

**North Ayrshire Licensing Board
21 August 2013**

Irvine, 21 August 2013 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alan Munro, Donald Reid and Robert Steel.

In Attendance

W O'Brien, Solicitor (Licensing), K Sharkey, Trainee Solicitor, G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer.

Also In Attendance

Chief Inspector Hogg and Sergeant McIntosh (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

None.

1. Minutes

The Board were asked to confirm the Minutes of the Board Meeting held on 22 May 2013. The Chair proposed that the Minutes be adopted and this was seconded by Councillor Bruce. The Board unanimously agreed to confirm and adopt the Minutes.

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

The Board considered a report by the Clerk to the Licensing Board on matters under the Licensing (Scotland) Act 2005. The Report, on this occasion, contained 1 Appendix;

A. Premises Licence applications or any other applications requiring a Hearing.

The Licensing Board agreed to dispose of the matters as follows;

A. Premises Licence applications or any other applications requiring a Hearing

The Chair stated that the agenda running order was to be amended slightly. Cases 14 and 15 would be taken together and considered first, followed by Case 11. The agenda would then revert to the scheduled running order.

A.14 & A 15 Premises Licence 0196 Nisa Local Store, 39 Glasgow Street, Ardrossan, and Personal Licence NA 1355 Steven McArthur

The Board considered a Review Application under Section 36 made by the Chief Constable relating to the above premises. The Licence Holder, Baljit Sohal, was present, and was represented by Ian Hunter, Solicitor.

The Review Application was made by the Chief Constable by a letter to the Board, dated 24 April 2013. Copies of the letter were given to Board Members and the content of the letter was summarised by Chief Inspector Hogg.

The Chief Inspector stated that it was the view of the Police that the Licence Holder had failed in their duty to prevent crime and disorder. In response to a request by the Chair, the Chief Inspector then provided an update on the outcome and disposal of the convictions which resulted from the failed test purchases.

In addition to the Section 36 Premises Licence Review Application, the Police had also reported to the Board, under Section 84A, in relation to the conduct of Steven McArthur, as a Personal Licence Holder. The report was made by the Chief Constable by a letter to the Board, dated 29 April 2013. Initially, Mr McArthur was not present.

The Board then considered the terms of a report by the Solicitor (Licensing) which set out the background to the Section 36 Review Application and summarised the issues arising. The Board also had regard to a report supplied by Grace Cullen, Licensing Standards Officer.

Thereafter Mr Hunter addressed the Board on the issues arising. He explained that Mrs Sohal had been running the premises since 1993 and had never had any problems or incidents until now. Mrs Sohal runs a rigorous, on-going training regime. CCTV is in operation at the premises, as is 'Challenge 25'. The premises have always passed Nisa's internal test purchase procedures.

Regarding the incident on the 23 February 2013, Mr Hunter explained that the employee concerned, Marion Telfer, had received the required training but unfortunately made a 'stupid mistake' on that occasion. Ms Telfer is no longer employed at the premises.

Regarding the incident on the 10 April 2013, Mr Hunter explained that the employee concerned, Stephen McArthur, had been suffering from depression at that time. Mr McArthur has medical notes to confirm this. Prior to the incident, Mr McArthur had been a very good employee and has now returned to work at the premises.

Mr Hunter referred to the Licensing Standards Officer's report as being very positive. He added that a further test purchase was conducted by the Police on 8 August 2013, and was passed by the premises staff. Mrs Sohal is continually emphasising to her staff their responsibilities in relation to the sale of alcohol. The premises also maintain their own refusals book, which Mr Hunter had with him today, and Mrs Sohal is intending to introduce her own test purchase scheme. Mr Hunter argued that these were 2 isolated incidents and that a Written Warning would be appropriate.

Mr Hunter then responded to questions and comments from the Chair, Councillor Clarkson, Councillor Barr and Councillor Reid.

The Board adjourned at 10.25 am and re-convened at 10.33 am.

The Chair explained that the Board had received a message that Mr McArthur had, in error, gone to the wrong location and was now on his way to Cunninghame House. Both cases would recall once Mr McArthur arrived. The Board then proceeded to deal with other business.

The Board resumed consideration at 11.16 am, when Mr Arthur arrived.

Copies of the letter containing the Section 84A report were given to Board Members and the content of the letter was summarised by Chief Inspector Hogg.

The Board then considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's report and summarised the issues arising.

