a premises licence and each premises must have a premises manager who in turn must hold a personal licence with any premises failing to nominate a premises manager by 1st December 2009 being deemed to have their licence revoked;

- (2) that there were currently eleven premises within South Ayrshire which were granted a premises licence but which had not as yet nominated a premises manager and that, of these eleven premises, only two were currently trading (but not selling alcohol) with the remaining nine not currently trading and for sale/lease;
- (3) that the Licensing (Transitional and Saving Provisions) (Scotland) (Order) 2007 Section 24(2) provided that where the Licensing Board had not been advised of a premises manager by 1st December 2009, any premises licence would be deemed to be revoked as at 1st December 2009 and that all of the affected premises had been advised of this in writing and, where possible, by e-mail or personal visit from the Licensing Standards Officer; and
- (4) that 1,038 applications for personal licences had been granted and there were thirteen applications on which the consultation with Strathclyde Police was ongoing, however, the Licensing Section was unaware of any of the affected premises having outstanding applications for personal licences.

**Decided:** to note the contents of the report.

## 6. **Licensing (Scotland) Act, 2005.**

### (a) **Provisional Premises Licence.**

The Board granted the following application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Paramjit Singh	78 Main Street Ayr

Retail Sale of Alcohol (Off Premises) – every day from 10.00 a.m. to 10.00 p.m.

The Board heard the applicant's representative and the representative for the objector in relation to the appropriate locality for consideration of this application and adjourned to deliberate this matter.

Upon reconvening, the Board agreed that a 500m radius of the applicant premises but excluding any properties on the south side of the river, would be the appropriate locality for consideration of this application.

The Board then heard the objector's representative in relation to this application and the applicant's representative in response and, following questions from Board Members, adjourned for consideration of this application.

Upon reconvening, the Board agreed that the ground of objection that there was over provision within the locality was not substantive and, therefore, there being no grounds for refusal, the application was granted.

The objector's representative then requested a Statement of Written Reasons and this request was granted.

**(b) Applications for Variation of Premises Licence.**

The Board granted the following applications:-

	<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1)	Shanter Inns Limited	Campbeltown Bar 8 Main Street Ayr

Change in core hours to open at 10.00 a.m. on Sundays.

(3)	Robert Newall	29 Main Street Monkton
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Alteration to the premises to increase the floor space and size of the premises and also the location of the alcohol display area.

**Declaration of Interest.**

Councillor Slider declared an interest in the following application as a member of his family had an involvement in the business and withdrew from the meeting during consideration of this application.

(4)	I and T Jones Limited	Postage Stamp 66 Portland Street Troon
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To amend opening hours to 10.00 a.m. every Monday to Sunday inclusive for On-Sale and Off-Sales.

Having considered the letter of objection and having heard the applicant's representative, the Board granted the above application.

(5)	Daniel Sloan	Annbank Arms 1 Weston Brae Annbank
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To add "receptions" including weddings, funerals, birthdays, retirements, etc., live performances and indoor/outdoor sports.

Every Monday to Saturday inclusive from 10.00 a.m. to 12.30 a.m. and every Sunday from 10.00 a.m. to midnight as core hours for on-sale consumption.

(6)	Kirsteen McConnachie	Central Bar 13 New Bridge Street Ayr
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Core hours amended to include opening time of 10.00 a.m. on Sundays for On-Sales.

**Applicant****Premises**

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| (7) | Punch Taverns (Inns)<br>Limited | Floyds<br>49 Maybole Road<br>Ayr |
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Changes to Operating Plan to allow accommodation to be provided both during and outwith core licensing hours.

Conference facilities to be provided both during and outwith core licensing hours.

Restaurant facilities to be provided outwith core licensing hours in addition to existing provision during core hours to allow breakfast to be served in the morning from 7.00 a.m. until the start of core hours.

Children and young persons to be allowed entry from 10.00 a.m. until 9.00 p.m. or until the end of a function which the child or young person is attending whilst accompanied by an adult. If the child or young person is staying in the accommodation overnight they are to be permitted access at all times but access to the bar and restaurant areas will be restricted to the times stated above, however, children or young persons who are staying in the accommodation overnight will be allowed access to the restaurant area from 7.00 a.m. until the start of core hours.

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| (8) | Martin McColl Limited | 51-55 Berelands Road<br>Prestwick |
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To increase operating hours to 10.00 a.m. to 10.00 p.m. every day and increase the size of the premises.

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| (9) | Tarbolton Bowling Club | Tarbolton Bowling Club<br>27 Montgomerie Street<br>Tarbolton |
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Amend opening hours on Monday, Tuesday, Wednesday, Thursday and Friday to open at 11.00 a.m.

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| (10) | Buzzworks Claremont<br>Limited | Treehouse<br>67 Sandgate<br>Ayr |
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Variation to the Operating Plan to allow for sale/supply/consumption of alcohol within the external terrace/beer garden and provision of entertainment by way of a large screen television unit within the said beer garden/external terrace.

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(11) Alan Carmichael	Burns Tavern 7 River Street Ayr

Variation of Core Hours to the following:-

Retail Sale of Alcohol (On Sales) – every day from 10.00 a.m. to midnight.

Retail Sale of Alcohol (Off Sales) – every day from 10.00 a.m. to 10.00 p.m.

Variation of activities to include bar meals, receptions and group meetings, recorded music, theatre, televised sport and outside drinking.

Allow children and young persons access to the premises.

Remove dance facilities and gaming.

Change name of premises from “Burns Tavern” to “Libertine”.

The Board considered the following application:-

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(2) Shanter Inns Limited	Harvest Bar 18 Main Street Ayr

Change in core hours to open at 10.00 a.m. on Sundays for On and Off-Sales and amendments to Operating Plan to include weddings, funerals, etc. during core hours.

Having heard the Trading Standards and Environmental Health Manager advise that, unless an acoustic report was conducted within these premises, Environmental Health would be objecting to that part of the application for live performances and the applicant in response, the Board agreed to grant the variation as outlined above and that the application for live performances be considered at the next Licensing Board meeting scheduled to be held on Thursday, 10th December 2009.

(c) **Applications for Personal Licence.**

The Board considered the following application:-

**Application Number**

**Applicant**

SA/09/00729/LAPRS

Sean Doyle

Having received a notice from Strathclyde Police in terms of Section 73(3)(b) of the Act and having heard from the applicant in response, the Board adjourned for consideration of the above application.

Upon reconvening, the Board decided to refuse this application, in terms of Section 74(6) of the Act on the grounds that it is necessary to do so for the purposes of the crime prevention objective.

The Board agreed to continue consideration of the following application to the next meeting of the Board scheduled to be held on Thursday, 10th December 2009 to allow the applicant to attend:-

**Application Number**

**Applicant**

SA/09/00570/LAPRS

Andrew Ramsay

The meeting ended at 11.35 a.m.