

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in County Buildings, Wellington Square, Ayr,
on 3rd March 2011 at 10.00 a.m.

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

Apology: Councillor Alec Oattes.

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

In Attendance: Chief Superintendent J. Thomson, P.C. J. McDonagh 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, 31st March 2011 at 10.00 a.m.

2. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 3rd February 2011 (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 18th February 2011 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:-

Beanscene, 1B Alloway Place, Ayr;
The Kings, 12 Dalrymple Street, Girvan;
Ballantrae Holiday Park, Ballantrae;
16 West Portland Street, Troon; and
Bar Libertine, 7 River Street, Ayr.

Decided: to note the transfers granted under delegated powers.

4. Consultation on Social Responsibility Levy.

There was submitted a report (issued) of 1st March 2011 by the Executive Director - Corporate Services advising of the current consultation on the Social Responsibility Levy under the Alcohol Act 2010.

A full discussion then followed on whether imposing a levy was appropriate; how the levy should be determined; should the levy be based on the volume of sales; should the categories of trader be assessed on the same basis as on-sales premises; at what level should the levy be set; the involvement of the Community Safety Partnership and the Community Planning Partnership; should the Government set the level centrally or should it be set locally; how would good practice be determined; and should there be an Appeals process.

Decided: that the Clerk to the Board would submit a response on the consultation to the Scottish Government outlining the Board's comments by the closing date of 31st March 2011.

5. **Update Report By Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that she had recently held a meeting in Maybole for Premises Managers of both On and Off-Sales premises in that area to discuss a variety of issues and to introduce the possibility of holding a similar meeting quarterly;
- (2) that the meeting had been well attended with very few apologies and that the local Constable and Sergeant had also taken part in the discussions and had agreed to support future meetings;
- (3) that the subjects covered at the meeting had included LSO checks, staff training, proof of age, personal licenceholders and recent policy changes and that information had been available for those in attendance to collect following the meeting and she had received a number of enquiries from Premises Managers since the meeting and colleagues in Trading Standards had contacted her to advise that, as a result of her discussions, they had also had an uptake in their training; and
- (4) that she had been pleased with the responses from members of the Maybole trade at the meeting and following the meeting and intended to hold the next meeting in the Summer, however, she would continue to carry out checks in the Maybole area over the next few months.

Decided: to note the meetings held in Maybole by the Licensing Standards Officer.

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

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

The Board granted the following application:-

<u>Applicant</u>	<u>Premises</u>
Henry Robin Russell	Robbies Drams 3 Sandgate Ayr

Retailing trade area to be increased to allow for a larger selection of whisky and other spirits. New capacity 54.54m² (currently 48.12m²).

Councillor Grant declared an interest in the following item as the premises licenceholder was known to him and withdrew from the meeting during consideration of this matter.

(b) Review of Premises Licence Under Section 38.

The Board considered the following application for review:-

Guisepppe Ippolito, Willie Wastles, 30 New Bridge Street, Ayr.

Reference was made to the Minutes of 9th December 2010 (Page 6, paragraph 4(f)(ii)) when the Board had decided to continue consideration of this Review to this Board meeting 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.

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

There were submitted reports (issued to members only) of 17th and 28th February 2011 by the Trading Standards and Environmental Health Manager outlining the actions of Environmental Health Service since the original review hearing.

The Board then heard the Senior Environmental Health Officer outline the visits made to the premises by Environmental Health Officers and the Out-of-Hours Noise Team and the outcomes of these visits.

The licenceholder's representative then advised that the acoustic consultant had made a number of recommendations in his report and that works had now been undertaken which had been outlined within the report and that a re-inspection by Environmental Health was imminent when sound levels would be assessed while holding karaoke at the front of the premises which he hoped would resolve the noise problem for the applicant for the review.

The applicant for the review then outlined the problems he had been experiencing in relation to the noise from the premises and from patrons smoking in the lane adjacent to the premises and advised that stewards were no longer at the door of the premises on Friday and Saturday evenings to prevent patrons from entering the lane and the licenceholder's representative further advised that the possibility of erecting a gate at the entrance to the lane had been investigated, however, the licenceholder had no proprietorial rights to the lane, only access rights and the lane was also a fire exit, therefore he could not erect the gate, however, it had been emphasised to the Premises Manager that patrons should not be permitted to enter the lane.

Questions were raised by members of the Board in relation to whether karaoke was the only audible noise from the premises; whether karaoke was planned for the near future; whether the premises might be unsuitable for karaoke; whether the acoustic consultant's report was available; and when Environmental Health Officers would be re-inspecting the premises; and the applicant for the review, the licenceholder's representative and the Senior Environmental Health Officer responded accordingly.

Decided: to continue this matter to a future Board meeting to allow Environmental Health Officers to re-inspect the premises when karaoke was taking place at the front of the premises and to assess the noise limit in the flat of the applicant for review.

(c) Application for Personal Licence.

The Board agreed to continue consideration of this application to a future Board meeting:-

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

(d) Application for Extended Hours.

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Western House Catering Ltd.	Princess Royal Stand Ayr Racecourse 2 Whitletts Road Ayr

Xess Revival Night – 25/04/11 from midnight to 1.00 a.m.

(2)	Western House Catering Ltd.	Princess Royal Stand Ayr Racecourse 2 Whitletts Road Ayr
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Xess Revival Night – 25/04/11 from 1.00 a.m. to 1.30 a.m.

Having heard the representative for the applicant, particularly in relation to that part of the application seeking late opening until 2.00 a.m. and giving an undertaking that the capacity would be restricted to 2,000 and that under 18s would not be admitted and having heard from the Licensing Standards Officer, the Board adjourned for consideration of this application.

Upon reconvening, the Board granted the hours as outlined above subject to the capacity being restricted to 2,000 and under 18s not being admitted.

(e) **Application for Occasional Licence.**

Applicant

Kenneth McHugh

Premises

Scottish Bowling Association
National Centre for Bowling
Northfield Bowling Club
Hunters Avenue
Ayr

National Bowling Championships – 26/07/11 to 31/07/11 inclusive
26/07/11 from 9.00 a.m. to 9.00 p.m. inclusive; and 27-31/07/11 from 9.00 a.m.
to 9.00 p.m. inclusive.

Having heard the applicant, particularly in relation to that part of the application for early opening hours from 8.30 a.m. and having heard the Licensing Standards Officer remind the applicant to ensure that patrons who had had too much to drink should not be served more alcohol, the Board granted the hours as outlined above.

(f) **Application under Section 135 (Power to Relieve Failure to Comply with Rules and Other Requirements) and Section 34 Transfer Request.**

Applicant

Linda Torbett

Premises

Welltrees Inn
9-11 Welltrees Street
Maybole

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

7. **The Gambling Act, 2005.**

Application for Club Machine Permit.

The Board granted the following application:-

Club

Ayr Hawkhill Bowling Club

Address

Back Hawhill Avenue
Ayr

8. **Any Other Business.**

Applications for Occasional Licence.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Callum McKelvie	Maybole Town Hall Maybole
Annual Charity Dance in Aid of Ayrshire Hospice – 19/03/11 from 7.00 p.m. to 12.30 a.m. inclusive.	
Having heard the applicant, particularly in relation to that part of the application for opening hours until 1.00 a.m., the Board granted the hours as outlined above.	
(2) Crooksmoss Bowling Club	Crooksmoss Bowling Club Glenmuir Place Ayr
Race Night, Raffle and Disco for Charity Fundraising – 18/03/11 from 7.00 p.m. to 12.30 a.m. inclusive.	

The Board granted the above application.

The meeting ended at 11.30 a.m.