

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in County Buildings, Wellington Square, Ayr,
on 9th December 2010 at 10.00 a.m.

Present: Councillors Douglas Campbell (Chair), Ian Douglas, Alec Oattes and Tom Slider.

Apologies: Councillors Andy Campbell, Ian Fitzsimmons, Ann Galbraith and Bill Grant.

Attending: V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer; C. Andrew, Licensing Standards Officer; M. Houston Senior Trading Standards Officer; G. Lauder, Senior Environmental Health Officer; and A. Gerrish, Committee Administrative Officer.

In Attendance: Sergeant U. Menzies and D. Hastings, 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, 3rd February 2011 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 11th November 2010 (issued) were submitted.

Decided: to note the Minutes of the previous meeting.

3. Applications for Transfers Granted Under Delegated Powers.

There was submitted a report (issued) of 30th November 2010 by the Executive Director - Corporate Services advising of the following determination of applications for Transfer of Licences between the last Board meeting and the present one:-

Callans Restaurant, 16 Cathcart Street, Ayr;
Moonrings, 78 Main Street, Dailly; and
Eagle Tavern, 3/5 The Cross, Prestwick.

Decided: to note the transfers granted under delegated powers.

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

(a) **Application for Variation of Premises Licence.**

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	The Firm of Portland Golf Club	Troon Portland Golf Club 1 Crosbie Road Troon

To allow children and young persons accompanied by an adult and junior members to be admitted to all areas of the club other than the area immediately fronting the bar; and to change the location and access to the outside drinking area.

The Board agreed to grant the above application.

	<u>Applicant</u>	<u>Premises</u>
(2)	Ayr Rugby Club	Ayr Rugby Club Millbrae Alloway Ayr

Application to withdraw Club status.

The Board agreed to grant the above application.

(3)	Stephen O'Donnell	The Athletic Tavern 120 Dalrymple Street Girvan
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To amend On and Off Sale core hours to commence at 10.00 a.m. every day (currently 11.00 a.m. every Monday to Saturday inclusive and 12.30 a.m. every Sunday (Off) and noon every Sunday (On)).

The Board agreed to grant the above application.

(4)	Aldi Stores Limited	Aldi 135-147 Ayr Road Prestwick
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To increase the size of the alcohol display area from 30.37 m² to 32.4 m².

The Board agreed to grant the above application.

(b) Application for Provisional Premises Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Tesco Stores Limited	Tesco Express 42 Portland Street Troon

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 a 500m radius of the applicant premises would be the appropriate locality for consideration of this application and the map outlining this radius was circulated.

The Board then heard from the Clerk to the Board who established that none of the objectors were present and the applicant's representative.

The Chair advised that all submissions and objections had been taken into account; that in determining the application the Board had to consider if any of the grounds for refusal applied and that, if they did not, the Board was required to grant the application; that the Board had examined each licensing objective and had come to the conclusion that the application met all of the objectives; and on this basis no grounds for refusal had been established.

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

(c) Application for Personal Licence.

<u>Application Number</u>	<u>Applicant</u>
SA/10/00204/LAPRS	Alan Sharp

The Board agreed to continue this application to the next scheduled meeting on 3rd February 2011 to allow the applicant to attend.

(d) Review of Personal Licence.

SA/10/00012/LAPRS - Natalie Aird

Reference was made to the Minutes of 11th November 2010 (Page 6, paragraph 10(b)) when consideration of this matter had been continued in the absence of the applicant and there was submitted a report (issued) of 23rd November 2010 by the Executive Director – Corporate Services advising that Natalie Aird, personal licenceholder had failed to disclose a conviction within one month of the date of conviction as required by Section 82 of the Licensing (Scotland) Act 2005.

The Board heard from the Police and the Licensing Policy Officer in relation to this review and the reasons for requesting the review. The Clerk to the Board then outlined the options available for consideration to the Board to deal with this review.

Decided: to suspend the above licence for a period of six months.

(e) Applications for Occasional Licences.

