

Cunninghame House,
Irvine.

31 January 2013

North Ayrshire Licensing Board

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Council Chambers, 3rd Floor, Cunninghame House, Irvine on **WEDNESDAY 6 FEBRUARY 2013** at **10.00 am** to consider the undernoted business.

Yours faithfully

Clerk to the Licensing Board

1. Minutes

Confirm the Minutes of the Board Meetings held on 21 November 2012 and 18 December 2012

2. Licences and Applications under the Licensing (Scotland) Act 2005

Submit report by the Clerk to the Licensing Board on applications under the Licensing (Scotland) Act 2005 (copy enclosed)

3. Scottish Government Consultation Document on Further Options for Alcohol Licensing

Submit report to the Licensing Board on the Scottish Government's Consultation

4. Occasional Licences

Submit report to the Licensing Board to approve an Additional Information Form for Occasional Licences

5. Consultation Process on NALB Licensing Policy Statement 2013-2016

Submit report to inform the Licensing Board of the Consultation Process

Licensing Board

Sederunt: Ronnie McNicol (Chair)
 Tom Marshall (Vice-Chair)
 Robert Barr
 John Bruce
 Ian Clarkson
 Ruth Maguire
 Alex McLean
 Alan Munro
 Donald Reid
 Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Agenda Item 2

6 February 2013

North Ayrshire Licensing Board

Subject: Licences and Applications under the Licensing (Scotland) Act 2005

Purpose: To inform the Licensing Board on the background to applications received under the Licensing (Scotland) Act 2005.

Recommendation: That the Licensing Board determines the applications.

1. Introduction

- 1.1 The Licensing Board is responsible for determining applications made under the Licensing (Scotland) Act 2005, and for determining questions under that Act.
- 1.2 The Board has previously approved a Scheme of Delegation whereby certain matters can be delegated.

2. Current Position

- 2.1 The applications before the Board are set out in the attached appendices. Each appendix contains reports prepared by licensing staff for each individual case before the Board.
- 2.2 Appropriate consultation has taken place with Strathclyde Police and with the Council's Building Standards and Planning Sections. Where relevant the reports have been copied to the applicants and any persons making objections or representations. Any objections or representations have been copied to the applicants, so that a response might be made at the Board Hearing.

Clerk to the Licensing Board

Reference : WO'B/MC

For further information please contact William O'Brien, Licensing Solicitor , on 01294 324305.

APPENDIX A

Premises Licence Applications or any other Applications requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comments
1	0327	Greene King Brewing & Retailing Ltd c/o Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	The Carrick 112-114 High Street Irvine KA12 8AH	Review Application - Section 36 Continued from 26/06/12 & 21/11/12
2	PK0504	Brian Flanagan 33 Glenearn Road Perth PH2 0NW		Personal Licence Review Hearing - Section 84A Continued from 26/06/12 & 21/11/12
3	0439	Simpson's Limited 152A High Street Irvine KA12 8AN	Si Cafe, Bar & Restaurant 18 Kilwinning Road Irvine KA12 8RU	Application for Grant of Provisional Premises Licence - Section 45
4	0440	1934 Club Kilmory Hall Kilmory Isle of Arran KA27 8PQ	1934 Club Kilmory Hall Kilmory Isle of Arran KA27 8PQ	Application for Grant of Premises Licence - Section 20
5	0218	Finom Limited 30 James Street Dalry KA24 5ET	The Turf Inn 11 Courthill Street Dalry KA24 5BN	Application for Variation of Premises Licence - Section 29
6	0430	Buzzworks Largs Marina Ltd c/o Head Office 132 Main Street Prestwick KA9 1PB	Bosun's Table Units 3-4 Largs Yacht Haven Irvine Road Largs KA30 8EZ	Application for Variation of Premises Licence - Section 29

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"The Carrick", 112-114 High Street, Irvine KA12 8AH.
Premises Licence Holder	Greene King Brewing and Retailing Ltd (t/a Belhaven Pubs)
Ref.	0327

CONTINUED FROM 26/06/12 & 21/11/12

1. Background

By letter of 25 April 2012 the Chief Constable made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

2. Basis of Review

The 'Grounds for Review' are that the operation of the Premises was inconsistent with the 'preventing crime and disorder' Licensing Objective.

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

On-sales:

Mon	9.00	24.00
Tue	"	24.00
Wed	"	24.00
Thur	"	1.00
Fri	"	1.00
Sat	"	1.00
Sun	10.00	24.00

Off-Sales:

Mon	10.00	22.00
Tue	10.00	22.00
Wed	10.00	22.00
Thur	10.00	22.00
Fri	10.00	22.00
Sat	10.00	22.00
Sun	10.00	22.00

4. Capacity etc.

The Premises have a capacity of 408 customers, and an off-sales display capacity of 27.5 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Gaming, Televised Sport, quiz nights, dominoes and charity nights.
- (c) The Premises have Outdoor Drinking Facilities.
- (d) The Premises allow under-18s of all ages if accompanied by adult, for meals, either:
 - (i) until 21.00, or
 - (ii) until the end of a function.

5. Procedure

Having received an Application, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the letter from the Police, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

6. Additional Powers of inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5) and (6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;

- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review Application,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

If the Board is satisfied that a Ground for Review is established, the Board may take any one or more of the following steps if it considers necessary or appropriate for the purposes of any of the Licensing Objectives:

- (a) issue a Written Warning to the Licence Holder;
- (b) make a Variation of the Licence - either indefinitely or for a specific time. The Variation may relate to any part of the Licence, for example:
 - (i) the operating hours for the Premises (or any part);
 - (ii) the Premises Manager (if any) can be removed;
 - (iii) the activities which may be carried on on the Premises (or any part);
 - (iv) the terms for access by persons under 18 to the Premises (or any part);
 - (v) the Licence Conditions (the Variation cannot alter the statutory Mandatory Conditions);
- (c) Suspend the Licence for a specific time;
- (d) Revoke the Licence.

The Board is not obliged to take any of these steps, and it may decide that although a Ground for Review is established, no action is required.

The Board may take these steps either on the basis of the original Review Procedure, or on the basis of information obtained in the course of the Review Procedure (Section 38(5) & (6)).

8. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing. If there is also a decision about a Personal Licence, the holder can appeal to the Sheriff.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.

Personal Licence Review Hearing - Section 84A

Applicant	Brian Flanagan, 33 Glenearn Road, Perth, PH2 0NW (D.O.B. 7.4.78)
Ref.	PK 0504

CONTINUED FROM 26/06/12 & 21/11/2012

1. Background

The Personal Licence Holder is the Premises Manager of "The Carrick", 112-114 High Street, Irvine KA12 8AH (NALB 327).

Section 84A entitles the Chief Constable to report to the Board where he considers that any Personal Licence Holder has acted in a manner which is inconsistent with any of the Licensing Objectives.

By letter of 25 April 2012 the Chief Constable reported certain circumstances relating to the Personal Licence Holder. Copies of the letter will be distributed to Members at the Meeting.

2. Procedure

Under Section 84A(2) the Board must, on receipt of that Report, hold a Hearing and give the Personal Licence Holder and the Chief Constable an opportunity to be heard.

At the Hearing, the Board must have regard to

- (a) the Report
- (b) any comments made by the Personal Licence Holder,
- (c) any comments made by the Chief Constable.

3. Board's Powers on Review

If the Board it considers it is necessary for any of the Licensing Objectives, the Board may:

- (a) Revoke the Personal Licence,
- (b) Suspend the Personal Licence for up to 6 months,
- (c) Endorse the Personal Licence. An Endorsement lasts 5 years. If a holder gets 3 Endorsements in a 5 year period, then there is a further Hearing, at which the Licence might be Suspended (for up to 6 months) or Revoked.

The Board is not obliged to take any of these steps, and may decide to take no further action. The Personal Licence Holder can appeal to the Sheriff against any decision taken at a Hearing.

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Simpsinns Ltd.
Premises	'Si', 18 Kilwinning Road, Irvine, KA12 8RU
Ref.	0439

1. Summary of Proposal

The Applicant has applied for the Grant of a Provisional Premises Licence (PPL).

The Applicant has built a stand-alone building on the site of the demolished Golf Hotel. The Premises will consist of a Cafe, Bar, Restaurant.

The PPL relates to Premises which are to be constructed for use as Licensed Premises, and is valid for a period of four years. During this period, the Applicant can request the Board to Confirm the PPL, or to extend the period.

The Premises cannot sell alcohol until the PPL is Confirmed. The Licence-Holder will apply to the Board for Confirmation once the construction is complete, and after Certificates as to Building Control and Food Hygiene are issued. Confirmation is usually done by the Clerk or other officers under the Scheme of Delegations.

The Board decision on the PPL relates only to licensing legislation, and does not indicate permission or certification under other legislation, such as Planning or Building Control. If the PPL is granted, the Premises cannot operate until all other legislative requirements are met.

2. Objections and Representations

Police	No objection
Community Council	No response
Fire	No objection
Health Board	No response
Planning	No objection (the proposal has Planning Permission)
Other Objections or Representations	None

3. Detailed proposal**(a) Licensed Hours****On-Sales**

	<i>Proposal</i>	<i>Policy</i>
Monday	11.00 - 24.00	
Tuesday	"	
Wednesday	"	OK on
Thursday	11.00 - 1.00	all 7 days
Friday	"	
Saturday	"	
Sunday	11.00 - 24.00	

Off-sales

	<i>Proposal</i>	<i>Policy</i>
Monday	11.00 - 22.00	
Tuesday	"	
Wednesday	"	OK on
Thursday	"	all 7 days
Friday	"	
Saturday	"	
Sunday	12.30 - 22.00	

(b) Activities other than the sale of alcohol

Accommodation	
Conference facilities	X
Restaurant facilities	X
Bar meals	X
Receptions (including weddings, funerals, birthdays, retirements, etc.)	X
Club or other group meetings	X
Recorded music	X
Live performances	X
Dance facilities	X
Theatre	X
Films	X
Gaming	X
Indoor/Outdoor sports	X
Televised sport	X
Outdoor Drinking	
Adult entertainment	

Other activities
<i>including but not limited to live bands, singers, disco and dancing, dj, cabaret, stand-up comedy, talent night, open mic night, karaoke, party night, dinner dances, race nights, poker nights, tea dances, children's events, charity & other community events, function hire, displays & shows, wine & other food & drink tasting evenings, product promotion evenings, seasonal events, seasonal promotions</i>

(c) Access for Under-18s

Terms (OP 6(b))	All ages (0-17) allowed. No requirement for meals or parent/adult.
Times (OP 6(d))	For whole Core Hours.
Parts (OP 6(e))	All parts of Premises (except near bar).