Thereafter Mr McArthur was given the opportunity to address the Board. He explained that soon after the incident on 10 April he was diagnosed with clinical depression, and his doctor traced the condition back a year. The condition can cause a lack of concentration. Mr McArthur then responded to questions from the Chair, Councillor Clarkson and Councillor Reid.

The Board adjourned at 11.23 am and re-convened at 11.32 am.

In relation to the Premises Licence Review, Councillor Munro proposed that the Grounds for Review be upheld. There was no counter proposal and the Board unanimously agreed to uphold the Grounds for Review.

Having considered the terms of the report, information supplied by the Licensing Standards Officer, and the submissions made, Councillor Munro moved that it was appropriate to suspend the Premises Licence under Section 39(2)(c) of the 2005 Act for the purpose of Licensing Objective (a) (preventing crime and disorder), for the period of four weeks, commencing at 10.00 am on Thursday 22 August 2013. The period of suspension will be from 10.00 am on 22 August 2013 to 10.00 am on 19 September 2013. Councillor Bruce seconded the motion. There was no counter-motion and the Board unanimously decided to suspend the Premises Licence for the period of four weeks, effective from 10.00 am on Thursday 22 August 2013.

The Chair said that the Board was concerned at the lack of supervision and management in this case, and the Board would not tolerate the sale of alcohol to underage persons.

In relation to the Personal Licence Review, having considered the terms of the report, and the submission made, Councillor Barr moved that Mr McArthur's Personal Licence be given one endorsement. Councillor Marshall seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to endorse the Personal Licence.

The Chair explained to Mr McArthur that, as he had moved his home address, he should contact the Licensing Office as soon as possible in order to have his Personal Licence updated to include his new address details.

A.11 Co-operative, Unit 2, The Promenade, Largs

Councillor Reid declared an interest in relation to Case 11. He withdrew, left the Council Chambers, and took no part in the proceedings involving the Co-operative Group Food Ltd.

The Board considered an application for grant of a Provisional Premises Licence made by Co-operative Group Food Ltd for the above premises. The Applicant was represented by Mr McDonald, Solicitor, and he was accompanied by Stuart Fowler, Senior Manager, Co-operative Group Food Ltd.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Objections to the application had been made by Dr Maggie Watts, Consultant in Public Health Medicine, NHS Ayrshire and Arran, and Largs Community Council. Mr McDonald confirmed that he had seen a copy of the objections prior to the Board meeting. Copies of the written objections were given to the Board Members. Ruth Shepherd of NHS Ayrshire and Arran was present. Largs Community Council were not represented.

Mr McDonald addressed the Board regarding the background to the application. He said that this was a very high profile site, for which planning permission has been granted. The Co-op is largely a food orientated business. The sale of alcohol is ancillary, but also an important part of the business. Mr McDonald explained that the Co-op is totally aware of their responsibilities in relation to the sale of alcohol. The company operate a rigorous, on-going training programme and deploy measures such as 'Challenge 25'. The premises would have CCTV and the Board's Standard Conditions would be fully accepted and complied with. Mr McDonald added that the proposed development would create 15-20 jobs.

Regarding the objection submitted by the Community Council, Mr McDonald explained that loading and unloading would only take place during restricted times.

Regarding the Anti-Social Behaviour report, Mr McDonald argued that there had been relatively few incidents in what is a busy part of Largs town centre. Chief Inspector Hogg agreed that there had been no significant incidents or crimes in the area covered by the report, in the 12 month period.

In terms of overprovision, Mr McDonald highlighted that at the time of Transition, 2 dedicated off sales licences were surrendered, and there are only 2 other off sales premises in the vicinity of the proposed premises. The Community Council refer to a large number of licensed premises in Largs, however, the vast majority of those premises are on sales. Mr McDonald argued that the Co-op would be providing a facility, one which would certainly not detract from the town centre.

Ms Shepherd then addressed the Board, re-iterating the content of Dr Watts's objection. Ms Shepherd said that if the application were granted then that would increase the availability of alcohol in the Largs area. Price and availability affect consumption. Increased consumption leads to increases in alcohol related harm. Ms Shepherd acknowledged the potential creation of job opportunities but on the basis that, if granted, there would be increased availability of alcohol, the NHS recommend refusal of the application.

Thereafter Mr McDonald re-addressed the Board with his response to the issues raised by the NHS and to questions from Councillor Marshall and Councillor Barr. Mr McDonald observed that the NHS data was very general and he argued that if the licence was granted, it was unlikely that it would add to the issues detailed by the NHS. In terms of the Improving Public Health Licensing Objective, Mr McDonald acknowledged that there was a need for education, but he argued that it was all about the responsibility element / factor. It is all down to being a responsible licensed retailer and the Co-op has a record second to none in terms of responsibility.