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Sarah MacNeil	Maybole Town Hall Maybole

Maybole Ball – 29/12/10 – from 10.00 p.m. to 2.00 a.m.

Having heard the applicant's representative and the Licensing Policy Officer the Board agreed to adjourn for ten minutes to consider the conditions that would require to be applied to the licence.

Upon reconvening, the Chair advised that as it was a limited ticket event, the following conditions would be specified on the licence:-

Total number of tickets – 190;
Admission only to ticket holders;
Each ticket allowed 5 vouchers for alcohol with vouchers limited to a single unit (each unit to be one 125ml glass of wine or one 275ml bottle of beer);
Training to be given by the Personal Licence Holder to those serving alcohol; and
Proof of age stamp.

Having heard the applicant, the Board agreed to grant the licence with the conditions as outlined above.

(2)	Thomas Main	Station Hotel Burns Statue Square Ayr
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In lieu of premises licence – 09/12/10 to 22/12/10 – 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.

Having heard the applicant. the Board agreed to grant the above application.

The Board considered the following application:-

(ii) **Guisepppe Ippolito for Willie Wastles, 30 New Bridge Street, Ayr.**

Following a Request for Review from Environmental Health under Section 38 of the Licensing (Scotland) Act 2005, the Board held a hearing in relation to these premises.

There was submitted a report (issued to members only) of 29th November 2010 by the Trading Standards and Environmental Health Manager outlining the reasons for seeking the review.

The Board heard

- (A) the applicant for the Review in relation to these premises and the reasons for requesting the Review;
- (B) the Licenceholder's representative in response giving assurances and an undertaking that all the issues would be resolved,
- (C) the Licensing Standards Officer advising of mediation meetings between the parties involved; and
- (D) the Environmental Health Officer reporting on the call-outs made by them in relation to loud music, people congregating in the lane beside the premises smoking and the actions they had taken and that a Noise Insulation Report had now been received from an Acoustic Consultant (tabled).

The Chair sought clarification from the Licenceholder's representative that the lane would be kept clean and tidy, agreed noise levels as set by Environmental Health would be adhered to, there would be no Karaoke, that Fire Exit Doors would remain closed and works would be undertaken to comply with the recommendations in the acoustic report and, having heard the Licenceholder's representative in response giving assurances and an undertaking that these restrictions would be complied with and recommended works carried out, the Board considered the report and the evidence heard.

Decided: to continue consideration of this Review to the Board meeting scheduled to be held on 3rd March 2011 and to advise the applicant for the Review to contact the Out of Hours Noise Team in the intervening period should the noise nuisance persist.

5. Premises Licence Reviews – Non-Payment of Annual Fees.

There was submitted a report (issued) of 30th November 2010 by the Executive Director - Corporate Services advising

- (1) that all premises had been due to pay their annual fee on 1st October 2010 as payment of the annual fee was a mandatory condition of the licence and that the following premises had failed to pay their annual fees despite reminders being sent:-

Burrowfields, 13 Beresford Terrace, Ayr;
Kando, 9-13 South Harbour Street, Ayr;
Pearl Tandoori, 8-10 Bridge Street, Girvan;
The Steamboat Tavern, 33-35 South Harbour Street, Ayr; and
Tacos, 22 Ayr Street, Troon; and

- (2) that, when the Board had considered the non-payment of annual fees in respect of the fees due on 1st October 2009, it had suspended the relevant licences but had granted delegated powers to reinstate the licences on payment of the fee.

The Licensing Policy Officer further advised that payment had been received from the Steamboat Tavern.

Decided:

- (a) to agree to suspend the following licences from Monday, 20th December 2010:-

Burrowfields, 13 Beresford Terrace, Ayr;
Kando, 9-13 South Harbour Street, Ayr;
Pearl Tandoori, 8-10 Bridge Street, Girvan; and
Tacos, 22 Ayr Street, Troon; and

- (b) to agree to grant delegated powers to Officers to reinstate the licences on payment of the Annual Fee.

The meeting ended at 11.45 a.m.