(d) Capacity

On-Sales (persons)	310
Off-Sales (sq. mtr.s)	Not stated. Applicant must advise the Board of the correct figure, either in writing or by attending the Board Meeting.

4. Issues

The Board has a discretion to grant or refuse the Application.

In all Applications, whether or not there are third-party objections, the Board must consider whether or not the Application is inconsistent with any of the Licensing Objectives.

In addition, the Board must consider two other potential grounds of refusal:

- (a) unsuitable premises, and
- (b) overprovision,

and decide whether or not these apply.

The Board should consider all the potential Grounds of Refusal set out above. If any apply, the Board must refuse. If none apply, the Board must grant: Section 23(4)-(5).

However, the Board is obliged to grant the Application if the Applicant accepts a suitable modification to the Operating Plan or Layout Plan (or both), where that modification deals with the potential ground for refusal: Section 23(7).

L.O. (a): 'preventing crime and disorder'

The Board may consider that the absence of adult supervision of under-18s increases the risk of under-age drinking.

L.O. (e): 'protecting Children from harm'

This L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17).

The Board may consider that the proposal to allow Children (aged 0-15) on the Premises after 20.00 is not consistent with this L.O..

If the Board wishes to limit access for under-16s to Children consuming a meal before 20.00, it may choose to attach Condition X.5.

Overprovision

Given that the principal activity of the Premises is the provision of meals or non-alcoholic refreshment, the presumption of refusal which would otherwise apply to new or varied Premises does not apply (Board's Licensing Policy Statement 2010, Annex E, especially Paragraph 2.4(b)).

5. Observations

(a) The Application states "Additional Hours are sought for Festive period in conjunction with hours determined annually by the Board. In addition any such other occasions – Easter Sunday, special local occasions etc are also sought in conjunction with the Board policy."

1. This Application is incompetent. The way for Premises to obtain extra hours is to apply to the Board for Extended Hours (an Occasional Extension) as and when the hours are requested; the individual request is then copied to the Police, who can make representations.

2. In any case:

(a) the request does not state what the Additional Hours are. In previous years the Board has treated the whole of December, until 2 January, as the 'Festive Period'. This does not mean that Premises can stay open for the whole month. Instead, it is for individual Premises to apply for grants under Section 68 for Extended Hours (i.e. Occasional Extensions) for specific dates - e.g. in 2012 the Board's policy was that Premises could apply for 4 periods of Extended Hours in the period 1-14 December 2012, and 7 periods in the period 15 December – 2 January, i.e. a maximum of 11 days, not 33.

(b) The Board has no policy of granting extensions at Easter, and the list in its Licensing Policy Statement (Para. 9.9) of days which are not considered to be suitable for extensions includes the Easter weekend.

(c) 'special local occasions' is too vague. If the Applicant later seeks an Occasional Extension, the Clerk will be unable to grant it unless it can be seen to be within the Board's policy.

The Applicant requires to include in OP Q4 the intention to seek extra hours, but this is only an intention. The ordinary Core Hours 7-days-a-week remain those stated in Q2/Q3, and the Applicant does not seek to change those.

(b) LP does not show dimensions of Off-sales display area. Dimensions required are length and height.

(c) OP includes 'Theatre' and 'Films'. Applicant should advise Board what is intended, as Applicant may require Licences under the Theatres Act 1968 and Cinema Act 1985.

6. Licence Conditions

If the Licence is granted, it will be subject to the following parts of the NALB Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions):

- A (All Premises)
- B (Off-Sales)
- C (On-sale Premises)

Application for Grant of Premises Licence - Section 20

Applicant	1934 Club
Premises	Kilmory Hall, Kilmory, Isle of Arran KA27 8PQ
Ref.	0440

1. Summary of Proposal

The Applicant has applied for the Grant of a Premises Licence.

The proposal is to create a Members' club in a public hall. A copy of the Applicant's "Supporting Statement" will be given to Members.

The Board decision on the Licence relates only to licensing legislation, and does not act as permission or certification under other legislation, such as Planning or Building Control.

2. Objections and Representations

Police	No objection
Community Council	No response
Fire	No objection
Health Board	No response
Other Objections or Representations	None

3. Detailed proposal**(a) Licensed Hours**

The request is On-sales 11 – 1 and Off-Sales 10 – 22 on all seven days. This is within NALB Policy for Clubs.

(b) Capacity

On-Sales (persons)	300
Standing / Seated	150 / 150
Off-Sales (sq. mtr.s)	<i>Not stated. Applicant has failed to include this in the mandatory Operating Plan and must advise the Board of the correct figure either in writing or by attending the Board Meeting. Regulations require locations and dimensions of all Off-sales display areas. Dimensions required are length and height. The capacity figure will be added to O.P. 7 if the Licence is granted.</i>

(c) Activities other than the sale of alcohol

Accommodation	
Conference facilities	X
Restaurant facilities	X
Bar meals	X
Receptions (including weddings, funerals, birthdays, retirements, etc.)	X
Club or other group meetings	X
Recorded music	X
Live performances	X
Dance facilities	X
Theatre	X
Films	X
Gaming	X
Indoor/Outdoor sports	X
Televised sport	X
Outdoor Drinking	X
Adult entertainment	

Other activities

likely to include but not limited to quizzes, fashion shows, indoor picnics, tea parties, beetle drives and similar events, stand-up comedy, talent shows, cookery demonstrations, film and cinema evenings, music appreciation classes, educational and knowledge sharing events.

(d) Access for Under-18s

Terms (OP 6(b))	Must be with adult if under 16. No requirement for meals.
Times (OP 6(d))	Children (0-15) to 20.00. Young Persons (16-17) to 22.00. Either limit may be raised at Club's discretion for 'large scale members' event'.
Parts (OP 6(e))	All parts of Premises except within 1 metre of bar - except that Young Persons (not Children under 16) may approach bar for sole purpose of buying soft drinks and snacks, on condition that they move away afterwards.

4. Issues

The Board has a discretion to grant or refuse the Application.

It is the Clerk's opinion that there are no statutory reasons to refuse, and there is no breach of Board Policy.

5. Observations

1. The Layout Plan shows two areas, a Club Room with a fixed bar and the larger Main Hall with a temporary bar. Are under-18s allowed in both, and on what conditions?
2. Applicant should confirm whether Outdoor Drinking is limited to the gravel area to the south of the building, between the building and the primary school.
3. Applicant should be aware that a Licence condition prevents drinking in Outdoor Areas after 22.00, regardless of the Core Hours inside the building.
4. Theatres Act 1968: Performance of Plays (acting, singing and dancing) requires a separate Theatres Licence. If this is only granted for particular occasions, each of which is either:
 - (a) of an educational or other like character, or
 - (b) performed for a charitable or other like purpose,
 there is no fee.
5. Cinemas Act 1985: Premises with an alcohol licence are exempt from requiring a separate Cinema Licence (Section 19).
6. Re 'seasonal variations' (OP4): the premises can open and close earlier than their Core Hours but if on occasions they wish to open earlier than 11 or later than 1 a.m. they need to apply for and be granted Extended Hours (e.g. during the Christmas/New Year period, according to Board Policy).

6. Licence Conditions

If the Licence is granted, it will be subject to the following parts of the NALB Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions):

- A (All Premises)
- B (Off-Sales)
- C (On-sale Premises)
- I (Clubs qualifying for special status under Section 125)

Application for Variation of Premises Licence - Section 29

Applicant	Finom Ltd
Premises	The Turf Inn, 11 Courthill Street, Dalry, KA24 5BN
Ref.	0218

1. Summary of Variation Request

No.	Variation
1	<i>Vary Licence Condition relating to areas of the Premises to which Children are admitted.</i>

2. Objections and Representations

Police	No objection
Community Council	No response
Fire	No objection
Health Board	No response
Building Standards	No objection
Planning	No objection
Other Objections or Representations?	None

3. Issues

Variation 1: <i>Vary Licence Condition relating to areas of the Premises to which Children are admitted.</i>
Discretionary refusal
<p>Notes:</p> <p><i>This Report is prepared on the basis that the proposal is to delete <u>only</u> paragraphs (d) and (e) of NALB Condition C.10.3. These relate to the playing of pool and darts in areas admitting Children under 16. It is a common request to delete (d) and (e), but deletion of the rest has never been requested or allowed.</i></p> <p><i>Applicant should advise the Board whether the proposal relates only to those paragraphs, or refers to the whole Condition, which is:</i></p> <p>"C.10.3 In the area(s) of the Premises to which Children are admitted:</p> <p>(a) All heating appliances must be adequately guarded;</p> <p>(b) All electrical sockets must be fitted with a safety cover when not in use;</p>

- (c) Where meals are provided a Children's menu must be available at all times, or alternatively the main menu must show that half portions are available for Children;
- (d) The playing of darts, pool, snooker or any other game is prohibited;
- (e) There shall be no dartboard, pool table or other facilities for such activities in those area(s);
- (f) There must be available (for sale or supply) for consumption by Children meals and beverages other than alcohol;
- (g) Drinks supplied to Children under 12 must be served in non-glass containers;
- (h) Straws must also be available to Children free of cost."

Whatever the proposal is, the Board should consider whether or not this Application is inconsistent with Licensing Objective (e): 'protecting Children from harm' (this L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17)).

4. Licence Conditions

If Variation 1 is granted, the relevant Conditions should be deleted.