Councillor Marshall said that it was his judgement that there was not a demand or requirement for an alcohol facility in that particular area, and if a licence was granted it would be detrimental to the sea front area.

Mr McDonald highlighted that no objections had been received from members of the public and he could not see any evidence that would indicate that the amenity of the area would be reduced if a licence was granted. Mr McDonald confirmed that the deal for the Co-op to progress with their plans for the site is dependent upon the grant of the licence.

The Chair asked Mr McDonald if he had any comments regarding locality in relation to overprovision. Mr McDonald suggested the locality might be the immediate town centre area, however, if the Board decided to consider overprovision in detail, then he would await the Board's direction in terms of what they regard as the relevant locality.

The Board adjourned at 11.05 am and re-convened at 11.12 am.

Having considered the terms of the report, and the submissions made, Councillor Maguire moved that the application be granted. Councillor Munro seconded the motion. Councillor Marshall moved, as an amendment, that the application be continued, for detailed consideration of overprovision. Councillor Barr seconded the amendment.

There was then a roll-call vote. There were no abstentions. Councillors McNicol, Munro, Bruce, Clarkson, and Maguire voted for the motion. Councillors Marshall, Barr, and Steel voted for the amendment.

The motion was accordingly carried and the Provisional Premises Licence granted, subject to Standard Conditions (Edition 5) Parts A and B.

Councillor Reid re-entered the Council Chambers and re-joined the meeting.

A.1 Premises Licences 0111 & 0161 Asda Stores Ltd

On the basis of information initially received from the Licence Holder's agent, and subsequently confirmed by the Chief Constable, Asda Stores Ltd were cited to attend the Board for a Section 37 Review Proposal. The Licence Holder was not represented.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's Notice and summarised the issues arising. The Board also had regard to a report supplied by Grace Cullen, Licensing Standards Officer.

Having considered the terms of both reports, the Chair moved that no action be taken. There was no counter-motion and the Board unanimously agreed without dissent or abstention to take no action against the Licence Holder.

A.2 Personal Licence NA0529 Pavita Singh Shergill

The Board resumed consideration of a Personal Licence Review Hearing in relation to Pavita Singh Shergill. The Review Hearing was convened on the basis of information provided by another Licensing Board, and subsequently confirmed by the Chief Constable. The information pertained to Mr Shergill being convicted of a relevant offence, on 18 January 2013 at Kilmarnock Sheriff Court. Mr Shergill was present.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's Notice under Section 83(4)(b) of the 2005 Act and summarised issues arising. Copies of the Notice were given to Board Members and the content was summarised by Chief Inspector Hogg.

Thereafter Mr Shergill was given the opportunity to address the Board on the issues arising and he responded to questions from the Chair and Councillor Clarkson. He said that he was extremely sorry for what had happened.

The Chair noted that Mr Shergill did not inform the Board within one month of the date of the conviction, and such a failure to comply with the legislation would not be tolerated by the Board.

The Board adjourned at 11.41 am and re-convened at 11.45 am.

Having considered the terms of the report, and the submission made, Councillor Barr moved that Mr Shergill's Personal Licence be given one endorsement. Councillor Marshall seconded

the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to endorse the Personal Licence.

The Chair highlighted to Mr Shergill that this was the second endorsement on his Personal Licence.

A.3 Premises Licence 0438 Bilslands, Shore Road, Brodick, Isle of Arran

The Board considered an application for variations of a Premises Licence made by Alastair Bilsland for the above premises. Mr Bilsland was not present or represented.

The Licence Holder was requesting the following variations:

1. Allow under 18s to buy non-alcoholic drinks as well as retail goods.
2. Allow under 18s 8.00 am to 8.00 pm.
3. Allow outside drinking area to be used for soft drinks and food 8.00 am – 11.00 am.
4. Allow outside drinking area alcohol hours to be same as inside building.
5. Discontinue need to check toilets and capacity.
6. Reduce off-sale display capacity per layout plan.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Having considered the terms of the report, Councillor Bruce moved that all variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. Standard Conditions C.8 and C.12 are disapplied, and Condition C.5.2 is amended to reflect the grant of variations 3 and 4.

