

SOUTH AYRSHIRE LICENSING BOARD (SPECIAL).

Minutes of a Special Meeting in County Buildings, Wellington Square, Ayr,
on 3rd August 2010 at 10.00 a.m.

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

Apologies: Councillors Douglas Campbell, Ann Galbraith and Bill Grant.

Attending: V. Andrews, Clerk to the Board; M. Douglas, Licensing Policy Officer; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

In Attendance: Sergeant U. Menzies and C. Maxwell, Strathclyde Police.

1. Chair.

In the absence of the Chair, the Board agreed that Councillor Douglas would Chair the meeting.

2. Licensing (Scotland) Act, 2005.

(a) Application for Variation of Premises Licence.

The Board considered the following application:-

<u>Applicant</u>	<u>Premises</u>
Haven Leisure Limited	Spar Shop Craig Tara Holiday Park Dunure Road Ayr

To increase display area of alcohol from 2.76sq m to 22.02sq m.
Change of name from "Essentials" to "Spar".

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

(b) Hearing in Respect of Review of Premises Licences.

Partnership of Mr and Mrs Dhillon, 125 -129 Lochside Road, Ayr.

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

There were submitted reports (issued to members only) by the Executive Director of Corporate Services, the Licensing Standards Officer and Strathclyde Police.

In the absence of the licenceholder, the time being 10.10 a.m., the Board agreed to adjourn the meeting for twenty minutes to await the licenceholder.

The Board reconvened at 10.30 a.m.

The Board heard Sergeant Menzies, Strathclyde Police in relation to these premises, the reason for requesting the Review and advising how a sales assistant within the premises had committed an offence by allowing a young person to purchase alcohol while acting as a test purchaser and, therefore, the licenceholder had failed to comply with the preventing crime and disorder licensing objective.

The Licensing Standards Officer then gave a report on these premises outlining her concerns regarding the lack of understanding of the Act by staff; staff training issues; lack of entries in the refusals book; alcohol being stored outwith the permitted alcohol display area; and the completion of an "agency-type" sale while she was on the premises.

The Board then heard the licenceholder advise

- (i) that the sale that the Licensing Standards Officer had witnessed which she believed was an "agency-type" sale was a man purchasing alcohol for his 22 year old brother who had been barred from the premises eight years ago;
- (ii) that the first test purchaser had been a female who looked respectable and was purchasing a bottle of wine, therefore, her staff did not request proof of age as she and her staff targeted customers purchasing alcopops and other drinks favoured by young people;
- (iii) that the second test purchaser was asked for proof of age; and
- (iv) that there were few entries in the refusals book as it was mostly local people who had been refused the sale of alcohol and they were all known to the staff members and, therefore, not recorded within the refusals book.

The Licensing Standards Officer further advised

- (A) that she and Officers from Trading Standards provided information to all retailers on the importance of requesting proof of age;
- (B) that, although the licenceholder had outlined that her staff were familiar with all local people and refused those known to be under-age and requested proof of age from those outwith the area, the test purchaser had been from outwith the area and had been sold a bottle of wine;
- (C) that the refusals book could also be utilised to record those refused alcohol for being under the influence of alcohol;
- (D) that procedures should be established for staff when unsure of the age of a young person attempting to purchase alcohol.

Questions were then raised by Members of the Board in relation to

- (I) whether the second test purchaser who had been refused alcohol was recorded in the refusals book and the Licensing Standards Officer advised that it had not been recorded, that only eight entries had been made this year and five of these were alcohol related;
- (II) whether the licenceholder was aware of why the Regulations were in place and why it was important that they were adhered to and she advised that she was aware of the Regulations and why they were in place and she now used the refusals book more often and staff had been reminded of the Regulations, had been instructed to ask for ID when unsure of a person's age and also instructed to ascertain that someone was not purchasing alcohol for a person under-age; and
- (III) whether workbooks for staff training purposes had now been purchased as suggested by the Licensing Standards Officer in her report following her concerns about the quality of staff training and the licenceholder advised that all books and signed documents had been locked in a filing cabinet following a robbery at the premises and, having obtained details of trainers from the Licensing Standards Officer, she was now arranging staff training and the Licensing Standards Officer outlined that she would continue to support the licenceholder in terms of staff training.

Following the summing up, the Board adjourned for consideration of this matter.

Upon reconvening, the Chair advised that the Board had considered all reports submitted and the evidence heard.

Decided:

- (A) that the Board was satisfied that the ground for the application had been established, namely a failure to comply with the Licensing Objective to prevent crime and disorder in that a sales assistant within the premises had committed an offence by allowing a young person to purchase alcohol while acting as a test purchaser;
- (B) to instruct the Clerk to the Board to issue a letter of warning to the licenceholder outlining the Board's concerns in light of the Licensing Standards Officer's report; and
- (C) that the licence be suspended for two days from 10.00 a.m. on Friday, 6th August 2010 to 11.59 p.m. on Saturday, 7th August 2010.

The meeting ended at 11.05 a.m.