Application for Variation of Premises Licence - Section 29

Applicant	Buzzworks Largs Marina Ltd.
Premises	"Bosun's Table", Units 3-4, Largs Yacht Haven, KA30 8EZ
Ref.	0430

1. Summary of Variation Request(s)

No.	Variation
1	<i>Allow food and non-alcoholic drinks to be consumed in Outside Drinking Area before Core Hours</i>
2	<i>Add off-sales facility to adjoining shop</i>

2. Objections and Representations

Police	No objection
Community Council	No objection
Fire	No objection
Building Standards	No objection
Planning	No objection
Health Board	No response
Other Objections or Representations?	None

3. Issues

This gives the position for each of the numbered 'Variation Requests' summarised above. Where the legislation makes a decision mandatory, this is stated. Otherwise, the Board has a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

Variation 1: <i>Allow food and non-alcoholic drinks to be consumed in Outside Drinking Area before Core Hours</i>
Discretionary refusal
Notes: Premises are a Restaurant which can sell alcohol from 10.00. It has an Outdoor Drinking Area for 30 people. The proposal is to vary NALB Condition 5.2 which is currently: "No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 a.m. and later than 10.00 pm.." If the Board allows Outdoor Drinking, and is later satisfied that this is inconsistent with any L.O. or that any Licence condition has been breached, it has the right to

Vary the Licence so as to limit or remove the permission.

Variation 2: Add off-sales facility to adjoining shop
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Discretionary refusal

Notes:

<p>The Premises are connected to a shop via an internal door. The shop seeks to include an off-sales display of 5.58 sq. m. with the Board policy hours of 10-22, 7 days a week.</p>
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Two potential grounds for refusal exist:
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<u>1. Licensing Objective</u>

<p>The Board may consider that the Application is not consistent with L.O. (d): 'protecting & improving public health'.</p>

<p>The L.O. expressly states 'improving'. Opinions may differ as to whether an increase in the ability to sell and consume alcohol damages public health, or makes no difference, but it is unlikely to improve it.</p>

<p>It may be claimed that the increase simply increases consumer choice, and will not lead to an overall increase in consumption. This argument has been disapproved by the Scottish Parliament, which has limited off-sale displays and alcohol advertisements.</p>
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<u>2. The Variation may create Overprovision</u>
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<p>There is a presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement. This is only a presumption, and the Board must treat the case on its merits. The Board may take the view that an exception might be made, given that the Premises are far from the built-up area in Largs and cater primarily for boat crews using the marina.</p>

<u>4. Licence Conditions</u>

If Variation 1 is granted, the Condition should be amended from 11 a.m. to 10 a.m.
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If Variation 2 is granted, the Conditions for Off-Sales (Part B) should be added
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APPENDIX B

Premises Licence Applications or any other Applications requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comments
7	NA0847	Hardeep Singh Binning 58 Dalry Road Kilwinning KA13 7HL		Personal Licence Review Hearing - Section 83(7)
8	NA0092	Inderjit Singh Binning 58 Dalry Road Kilwinning KA13 7HL		Personal Licence Review Hearing - Section 83(7)
9	0435	Nicedays Store Ltd 62 Merrick Drive Dalmellington KA6 7TJ	39/41 Rowanside Terrace Ardrossan KA22 7LN	Application for Grant of Provisional Premises Licence - Section 45 Continued from 21/11/12
10	0274	Routenburn Golf Club Routenburn Road Largs KA30 8AQ	Routenburn Golf Club Routenburn Road Largs KA30 8AQ	Application for Variation of Premises Licence - Section 29
11	0395	Bothan Lic Limited 36 Nithsdale Road Glasgow G4 2AN	Bothan Bar Broomlands Gate Bourtrees Hill Irvine KA11 1HB	Application for Variation of Premises Licence - Section 29
12	NA1454	Ryan Forbes 120B Montgomery Street Irvine KA12 8PW		Application for Grant of Personal Licence - Section 74
13	0385	Lalkar Limited PO Box 26035 33 Townhead Kilmaurs Kilmarnock KA3 2YF	Keystore 110-114 Dickson Drive Irvine KA12 9HD	Premises Licence Review Application - Section 36
14	036/13	West Kilbride Masonic Social Club c/o Bruce Harvey 36 Knockrivoch Place Ardrossan KA22 7PZ	West Kilbride Village Hall Arthur Street West Kilbride KA23 9EN	Application for Occasional Licence - Section 56 Clerk to report

Personal Licence Review Hearing - Section 83(7)

Applicant	Hardeep Singh Binning, 58 Dalry Rd., Kilwinning (DOB 18 Dec 1990)
Ref.	NA0847

1. Background

The Board has received confirmation from the Chief Constable that he has been convicted of 'relevant or foreign offences':

Date	19 Sep 2012
Court	Kilmarnock Sheriff
Offence	Road Traffic Act 1988, sec. 5(1)(a) (driving motor vehicle over alcohol limit)
Disposal	Disqualified 18 months, fined £40

Date	19 Sep 2012
Court	Kilmarnock Sheriff
Offence	Road Traffic Act 1988, sec. 3 (careless driving)
Disposal	Fined £250

The information was also supplied by the Holder.

The Chief Constable is entitled to make a recommendation that the Personal Licence should be Revoked, Suspended or Endorsed, but has not done so.

2. Procedure

Under Section 83(7) the Board must, on receipt of that confirmation, hold a Hearing and give the Personal Licence Holder and the Chief Constable an opportunity to be heard.

At the Hearing, the Board must have regard to

- (a) the conviction
- (b) any comments made by the Personal Licence Holder,
- (c) any comments made by the Chief Constable.

3. Previous Review

On 5 October 2010 the Board held a Review Hearing relating to a further conviction:

Date	14 April 2010
Court	Irvine Justice of the Peace
Offence	Licensing (Scotland) Act 2005, Section 102(1) (sale of alcohol to person aged under 18)
Disposal	Fine £400

The Board endorsed the Licence.

4. Board's Powers on Review

If the Board considers it is necessary for any of the Licensing Objectives, the Board may:

- (a) Revoke the Personal Licence,
- (b) Suspend the Personal Licence for up to 6 months,
- (c) Endorse the Personal Licence. An Endorsement lasts 5 years. If a holder gets 3 Endorsements in a 5 year period, then there is a further Hearing, at which the Licence might be Suspended (for up to 6 months) or Revoked.

The Board is not obliged to take any of these steps, and may decide to take no further action. The Personal Licence Holder can appeal to the Sheriff against any decision taken at a Hearing.

Personal Licence Review Hearing - Section 83(7)

Applicant	Inderjit Singh Binning, 58 Dalry Rd., Kilwinning (DOB 20 Dec 1966)
Ref.	NA0092

1. Background

The Personal Licence Holder is the Premises Manager of Binning Stores, 39 Sharon St., Dalry (NALB 077).

The Board has received confirmation from the Chief Constable that he has been convicted of a 'relevant or foreign offence':

Date	1 Nov 2012
Court	Kilmarnock Sheriff
Offence	Road Traffic Act 1988, sec. 5(1)(b) (driving motor vehicle over alcohol limit)
Disposal	Disqualified 12 months, fined £420

The information was also supplied by the Holder.

The Chief Constable is entitled to make a recommendation that the Personal Licence should be Revoked, Suspended or Endorsed, but has not done so.

2. Procedure

Under Section 83(7) the Board must, on receipt of that confirmation, hold a Hearing and give the Personal Licence Holder and the Chief Constable an opportunity to be heard.

At the Hearing, the Board must have regard to

- (a) the conviction
- (b) any comments made by the Personal Licence Holder,
- (c) any comments made by the Chief Constable.

3. Previous Review

On 5 October 2010 the Board held a Review Hearing relating to a further conviction:

Date	14 April 2010
Court	Irvine Justice of the Peace
Offence	Licensing (Scotland) Act 2005, Section 103(1) (being a Responsible Person who knowingly allows sale of alcohol to person aged under 18)

Disposal	Fine £350
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The Board endorsed the Licence.

4. Board's Powers on Review

If the Board considers it is necessary for any of the Licensing Objectives, the Board may:

- (a) Revoke the Personal Licence,
- (b) Suspend the Personal Licence for up to 6 months,
- (c) Endorse the Personal Licence. An Endorsement lasts 5 years. If a holder gets 3 Endorsements in a 5 year period, then there is a further Hearing, at which the Licence might be Suspended (for up to 6 months) or Revoked.

The Board is not obliged to take any of these steps, and may decide to take no further action. The Personal Licence Holder can appeal to the Sheriff against any decision taken at a Hearing.

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Nicedays Store Ltd.
Premises	39/41 Rowanside Terrace, Ardrossan, KA 22 7LN
Ref.	435

This case was first considered by the Board on 21 November 2012 and was then continued.

1. Summary of Proposal

The Applicant has applied for the Grant of a Provisional Premises Licence (PPL).

The proposal is to add an alcohol off-sales facility to an existing convenience store. The store is in a single-storey building in a row of commercial premises, with an empty shop on one side (37) and a Chinese takeaway on the other (43). The area is residential. The Premises held an Off-sales Licence under the 1976 Act which expired on 10 October 2008. There was no Application under the 2005 Act.

The PPL relates to Premises which are to be constructed or converted for use as Licensed Premises, and is valid for a period of four years. During this period, the Applicant can request the Board to Confirm the PPL, or to extend the period.

The Premises cannot sell alcohol until the PPL is Confirmed. The Licence-Holder will apply to the Board for Confirmation once the construction or conversion is complete, and after Certificates as to Building Control (and if appropriate Food Hygiene) are issued. Confirmation is usually done by the Clerk or other officers under the Scheme of Delegations.

The Board decision on the PPL relates only to licensing legislation, and does not indicate permission or certification under other legislation, such as Planning or Building Control. If the PPL is granted, the Premises cannot operate until all other legislative requirements are met.

2. Objections and Representations

Police	No objection
Community Council	No response
Fire	No objection
Health Board	No response
Building Standards	No objection
Other Objections or Representations	See below

Name	Address	Date Received	Late or OK
Mrs. Maureen Adamson	35 Rowanside Terr.	22 Oct 2012	OK
Mrs. Pamela McGlynn	68 Rowanside Terr.	24 Oct 2012	OK

Ms. Karen Allan	64 Rowanside Terr.	25 Oct 2012 *	OK
Cllr. Anthony Gurney		2 Nov 2012	Late
Cllr. Peter McNamara		13 Nov 2012	Late

* : date given is email - confirming letter sent later

A late objection is not incompetent. The Board is still entitled to look at it, and when the case last called the Applicant's solicitor waived any objection.