A.4 Premises Licence 0258 Premier Leisure, Winton Circus, Saltcoats

The Board considered an application for variations of a Premises Licence made by Premier Leisure for the above premises. The Licence Holder was represented by Kathleen Fitzsimmons, Premises Manager, and Derek Watt, General Manager.

The Licence Holder was requesting the following variations:

1. Extend terminal hour (Sun – Wed) from 10.00 pm to 11.00 pm.
2. Extend Opening Hour (Sun) from 12.30 pm to 11.00 am.
3. Add outdoor drinking.
4. Allow hot drinks / soft drinks before 11.00 am in outdoor area.
5. Amend premises name to Oscars.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report. Mr O'Brien highlighted the Planning issues in relation to the proposed outdoor drinking area. He also drew the Licence Holder's attention to the suggested, additional wording, detailed in the Board report, which would be used to clarify Section 6 of the Operating Plan.

Thereafter Mr Watt addressed the Board on the issues arising. He said that they were aware of the Planning issues referred to by Mr O'Brien. If the Board were minded to grant variations 3 and 4 then they would definitely approach the Planning Department in a bid to resolve the existing issues so that the outdoor drinking area could be used.

The Chair and Councillor Munro both commended the Licence Holder for the improvements which have been made to the premises in recent times.

Having considered the terms of the report, and the submissions made, the Chair moved that all variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

Standard Condition C.5.2 is amended to read:

'No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 am and later than 10.00 pm, except that hot beverages and soft drinks may be taken into the outdoor area and consumed prior to 11.00 am'.

A.5 Premises Licence 0248 The Bean & Leaf, 6 The Promenade, Largs

The Board considered an application for variations of a Premises Licence made by Madeleine Dawson for the above premises. Ms Dawson was present and was accompanied by Ms Toni Dawson.

The Licence Holder was requesting the following variations:

1. Add outdoor drinking area.
2. Amend Condition so as to allow use of that area from 9.00 am.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Ms (Toni) Dawson addressed the Board regarding the background to the application. She explained that the aim of the application is to extend the existing facilities at the premises.

The Chair asked Ms Dawson if there had been any progress in relation to issues that Building Standards had noted, regarding the works at the premises.

Ms Dawson explained that following a site visit last Friday, all outstanding issues have been resolved, except for one. The one remaining issue could not be progressed until the appropriate Planning permission was approved, and that has just been done. Ms Dawson said that she expects all matters to be complete by the end of next month.

The Chair said to Ms Dawson that it was important that she continued to work with Building Standards until all matters were resolved.

Having considered the terms of the report, and the submissions made, Councillor Marshall commented that the premises are well run and he moved that the variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. The Board's Standard Conditions Edition 5 will now apply.

Standard Condition C.5.2 is amended to read:

'No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 am and later than 10.00 pm, except that food and non-alcoholic drinks may be taken into the outdoor area and consumed from 9.00 am each day'.

A.6 BP Girdle Toll Connect, Littlestane Row, Long Drive, Irvine

The Board resumed consideration of an application for grant of a Provisional Premises Licence made by BP Oil UK Ltd for the above premises. The Applicant was represented by Andrew Hunter, Solicitor, and he was accompanied by Mr Hay from the Premises.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. The report included a spread sheet which detailed capacities for comparable premises for the intermediate zone containing the subject premises, for the 3 nearest intermediate zones, for the Irvine area as a whole, and for the whole of North Ayrshire. In addition, attached to the report were the relevant pages from the NHS document 'Health and Wellbeing Profiles 2010'. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Ruth Shepherd of NHS Ayrshire and Arran was present.

Mr Hunter addressed the Board on the issues arising. He said that it was his submission that, if the licence was granted, it would not cause overprovision. The capacity for the intermediate zone, in which the premises are located, would be well below the average figure for the whole of the Board's area. The proposed off sales capacity in this case is very small. BP has 40 licensed premises in Scotland, and around 300 in England, and enforces high standards of diligence that you would expect from a national operator. The premises already have CCTV, and they also had an ultra-modern, 2 stage, till prompt system.

Mr Hunter said that the majority of the customers for the subject premises came from nearby. In terms of the health data, he highlighted the intermediate zone, in which the premises are located, has statistics which are better than the national average. Indeed, since the health data was produced in 2010, there has been further development of owner / occupier properties, which is likely to have caused an improvement in the health for the zone.

Mr Hunter invited the Board to grant the application, and also dis-apply Standard Condition B.3, for reasons of health and safety and for the fact that the low proposed alcohol capacity at the subject premises did not justify the creation of separate payment points, as is required by the Condition.