3. Detailed proposal

(a) Licensed Hours

The request is for 10.00 - 22.00, 7 days a week. This is the maximum permitted by the legislation and is within NALB Policy.

(b) Capacity

Off-Sales (sq. mtr.s)	17.06
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Note: this figure has been calculated by Board staff. Applicant has failed to include this in the mandatory Operating Plan, and this figure will be added to the O.P. if the Licence is granted.

4. Issues

The Board has a discretion to grant or refuse the Application.

In all Applications, whether or not there are third-party objections, the Board must consider whether or not the Application is inconsistent with any of the Licensing Objectives.

Two L.O.s appear to be engaged:

L.O. (a): 'preventing crime and disorder'

L.O. (c): 'preventing public nuisance'

In addition, the Board must consider two other potential grounds of refusal:

(a) unsuitable premises, and

(b) overprovision,

and decide whether or not these apply.

The Board should consider all the potential Grounds of Refusal set out above. If any apply, the Board must refuse. If none apply, the Board must grant: Section 23(4)-(5).

However, the Board is obliged to grant the Application if the Applicant accepts a suitable modification to the Operating Plan or Layout Plan (or both), where that

modification deals with the potential ground for refusal: Section 23(7).

Suitability

The Board may wish to inspect the Premises or have a LSO report before determining this Application. The fact that the Premises held a Licence years ago does not mean that they are still suitable. The present Board is not obliged to take the same view of any matter as its predecessor.

Overprovision

Having regard to the description of the Subject Premises, there is a presumption of refusal due to:

- (a) Scottish Government guidance, and
- (b) the Board's own Licensing Policy Statement.

A Statement of Population and Capacity for Ardrossan is attached, which includes relevant pages from "NHS Health and Wellbeing Profiles 2010: Spine Pack: North Ayrshire".

It will be for the Applicant to persuade the Board that the presumption of refusal should not operate.

5. Licence Conditions

If the Licence is granted, it will be subject to the following parts of the NALB Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions):

- A (All Premises)
- B (Off-Sales)

Application for shop 39/41 Rowanside Terrace, Ardrossan (Application 435)

There are 3 Intermediate Zones in Ardrossan:

- 49 Ardrossan Central
- 54 Ardrossan North West
- 55 Ardrossan North East

The Subject Premises are in IZ 54

There are 0 Premises in Function Type 1 (off-sales), with a total capacity of 0 sq.m.

Capacity (sq.m.)

Ref	Name	Address	Capacity
Ardrossan Central (IZ 49)			
423	Central Licensed Grocer	16-18 & 22 Central Avenue	8.90
196	Nisa Local Store	39 Glasgow Street	20.67
226	Alpine Stores	2 Dairy Road	18.08
354	VG Store	182 Glasgow Street	15.32
111	Asda	Harbour Road	115.57
Total for IZ			178.54
Ardrossan North East (IZ 55)			
143	Mirza Stores	1a Horseshoe Road/Chapelhill Mount	13.33
157	Keystore (ex Spar)	67/71 Ashgrove Road	20.00
195	General Store	7b St Margaret's Road	-
Total for IZ			33.33

	Population:	Capacity	Per 1,000
54 Ardrossan North West	2,971	0.00	0.00
55 Ardrossan North East	4,458	178.54	40.05
49 Ardrossan Central	2,963	33.33	11.25
	10,392	212	20.39
For comparison:			
North Ayrshire Council	135,130	5,785.00	42.81

P3343

Selected Areas

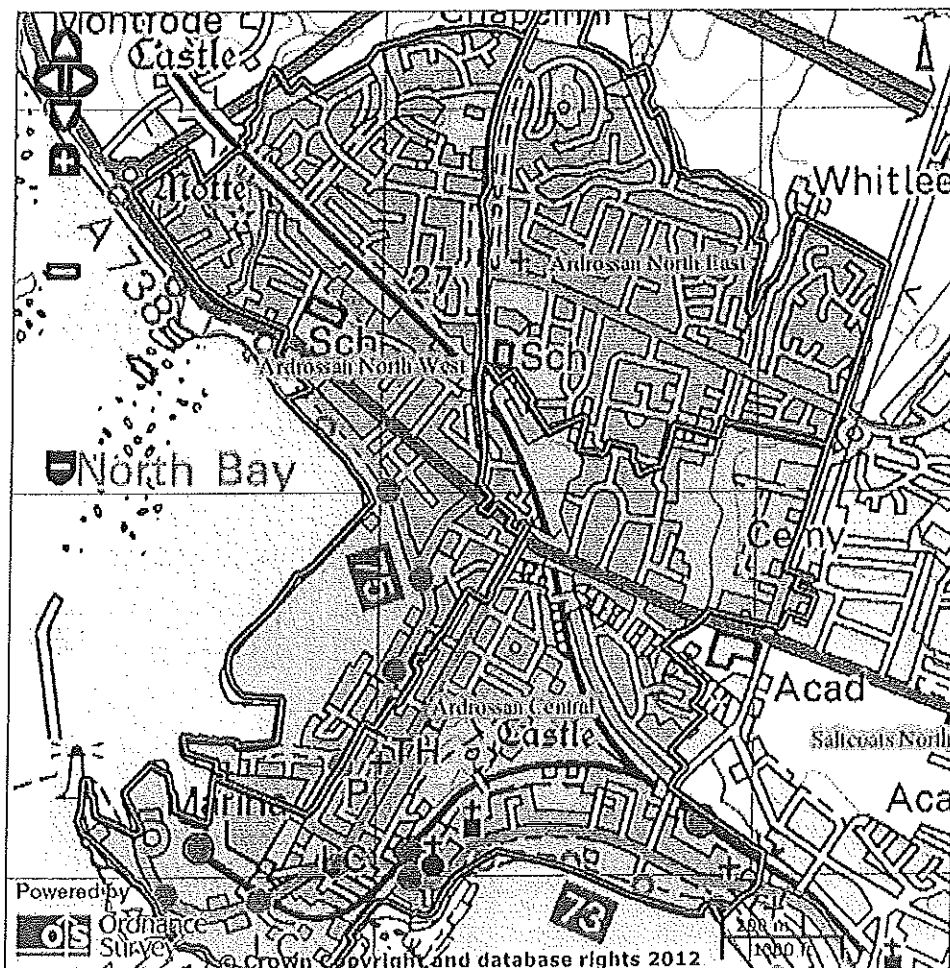
- ☐ S02000849 Ardrossan Central
- ☐ S02000851 Ardrossan North West

Clear Selection

Clear All

Selected Data

No Data selected



Show List

Next

Search Map

Enter postcode, data zone code or

street

Go

P 38A3

Ardrossan Council Intermediate Zone Health Summary



- ⊖ Statistically significantly 'worse' than Scottish average
 ○ Statistically not significantly different from Scottish average
 ⊕ Statistically significantly 'better' than Scottish average
 ⊗ Statistically significant difference compared to Scottish average
 △ No significance can be calculated



Indicator	2007-12	2011-12	2012-13	2013-14	2014-15
Life Expectancy & Mortality					
1 Life expectancy - males ¹	n/a	67.4	yrs	74.5	⊖
2 Life expectancy - females ¹	n/a	73.6	yrs	79.5	⊖
3 Deaths all ages ²	172	1,033.1	sr	707.8	⊖
4 Early deaths from coronary heart disease (<75s) ²	11	91.1	sr	57.2	⊖
5 Early deaths from cancer (<75s) ²	19	158.2	sr	134.7	⊖
6 Early deaths from cerebrovascular disease (<75s) ²		25.9	sr	18.7	⊖
Behaviours					
7 Smoking attributable deaths ²	n/a		%	24.1	⊖
8 Smoking prevalence ³	n/a		%	25.0	⊖
9 Patients hospitalised with alcohol conditions ²	291	2,824	sr	1,088	⊖
10 Deaths from alcohol conditions ¹	n/a		sr	46.4	⊖
11 Patients hospitalised with drug related conditions ²	34	383.6	sr	85.1	⊖
12 Active travel to work ³	n/a		%	14.0	⊖
13 Sporting participation ³	n/a		%	73.0	⊖
Ill Health & Injury					
14 Patients registered with cancer ¹	91	404.6	sr	412.6	⊖
15 Patients hospitalised with COPD ²	35	253.5	sr	158.6	⊖
16 Patients hospitalised with coronary heart disease ²	59	420.8	sr	347.0	⊖
17 Patients hospitalised with cerebrovascular disease ²	32	198.1	sr	173.8	⊖
18 Patients hospitalised with asthma ²	148	1,453.6	sr	472.9	⊖
19 Patients hospitalised as an emergency ²	1,037	9,857.1	sr	6,378.9	⊖
20 Patients (65+) with multiple hospitalisations ²	101	4,975.0	sr	4,607.6	⊖
21 Road traffic accident casualties ²		80.8	sr	79.4	⊖
22 Patients hospitalised after a fall in the home (65+) ²	41	1,594.6	sr	710.4	⊖
23 Prevalence of diabetes	186	4.7	sr2	3.5	⊖
Mental Health					
24 Patients prescribed drugs for anxiety/depression/psychosis	310	9.6	%	9.7	⊖
25 Patients with a psychiatric hospitalisation ²	85	952.6	sr	303.0	⊖
26 Deaths from suicide ¹		13.8	sr	15.1	⊖
Social Care & Housing					
27 People (65+) receiving free personal care at home ³	n/a		%	5.3	⊖
28 Adults claiming incapacity benefit/severe disability allowance	340	13.0	%	5.6	⊖
29 People (65+) with intensive care needs cared for at home ³	n/a		%	31.7	⊖
30 Households assessed as homeless ³	n/a		%	1.8	⊖
31 Children looked after by local authority ³	n/a		cr2	14	⊖
32 Single adult dwellings	1,055	57.1	%	37.8	⊖
33 Households in extreme fuel poverty ³	n/a		%	7.5	⊖
Education					
34 Average tariff score of all pupils on the S4 roll	n/a	133.7	mean	179.7	⊖
35 Primary school attendance	n/a	93.9	%	95.2	⊖
36 Secondary school attendance	n/a	88.1	%	91.1	⊖
37 Working age adults with low or no educational qualifications ³	n/a		%	14.6	⊖
Economy					
38 Population income deprived	1,030	33.8	%	15.1	⊖
39 Working age population employment deprived	600	32.6	%	11.5	⊖
40 Working age population claiming Jobseeker's Allowance	285	15.4	%	4.4	⊖
41 Dependence on out of work benefits or child tax credit	410	62.6	%	46.8	⊖
42 People claiming pension credits (aged 60+)	135	15.9	%	11.0	⊖
Crime					
43 Crime rate	375	123.3	cr2	49.5	⊖
44 Prisoner population		490.7	sr	205.5	⊖
45 Referrals to Children's Reporter for violence-related offences	n/a		cr2	8.4	⊖
46 Patients hospitalised after an assault ²	34	431.3	sr	95.2	⊖
Environment					
47 Population within 500 metres of derelict site	3,085	98.5	%	30.0	⊖
48 People living in 15% most 'access deprived' areas	0	0.0	%	14.2	⊖
49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0	⊖
Women's & Children's Health					
50 Breast screening uptake ²	255	67.6	%	75.3	⊖
51 Mothers smoking during pregnancy ²	45	38.1	%	22.6	⊖
52 Teenage pregnancies ²	13	50.3	cr2	41.4	⊖
53 Low weight live births ²			%	2.3	⊖
54 Babies exclusively breastfed at 6-8 weeks ²			%	26.4	⊖
55 Immunisation uptake at 24 months - MMR ²	81	95.3	%	92.1	⊖
56 Immunisation uptake at 24 months - all excluding MMR ²	82	96.5	%	97.6	⊖
57 CHD dental health in primary 1	14	48.3	%	61.8	⊖
58 Child obesity in primary 1	n/a		%	8.0	⊖
59 Patients hospitalised by unintentional injuries at home (<16) ²		485.4	sr	377.5	⊖

Notes:

1. Five-year combined number, and 5-year average annual measure.
 2. Three-year combined number, and 3-year average annual measure.
 3. Data available down to local authority level only.

Key:

n/a = data not available, or cannot be calculated; cr = crude rate per 100,000 population; cr2 = crude rate per 1,000 population;
 sr = age-sex standardised rate per 100,000 population; sr2 = age-sex standardised rate per 100 population yrs = years; % = percent; mean = average.

See the detailed Definitions and Sources table for Indicator Information and Technical Report (on the web) for further guidance on interpreting the spine.

P 38A3

Aberdeen North West Intermediate Zone Health Profile



- ⊕ Statistically significantly 'worse' than Scottish average
 ○ Statistically not significantly different from Scottish average
 ⊖ Statistically significantly 'better' than Scottish average
 ⊕ Statistically significant difference compared to Scottish average
 △ No significance can be calculated



Indicator		Aberdeen North West Intermediate Zone		Scotland		Comparison	
Life Expectancy & Mortality	1 Life expectancy - males ¹	n/a	77.1	yr	74.5	⊕	
	2 Life expectancy - females ¹	n/a	77.8	yr	79.5	⊕	
	3 Deaths all ages ²	121	703.0	sr	707.8	○	
	4 Early deaths from coronary heart disease (<75s) ²		65.2	sr	57.2	⊕	
	6 Early deaths from cancer (<75s) ²	20	135.6	sr	134.7	○	
Behaviours	6 Early deaths from cerebrovascular disease (<75s) ²	0	0.0	sr	18.7	△	
	7 Smoking attributable deaths ²	n/a		%	24.1		
	8 Smoking prevalence ³	n/a		%	25.0		
	9 Patients hospitalised with alcohol conditions ²	134	1,087	sr	1,088	○	
	10 Deaths from alcohol conditions ¹	n/a		sr	48.4		
Ill Health & Injury	11 Patients hospitalised with drug related conditions ²		21.6	sr	85.1	○	
	12 Active travel to work ³	n/a		%	14.0		
	13 Sporting participation ³	n/a		%	73.0		
	14 Patients registered with cancer ¹	88	381.9	sr	412.6	○	
	15 Patients hospitalised with COPD ²	13	91.1	sr	158.6	○	
Mental Health	16 Patients hospitalised with coronary heart disease ²	54	369.0	sr	347.0	○	
	17 Patients hospitalised with cerebrovascular disease ²	18	111.7	sr	173.8	○	
	18 Patients hospitalised with asthma ²	91	833.4	sr	472.9	○	
	19 Patients hospitalised as an emergency ²	622	6,006.9	sr	6,378.9	○	
	20 Patients (65+) with multiple hospitalisations ²	83	3,905.5	sr	4,607.6	○	
Social Care & Housing	21 Road traffic accident casualties ²		73.1	sr	79.4	○	
	22 Patients hospitalised after a fall in the home (65+) ²	20	816.1	sr	710.4	○	
	23 Prevalence of diabetes	171	3.6	sr2	3.5	○	
	24 Patients prescribed drugs for anxiety/depression/psychosis	297	9.2	%	9.7	○	
	25 Patients with a psychiatric hospitalisation ²	22	241.2	sr	303.0	○	
Education	26 Deaths from suicide ¹	0	0.0	sr	15.1	△	
	27 People (65+) receiving free personal care at home ³	n/a		%	5.3		
	28 Adults claiming incapacity benefit/severe disability allowance	90	3.5	%	5.8	○	
	29 People (65+) with intensive care needs cared for at home ³	n/a		%	31.7		
	30 Households assessed as homeless ³	n/a		%	1.8		
Economy	31 Children looked after by local authority ³	n/a		cr2	14		
	32 Single adult dwellings	505	33.7	%	37.8	○	
	33 Households in extreme fuel poverty ³	n/a		%	7.5		
	34 Average tariff score of all pupils on the S4 roll	n/a	182.3	mean	179.7	△	
	35 Primary school attendance	n/a	96.2	%	95.2	○	
Crime	36 Secondary school attendance	n/a	93.2	%	91.1	○	
	37 Working age adults with low or no educational qualifications ³	n/a		%	14.8		
	38 Population income deprived	265	8.8	%	15.1	○	
	39 Working age population employment deprived	170	9.2	%	11.6	○	
	40 Working age population claiming Jobseeker's Allowance	85	4.8	%	4.4	○	
Environment	41 Dependence on out of work benefits or child tax credit	209	34.4	%	46.6	○	
	42 People claiming pension credits (aged 60+)	45	5.0	%	11.0	○	
	43 Crime rate	96	31.7	cr2	49.5	○	
	44 Prisoner population	0	0.0	sr	205.6	△	
	45 Referrals to Children's Reporter for violence-related offences	n/a		cr2	8.4		
Women's & Children's Health	46 Patients hospitalised after an assault ²		126.0	sr	65.2	○	
	47 Population within 500 metres of defec site	1,737	58.6	%	30.0	○	
	48 People living in 15% most 'access deprived' areas	1,563	51.3	%	14.2	○	
	49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0		
	50 Breast screening uptake ²	360	78.4	%	75.3	○	
	51 Mothers smoking during pregnancy ²			%	22.6	○	
	52 Teenage pregnancies ²			cr2	41.4	○	
	53 Low weight live births ²	0	0.0	%	2.3	○	
	54 Babies exclusively breastfed at 6-8 weeks ²	11	18.6	%	26.4	○	
	55 Immunisation uptake at 24 months - MMR ²	61	98.4	%	92.1	○	
	56 Immunisation uptake at 24 months - all excluding MMR ²	62	100.0	%	97.5	○	
	57 Child dental health in primary 1	22	73.3	%	61.8	○	
	58 Child obesity in primary 1	n/a		%	8.0		
	59 Patients hospitalised by unintentional injuries at home (<15) ²		336.5	sr	377.5	○	

Notes:

- Five-year combined number, and 5-year average annual measure.
- Three-year combined number, and 3-year average annual measure.
- Data available down to local authority level only.

Key:

n/a = data not available, or cannot be calculated; cr = crude rate per 100,000 population; cr2 = crude rate per 1,000 population;
 sr = age-sex standardised rate per 100,000 population; sr2 = age-sex standardised rate per 100 population yrs = years; % = percent; mean = average.
 See the detailed Definitions and Sources table for Indicator Information and Technical Report (on the web) for further guidance on interpreting the spine.

P 32A

Ardara San North East Interim Mobile Zone Health Summary



- ⊗ Statistically significantly 'worse' than Scottish average
 ○ Statistically not significantly different from Scottish average
 ⊙ Statistically significantly 'better' than Scottish average
 ⊖ Statistically significant difference compared to Scottish average
 △ No significance can be calculated



Indicator	2008-12	2009-12	2010-12	2011-12	2012-12
Life Expectancy & Mortality					
1 Life expectancy - males ¹	n/a	73.6	yrs	74.5	
2 Life expectancy - females ¹	n/a	77.1	yrs	79.5	
3 Deaths all ages ²	111	805.1	sr	707.8	
4 Early deaths from coronary heart disease (< 75s) ²	11	80.5	sr	57.2	
5 Early deaths from cancer (< 75s) ²	26	191.1	sr	134.7	
6 Early deaths from cerebrovascular disease (< 75s) ²		29.4	sr	18.7	
Behaviour					
7 Smoking attributable deaths ²	n/a		%	24.1	
8 Smoking prevalence ³	n/a		%	25.0	
9 Patients hospitalised with alcohol conditions ²	236	1,769	sr	1,088	
10 Deaths from alcohol conditions ¹	n/a		sr	46.4	
11 Patients hospitalised with drug related conditions ²	12	99.4	sr	85.1	
12 Active travel to work ³	n/a		%	14.0	
13 Sporting participation ³	n/a		%	73.0	
Ill Health & Injury					
14 Patients registered with cancer ¹	96	443.8	sr	412.6	
15 Patients hospitalised with COPD ²	52	385.1	sr	158.8	
16 Patients hospitalised with coronary heart disease ²	82	454.2	sr	347.0	
17 Patients hospitalised with cerebrovascular disease ²	31	226.5	sr	173.8	
18 Patients hospitalised with asthma ²	183	1,388.9	sr	472.9	
19 Patients hospitalised as an emergency ²	1,109	8,440.7	sr	6,376.9	
20 Patients (65+) with multiple hospitalisations ²	85	5,888.5	sr	4,607.6	
21 Road traffic accident casualties ²	20	153.2	sr	79.4	
22 Patients hospitalised after a fall in the home (65+) ²	23	1,371.5	sr	710.4	
23 Prevalence of diabetes	216	4.8	sr2	3.5	
Mental Health					
24 Patients prescribed drugs for anxiety/depression/psychosis	444	9.4	%	9.7	
25 Patients with a psychiatric hospitalisation ²	46	356.3	sr	303.0	
26 Deaths from suicide ¹		23.2	sr	15.1	
Social Care & Housing					
27 People (65+) receiving free personal care at home ²	n/a		%	5.3	
28 Adults claiming incapacity benefit/severe disability allowance	260	7.8	%	5.6	
29 People (65+) with intensive care needs cared for at home ³	n/a		%	31.7	
30 Households assessed as homeless ³	n/a		%	1.8	
31 Children looked after by local authority ²	n/a		cr2	14	
32 Single adult dwellings	817	42.7	%	37.8	
33 Households in extreme fuel poverty ³	n/a		%	7.5	
Education					
34 Average tariff score of all pupils on the S4 roll	n/a	156.0	mean	179.7	
35 Primary school attendance	n/a	94.1	%	95.2	
36 Secondary school attendance	n/a	89.8	%	91.1	
37 Working age adults with low or no educational qualifications ³	n/a		%	14.8	
Economy					
38 Population income deprived	1,135	25.7	%	15.1	
39 Working age population employment deprived	475	16.9	%	11.8	
40 Working age population claiming Jobseeker's Allowance	225	8.4	%	4.4	
41 Dependence on out of work benefits or child tax credit	890	69.6	%	46.6	
42 People claiming pension credits (aged 60+)	115	14.6	%	11.0	
Crime					
43 Crime rate	220	49.9	cr2	49.5	
44 Prisoner population		245.7	sr	205.5	
45 Referrals to Children's Reporter for violence-related offences	n/a		cr2	8.4	
46 Patients hospitalised after an assault ²	28	219.8	sr	95.2	
Environment					
47 Population within 500 metres of derelict site	1,367	31.9	%	30.0	
48 People living in 15% most 'access deprived' areas	0	0.0	%	14.2	
49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0	
Women's & Children's Health					
50 Breast screening uptake ²	396	71.7	%	75.3	
51 Mothers smoking during pregnancy ²	59	36.9	%	22.6	
52 Teenage pregnancies ²	16	44.4	cr2	41.4	
53 Low weight live births ²			%	2.3	
54 Babies exclusively breastfed at 6-8 weeks ²	16	10.0	%	26.4	
55 Immunisation uptake at 24 months - MMR ²	152	90.5	%	92.1	
56 Immunisation uptake at 24 months - all excluding MMR ²	161	95.6	%	97.5	
57 Child dental health in primary 1	32	59.3	%	61.8	
58 Child obesity in primary 1	n/a		%	8.0	
59 Patients hospitalised by unintentional injuries at home (<16) ²	11	454.7	sr	377.5	

Notes:

1. Five-year combined number, and 5-year average annual measure.
 2. Three-year combined number, and 3-year average annual measure.
 3. Data available down to local authority level only.

Key:

n/a = data not available, or cannot be calculated; cr = crude rate per 100,000 population; cr2 = crude rate per 1,000 population;
 sr = age-sex standardised rate per 100,000 population; sr2 = age-sex standardised rate per 100 population yrs = years; % = percent; mean = average.
 See the detailed Definitions and Sources table for indicator information and Technical Report (on the web) for further guidance on interpreting the spine.

P 38A3

Application for Variation of Premises Licence - Section 29

Applicant	Routenburn Golf Club
Premises	Routenburn Road, Largs
Ref.	274

1. Summary of Variation Request(s)

No.	Variation
1	<i>Vary Layout Plan to add second Outdoor Drinking Area</i>
2	<i>Amend under-18s access</i>
3	<i>Permit Children in Rear Lounge (pool and darts)</i>
4	<i>Add 'live performances' to Operating Plan</i>
5	<i>Add karaoke, race nights and tribute nights to Operating Plan</i>
6	<i>Remove Board conditions re toilet monitoring and capacity checks</i>

2. Objections and Representations

Police	No objection
Community Council	Letter will be handed to Members
Fire	No objection
Health Board	No response yet
Planning	No objection
Building Standards	No objection
Other Objections or Representations?	See below

Name	Address	Date Received	Late or OK
Mr. & Mrs. Jonathan Marshall (by Solicitors - two letters)	11a Routenburn Road	21 & 24 Dec 2012	OK
Fraser Graham & Lis Burton	5 Netherpark Crescent	31 Dec 2012	OK*
Stuart Boyd	6 Netherpark Place	3 Jan 2013	OK
Mr. & Mrs. Tristan Hiitter	7 Netherpark Crescent	3 Jan 2013	
William & Marjory Brown	11c Routenburn Road	4 Jan 2013	OK

** Date of email: confirming letter later sent*

3. Issues

This gives the position for each of the numbered 'Variation Requests' summarised above. Where the legislation makes a decision mandatory, this is stated. Otherwise, the Board has a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

General Comment:

The Board may wish to inspect the Premises or have a LSO report before determining any of the Variations and may consider that Variations 1, 4 and 5 are not consistent with Licensing Objective (c): 'preventing public nuisance'. The Board is entitled to ask the Applicant to vary the proposals, e.g. to alter the times or locations of activities which might lead to noise or other nuisance. If the Board allows any Variation, and is later satisfied that any new activity is inconsistent with any L.O. or that any Licence condition has been breached, it has the right to Vary the Licence so as to limit or remove the permission.

Variation 1: *Vary Layout Plan to add second Outdoor Drinking Area*

Discretionary refusal

Notes:

The Licence already includes one ODA. The club-house is to the south of the car park, and the golf course is on the north of the car park. The existing ODA is the putting green beside the shop, and has a single picnic table.

The proposal is to use the ground lying to the south of the club-house, between the building and the footpath.

Board may consider that its Standard Conditions are sufficient:

"C.5.1 No loudspeakers, televisions, radios or other devices for amplifying sound shall be positioned at any time in Outdoor Drinking Areas.

C.5.2 No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 a.m. and later than 10.00 pm.."

CommentsLargs Community Council

This representation refers to the ODA which is already licensed, and not the requested second ODA.

Graham & Burton

They request that the ODA should not be lit after 23.00: Condition C.5.2 means that, regardless of the licensed hours for inside Premises, no ODA may be used after 22.00.

Variation 2: Amend under-18s access

Discretionary refusal

Notes:

The Premises consist of a Main Lounge, Rear Lounge and Dining Room (and toilets and locker rooms).

At present under-18s are not permitted in either Lounge unless accompanied by a parent or responsible adult, and then only until 20.00 unless attending a social function.

The proposal is to allow access to all areas, provided that 'a responsible adult is on the Premises', at all Core Hours:

(a) Since the Premises consist of several rooms, there is no guarantee that the adult would actually be able to supervise an under-18.

(b) the Core Hours are 11 - 24 (Sun - Thur) and 11 - 1 (Fri, Sat). The Board should consider whether or not this Application is inconsistent with Licensing Objective (e): 'protecting Children from harm'. This L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17).

The Board may consider that the absence of adult supervision of under-18s increases the risk of under-age drinking, and that the proposal is inconsistent with L.O. (a): 'preventing crime and disorder'.

Variation 3: Permit Children in Rear Lounge (pool and darts)

Discretionary refusal

Notes:

As with Var. 3, the L.O. 'protecting Children from harm' is relevant here.

The Licence is subject to NALB Standard Conditions, including:

"C.10.3 In the area(s) of the Premises to which Children are admitted: ...

(d) The playing of darts, pool, snooker or any other game is prohibited;

(e) There shall be no dartboard, pool table or other facilities for such activities in those area(s);"

Variation 4: Add 'live performances' to Operating Plan

Discretionary refusal

Notes:

The Board should consider whether or not this Application is inconsistent with L.O. (c): 'preventing public nuisance'.

Variation 5: Add karaoke, race nights and tribute nights to Operating Plan

Discretionary refusal

Notes: see Var. 4.

Variation 6: Remove Board conditions re toilet monitoring and capacity checks

Discretionary refusal

Notes:

The conditions referred to are:

"C.8.1 The Licensee shall have monitoring arrangements in place to verify the number of persons present to ensure that the occupancy capacity set by the Board is not exceeded;

C.8.2 Monitoring shall take place at regular intervals and shall particularly focus on peak trading times.

C.12.2 Toilets and washing facilities must be maintained clean and tidy, and should be inspected by staff regularly;"

Inspection records must be kept and shown to the L.S.O.. The Conditions were amended in February and June 2009. Previously inspections were required not less than once an hour.

The Operating Plan of all Premises requires to state their capacity (these Premises have an on-sales capacity of 120 people).

The Board should consider whether or not this proposal is inconsistent with L.O. (b): 'securing public safety'. The object of the conditions is to ensure that Premises do not exceed their capacity and become overcrowded. The Board would have to consider whether or not it is sufficient to replace regular visits by the L.S.O. with occasional visits from officers of Strathclyde Fire and Rescue or NAC Building Standards.

4. Licence Conditions

If Variations 3 or 6 are granted, the relevant Conditions will be deleted.

Application for Variation of Premises Licence - Section 29

Applicant	Bothan Lic Ltd
Premises	Bothan Bar, Broomlands Gate, Irvine KA11 1HB
Ref.	0395

1. Summary of Variation Request(s)

No.	Variation
1	<i>Additional wording for O.P. Q4 re intention to seek festive extensions</i>
2	<i>Various amendments to OP5 to allow activities outwith Core Hours</i>
3	<i>Clarify range of activities in OP 5(f)</i>
4	<i>Amend arrangements for under-18 access</i>
5	<i>Remove Conditions as to the playing of pool and darts in areas admitting Children under 16</i>

2. Objections and Representations

There are two comments:

- (a) Police
- (b) An anonymous letter objecting to the Application.

Before deciding whether or not to reject (b) under Section 22(4) as "frivolous or vexatious", the Board should give the Applicant the opportunity to comment on the preliminary matter (whether or not the Board should reject it).

3. Issues

This gives the position for each of the numbered 'Variation Requests' summarised above. Where the legislation makes a decision mandatory, this is stated. Otherwise, the Board has a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

Variation 1: <i>Additional wording for O.P. Q4 re intention to seek festive extensions</i>
Refuse
Notes: The Application states "Additional Hours are sought for Festive period in conjunction with hours determined annually by the Board. In addition any such other occasions – Easter Sunday, special local occasions etc are also sought in conjunction with the Board policy."

1. This Application is incompetent. The way for Premises to obtain extra hours is to apply to the Board for Extended Hours (an Occasional Extension) as and when the hours are requested; the individual request is then copied to the Police, who can make representations – as the Police did with the Bothan's request which was before the Board on 18 December 2012.

2. In any case:

(a) the request does not state what the Additional Hours are. In previous years the Board has treated the whole of December, until 2 January, as the 'Festive Period'. This does not mean that Premises can stay open for the whole month. Instead, it is for individual Premises to apply for grants under Section 68 for Extended Hours (i.e. Occasional Extensions) for specific dates - e.g. in 2012 the Board's policy was that Premises could apply for 4 periods of Extended Hours in the period 1-14 December 2012, and 7 periods in the period 15 December – 2 January, i.e. a maximum of 11 days, not 33.

(b) The Board has no policy of granting extensions at Easter, and the list in its Licensing Policy Statement (Para. 9.9) of days which are not considered to be suitable for extensions includes the Easter weekend.

(c) 'special local occasions' is too vague. If the Applicant later seeks an Occasional Extension, the Clerk will be unable to grant it unless it can be seen to be within the Board's policy.

The Applicant requires to include in OP Q4 her intention to seek extra hours, but this is only her intention. The ordinary Core Hours 7-days-a-week remain those stated in Q2/Q3, and the Applicant does not seek to change those.

Variation 2: *Various amendments to OP5 to allow activities outwith Core Hours*

Grant (no statutory reason to refuse, and no breach of Board policy)

Note:

The On-Sale Core Hours are:

11 – 24 (Mon – Wed)

11 – 1 (Thur – Sat)

12.30 – 24 (Sun)

The Premises already offer the following facilities within Core Hours:

Bar meals

Receptions (including weddings, funerals, birthdays, retirements, etc.)

Club or other group meetings

Recorded music

Live performances

Dance facilities

Gaming

Indoor/Outdoor sports

Televised sport

They wish to extend those facilities outwith Core Hours. The OP will state that no alcohol will be sold outwith Core Hours or and extension thereto.

Variation 3: Clarify range of activities in OP 5(f)

Grant (no statutory reason to refuse, and no breach of Board policy)

Notes: At present OP 5(f) ("any other activities") is:

"the only adult entertainment would be a kissogram organised as part of a private party."

The request is to add:

"Activities referred to will take place in all public areas of the premises. Other activities include but are not limited to – live bands, singers, disco and dancing, dj, cabaret, stand-up comedy, talent night, open mic nights, karaoke, party nights, dinner dances, race nights, poker nights, tea dances, children's events, charity and other community events, function hire, displays and shows, other entertainment etc, wine and other food and drink tasting evenings, product promotion evenings, seasonal events, seasonal promotions."

Variation 4: Amend arrangements for under-18 access

Discretionary refusal

Notes:

At present, Children and Young Persons ages 5-17 years are allowed until 20.00, on conditions:

The proposal is to grant access to Children and Young Persons of all ages (0-17 years) until 22.00, on conditions:

(a) If under 14, the Child should either be taking a meal or attending a function.

(b) If 14 or older, the Child/Young Person should be attending a function (there is no 'meal' limitation)

The proposal:

(a) allows young children (0-4)

(b) extends the access times from 20.00 to 22.00

The Board should consider whether or not:

(a) this Application is inconsistent with Licensing Objective (e): 'protecting Children from harm'. This L.O. relates to Children and not to older 'Young Persons' (aged 16-17);

(b) whether or not the Premises would comply with the Mandatory Licence Condition requiring baby-changing facilities which are to be accessible to persons of either gender (2005 Act, Sch. 3, Para. 12).

Variation 5: Remove Conditions as to the playing of pool and darts in areas admitting Children under 16

Discretionary refusal

Notes:

The Applicant wishes Children and Young Persons to be allowed to play pool and darts.

Young Persons already are. As far as Children (aged 0-15 years) are concerned the Licence is subject to NALB Standard Conditions, including:

"C.10.3 In the area(s) of the Premises to which Children are admitted: ...

(d) The playing of darts, pool, snooker or any other game is prohibited;

(e) There shall be no dartboard, pool table or other facilities for such activities in those area(s);"

The Board should consider whether or not this Application is inconsistent with Licensing Objective (e): 'protecting Children from harm'. This L.O. relates to Children and not to older 'Young Persons' (aged 16-17).

The Premises consist of a Bar Lounge (which contains the pool table) and a Function Suite. Under-18s are permitted in both parts, and the toilets, except that they are not allowed in the Function Suite if a kissogram is taking place. The entrance to the Function Suite and the toilets is not near the pool table.

4. Licence Conditions

If Variation 5 is granted, the relevant Conditions should be deleted.

Application for Grant of Personal Licence - Section 74

Applicant	Ryan Andrew Forbes, 120b Montgomery Street, Irvine (DOB 16 Nov 1993)
Ref.	NA1454

1. Summary of Proposal

The Applicant has applied for a Personal Licence. The Application is not advertised and the only consultation involves the Chief Constable, who is to provide the Board with a Report. The Board has received confirmation from the Chief Constable that this Applicant for a Personal Licence has been convicted of 'relevant or foreign offences' as follows:

Date	4 June 2010
Court	Kilmarnock Sheriff
Offence	Assault to Injury
Disposal	4 months Detention

Date	3 May 2012
Court	Paisley Sheriff
Offence	Road Traffic Act 1988, sec. 5(1)(a) (drink driving)
Disposal	Disqualified 16 months, fined £280

Date	12 September 2012
Court	Irvine JP
Offence	Assault to Injury (Aggravation: Bail)
Disposal	Community Payback Order 40 hours: 3 months unpaid work

In addition, the Chief Constable has supplied non-conviction information which is relevant to any consideration by the Board of the Licensing Objectives.

2. Disclosure

The convictions of 3 May 2012 and 12 September 2012 were disclosed by the Applicant. The conviction of 4 June 2010 was not.

3. Police Recommendation

The Chief Constable has made a recommendation under Section 73(4) that it is necessary for the purposes of a Licensing Objective that the Application should be refused.

4. Procedure

A copy of the Police letter and of this Report has been sent to the Applicant, together with Intimation of the Board Hearing.

At the Hearing, the Board must have regard to

- (a) the conviction
- (b) any recommendation made by the Chief Constable
- (c) any comments made by the Applicant.

The Police recommendation is not binding on the Board.

5. Board's Powers

If the Board is satisfied that it is necessary to refuse the Application for the purposes of any of the Licensing Objectives, it must do so. Otherwise, it must grant the Application.

All Personal Licences are valid for 10 years, and can be renewed indefinitely at 10 year intervals. The Board cannot limit the length of the grant or attach conditions.

6. Subsequently

The Applicant can appeal to the Sheriff if the Application is refused. The Chief Constable cannot appeal if the Application is granted.

After a decision to grant, if any of these occur:

- (a) the Licence Holder is convicted of an offence during the currency of the Licence, or
- (b) the Board, while dealing with a Premises Licence Review, makes a finding that the Holder has acted in a manner which was inconsistent with any of the Licensing Objectives, or
- (c) the Chief Constable considers that the Holder has acted in a manner which is inconsistent with any of the Licensing Objectives,

the Board will be entitled to hold a Hearing which may lead to the Revocation, Suspension for up to 6 months, or the Endorsement of the Licence.

The Holder must obtain a fresh Licensing Qualification every 5 years, failing which the Licence is automatically revoked without Board discretion or Appeal to the Sheriff.

Premises Licence Review Application - Section 36

Premises	Keystore, 110-114 Dickson Drive, Irvine
Premises Licence Holder	Lalkar Ltd.
Ref.	385

1. Background

By letter of 25 January 2013 H.M. Revenue and Customs (HMRC) made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

2. Ground(s) for Review

HMRC submits that there are grounds relevant to the "preventing crime and disorder" Licensing Objective.

3. Capacity & Licensed Hours

The Premises are Licensed for off-sales only and have a display capacity of 22.2 square metres. The operating hours are 10 – 22, 7 days a week.

4. Procedure

Having received an Application, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the communication from the Applicant, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

5. Additional Powers of inquiry

The Board may:

- (a) obtain further information as it thinks fit;
- (b) consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application or

Proposal. If the Board proposes to do this, it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

6. Board's Powers on Review

The Board must hear the Applicant and the Licence Holder, and decide whether or not a Ground for Review is established.

If so, the Board may take any one or more of the following steps if it considers necessary or appropriate for the purposes of any of the Licensing Objectives:

- (a) issue a Written Warning to the Licence Holder;
- (b) make a Variation of the Licence - either indefinitely or for a specific time. The Variation may relate to any part of the Licence, for example:
 - (i) the operating hours for the Premises (or any part);
 - (ii) the Premises Manager (if any) can be removed;
 - (iii) the activities which may be carried on on the Premises (or any part);
 - (iv) the terms for access by persons under 18 to the Premises (or any part);
 - (v) the Licence Conditions (the Variation cannot alter the statutory Mandatory Conditions);
- (c) Suspend the Licence for a specific time;
- (d) Revoke the Licence.

The Board is not obliged to take any of these steps, and it may decide that although a Ground for Review is established, no action is required.

The Board may take these steps either on the basis of the original Review Procedure, or on the basis of information obtained in the course of the Review Procedure.

7. Personal Licence

Whether or not the Board takes any action in relation to a Premises Licence, the Board may consider that any Personal Licence Holder who is or was working in the Licensed Premises concerned (for example, a Premises Manager or a member of staff) acted in a manner which was inconsistent with any of the Licensing Objectives.

If the Licence Holder is working in Licensed Premises in North Ayrshire, and has had the opportunity to be heard, the Board Meeting which considers the present Premises Licence Review can hold that further Hearing at the same time as the Hearing relating to the Premises Licence.

After the Hearing, the Board may, if it considers it necessary for any of the Licensing Objectives:

- (a) Revoke the Personal Licence,
- (b) Suspend the Personal Licence for up to 6 months,
- (c) Endorse the Personal Licence. An endorsement lasts 5 years. If the Licence Holder gets 3 Endorsements in a 5 year period, then the Board would have to consider whether the Licence should be Suspended (for up to 6 months) or Revoked (these are not automatic).

The Board is not obliged to take any of these steps, and may decide to take no action.

Report
to
North Ayrshire Licensing Board
by
Solicitor (Licensing)

Subject:	Scottish Government Consultation Document 'Further options for alcohol licensing'
Purpose:	To inform the Board of the consultation process
Recommendation:	That the Board: (1) consider whether or not to respond to the consultation, and (2) if so, determine how that response should be prepared

1. Introduction

The Scottish Government is reviewing the operation of the system for licensing the sale of alcohol and has published a Consultation Document 'Further options for alcohol licensing'. As usual, there is wide consultation with all Boards, the trade, Police, Health Boards etc..

Many issues are put forward for discussion. There are proposals to strengthen the powers of Licensing Boards and the Police, and to improve the effectiveness of the licensing regime. One proposal is that Boards should be allowed to consider whether an Applicant is a 'fit and proper' person to hold a licence: this was an issue under the Licensing (S) Act 1976, and is still an issue under the Civic Government (S) Act 1982, but is not an issue under the Licensing (S) Act 2005.

2. Timetable

The deadline for responding is Friday 21 March 2013. The Board meets on 6 February and 20 March.

3. Recommendation:

The Board should decide whether or not a response from NALB is required. If so, the Board might establish a small Member-Officer Working Group to respond on behalf of the Board, without the matter calling again at the full Board.

For further information please contact William O'Brien, Solicitor (Licensing) on 01294-324305.

Report
to
North Ayrshire Licensing Board
by
Solicitor (Licensing)

Subject:	Occasional Licences
Purpose:	To invite the Board to approve an 'Additional Information' form which Applicants will be asked to complete.
Recommendation:	That the Board approve the form.

1. Introduction

1.1. The Board grants Occasional Licences under Section 56. The Application form is prescribed by national Regulations. Experience has shown that sometimes the events to be licensed are not adequately described by Applicants, and that it is only by chance that the Board staff realise the true nature of the event.

1.2. For example:

(a) one event which was simply described as a 'music night' turned out as a 'rave' in an empty industrial building; the event was promoted on Facebook and highlighted the quantities of drink available;

(b) events involving boxing or other contact sports have been promoted, where the applicant for the alcohol licence might have nothing to do with the management of the event itself, and as a result the Board's Licence conditions as to safety, medical treatment, and requiring parental consent for under-16 participation are likely to be ineffective. The Board approved these conditions as consistent with the Licensing Objectives 'protecting and improving public health' and 'protecting children from harm'.

1.3. The prescribed form does not require the Applicant:

(a) to state what the capacity of the Premises is, or to say what the division of standerd/seated patrons will be. It is therefore impossible for the Board to determine whether the proposal is consistent with the Licensing Objective 'securing public safety';

(b) to justify his claim that the event is 'fundraising'. The Board has no way of knowing that this is a genuine event intended to benefit a charity or good cause. It is therefore impossible for the Board to determine whether the proposal is consistent with the Licensing Objective 'preventing crime and disorder'.

2. Proposal

2.1. Following concerns expressed by the Board, the Clerk has prepared an 'Additional Information' form, which is an Appendix to this Report. The aim is to ensure that the Board is given sufficient information to enable it to make a decision on whether or not the particular Application should be granted. The vast majority of Occasional Licences are granted under Delegated Powers, without reference to the Board, and many Applications would continue to be so granted if the Additional Information form was completed.

2.2. If it is not clear to the Clerk that Delegated Powers should be exercised, the Clerk would decline to exercise those powers, and refer the particular Application to Elected Members for a decision. This would not be a decision to refuse, although because of the timing of events it is possible that a practical result of this would be that the Licence would not be granted in time for the event.

2.3. The form makes clear to Applicants that they are not legally obliged to provide this additional information, but explains that if they do not do so then a decision will have to wait for the Members.

For further information please contact William O'Brien, Solicitor (Licensing) on 01294-324305.

North Ayrshire Licensing Board

Occasional Licence - Additional Information

Please supply the additional information below and sign the declaration. You are not legally obliged to provide this information, but if it is not supplied the Clerk may not be able to decide whether the Licence can be issued quickly under Delegated Powers. If this happens, the Application will be referred to Members of the Licensing Board, and the date you want licensed may occur before the Board can consider the Application, which would mean that your event would be unlicensed.

Complete Parts A, B, C and D, and if appropriate E and/or F.

You will need to give the Board a plan of the area where the event is to take place, showing tables, seats, bar, dance floor, boxing ring etc. (not only the licensed area)

Part A - Purpose of event

<input type="checkbox"/>	Wedding reception *
<input type="checkbox"/>	Wedding anniversary *
<input type="checkbox"/>	Christening or other religious ceremony *
<input type="checkbox"/>	Birthday party *
<input type="checkbox"/>	Funeral *
<input type="checkbox"/>	Dinner-Dance
<input type="checkbox"/>	Contact sports (e.g. boxing)
<input type="checkbox"/>	Fundraising
<input type="checkbox"/>	Other

* Complete Part B as well.

Part B – People

Complete this only if Part A is marked *.

e.g. for a wedding reception or anniversary, name the spouses; for a birthday party, name the person celebrating the birthday.

--

If a birthday party, how old will the person be?

--

Part C – Organiser

Is the person applying for the Licence the person who is organising the event?

Yes	No
-----	----

If 'no', give the Organiser's details:

Name	
Address	
Telephone	
Email	

Part D – Layout etc.

Capacity of place – how many people?	
How many people will be seated?	
How many people will be standing?	
How many people will be under 18?	
If there will be drinking outdoors, where?	

Part E - Contact sports

Name of the North Ayrshire Club or Association which Organiser represents	
Name of the Governing Sporting Association under whose rules, policies and practices the event is to be conducted (e.g. 'Amateur Boxing Association')	
The Organiser's membership number of that Governing Sporting Association	

You will need to give the Board written evidence that the Governing Sporting Association has authorised the event.

Part F - Fundraising

Recipient of funds:

Name	
Address	
Telephone	
Email	
Scottish Charity Register No.	

You will need to give the Board written evidence that the intended recipient has authorised the event.

Declaration

I confirm that the information I have supplied is accurate.

[delete as appropriate]

Part E Contact sports	I confirm that the event will be conducted according to the rules, policies and practices of the above Governing Sporting Association.
Part F Fundraising	I confirm that all funds raised will be donated to the intended recipient named above. The only deductions will be the cost of stock and the cost of booking the facilities, where these costs are actually incurred.

I have given the following to the Board:

[tick as many as apply]

All cases – a plan of the area where the event is to take place, showing tables, seats, bar, dance floor, boxing ring etc. (not only the licensed area)	
Part E - written evidence that the Governing Sporting Association has authorised the event	
Part F - written evidence that the intended recipient has authorised the event.	

Signature	
Name of Licence Applicant (BLOCK CAPITALS)	
Telephone	
Email	
Date	

Report

to

North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject:	NALB Licensing Policy Statement 2013-16
Purpose:	To inform the Board of the Consultation process
Recommendation:	That the Board note the situation

1. Summary of the present position

1.1. Every Licensing Board must, before the beginning of each 3-year period, publish a Licensing Policy Statement (LPS) setting out their policy for the exercise of their functions under the Act during that period. Boards must have regard to the LPS when exercising their functions, although the LPS is only a set of guidelines and each individual case is dealt with on its merits.

1.2. The current LPS was adopted on 16 November 2010, and the next LPS must be adopted before 30 November 2013.

2. Content of LPS

2.1. The content of the LPS is left up to individual Boards, except that the policy must seek to promote the Licensing Objectives (LOs).

2.2. The Board is obliged to consult the Local Licensing Forum, the Health Board, and such other persons as the Board thinks appropriate (Section 6(3)).

Prior to the last LPS the Board approved wide consultation, and a similar process is being followed in 2013:

- (a) a Notice has been placed on its public website inviting representations from the general public;
- (b) the following have been approached directly:
 - (i) the Local Licensing Forum,
 - (ii) NHS Ayrshire & Arran
 - (iii) Strathclyde Police,
 - (iv) Strathclyde Fire and Rescue,
 - (v) the Community Councils in North Ayrshire,

- (vi) South West Scotland Community Justice Authority,
- (vii) North Ayrshire Drug and Alcohol Partnership,
- (viii) NAC Building Control, and
- (ix) NAC Environmental Health.

2.3. Since the Board requires to have a revised LPS in place in time for decisions made after 30 November 2013, consultees are asked to respond by Friday 3 May. This date has been selected with the intention that all comments can be analysed and a draft Assessment can be prepared for the Board's consideration at a Meeting to be held before 30 November.

2.4. The LPS requires to include an Overprovision Assessment, so in addition to taking into account consultation responses the Board will request statistical data from the Health Board and other bodies, covering issues such as any link between health and crime and the availability of alcohol.

For further information please contact William O'Brien, Solicitor (Licensing) on 01294-324305.