Ms Shepherd said that she had nothing further to add to her comments from the previous meeting, other than to highlight that, with a garage type premises, the wider area health data should be considered, given the nature of the premises and how they will be accessed.

Mr Hunter then responded to a number of questions and comments from the Chair, Councillor Munro, Councillor Reid, Councillor Clarkson, Councillor Barr, and Councillor Marshall.

The Board adjourned at 12.21 pm and re-convened at 12.35 pm.

Having considered the terms of the reports, and the submissions made, Councillor Barr moved that the Board refuse the application, citing an inconsistency with the Public Health Licensing Objective, and the issue of overprovision. He added that the appropriate locality was the whole of Irvine. Councillor Clarkson seconded the motion. Councillor Reid moved,

as an amendment, that the application be granted. There was no seconder for the amendment.

There was then a roll-call vote. There were no abstentions. Councillors McNicol, Marshall, Barr, Bruce, Clarkson, Maguire, Munro, and Steel voted for the motion. Councillor Reid noted his dissent.

The motion was accordingly carried and the Provisional Premises Licence refused.

Mr Hunter noted the Board's decision and said that a request for a Statement of Reasons would follow.

A.7 China Palace, 132 Main Street, Kilwinning

The Board considered an application for grant of a Premises Licence made by Ms Jing Luo for the above premises. Ms Luo was present and was accompanied by Kirsten – Anne Livingstone, nominated Premises Manager.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Thereafter Ms Livingstone addressed the Board on the issues arising. She confirmed that all Building Standards issues had now been resolved and a Section 50 Certificate had been issued. The premises had been operating on a 'bring your own bottle' basis.

Mr O'Brien highlighted the Mandatory Condition requiring the installation of baby changing facilities, accessible by both genders, at premises which admit children under 5.

Ms Livingstone provided an undertaking, on behalf of Ms Luo, that the premises would fully comply with the Mandatory Condition in relation baby changing facilities.

Having considered the terms of the report, and the submissions made, the Chair moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. The Licence is granted subject to Standard Conditions (Edition 5) Parts A and C.

A.8 Premises Licence 0418 The Douglas Hotel, Shore Road, Brodick

The Board considered an application for variations of a Premises Licence made by The Douglas Hotel Arran Ltd for the above premises. The Licence Holder was represented by James Reid, Premises Manager, and he was accompanied by Elaine Campbell, Marketing Manager.

The Licence Holder was requesting the following variations:

1. Add outdoor drinking area: front lawn.
2. Add outdoor drinking area: west lawn.
3. Add outdoor drinking area: rear lawn.
4. Vary Sunday on-sales opening hours from 12.30 pm to 11.00 am.
5. Vary condition re dartboard.
6. Vary meal service for under 18s.
7. Increase under 18s access times from 9.00 pm to 10.00 pm.
8. Increase range of licensed activities.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

An objection to the application had been made by Graeme Andrew, Arran Domestic Service Centre, Unit 4, The Douglas Centre, Brodick. The Licensing Section had also received a representation from the local Community Council regarding the application. Mr Reid confirmed that he had seen a copy of both submissions prior to the Board meeting, and copies were given to the Board Members. Neither Mr Andrew nor a representative of Arran Community Council was present.

Mr Reid addressed the Board on the issues arising. He explained that at present, the Hotel is at a disadvantage in comparison to its competitors by not being able to use the lawn areas within their licence, particularly for wedding functions. In response to Mr Andrew's written submission, Mr Reid explained that there is a clear delineation and boundary of vegetation, which would be difficult to breach, between the front lawn and the public area of the Douglas Centre.

Regarding variation 5, Mr Reid explained that the dartboard is located in a private room and is used only when the owner of the Hotel is resident. The dart board is locked away when not in use. In relation to variation 8, Mr Reid said that the intention is for a ceilidh band at New Year for example, and the indoor / outdoor sports relates to the presence of the dartboard.

Councillor Bruce stated that he would fully endorse the application and he highlighted the very positive submission made by the Arran Community Council.

Having considered the terms of the report, and the submissions made, the Chair moved that all variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

Standard Condition C.10.3 is varied by the addition of the words "except that a dartboard may be placed and used in the Snug room"

A.9 Premises Licence 0295 Towerlands Sports Club, Towerlands Farm, Irvine

The Board considered an application for variations of a Premises Licence made by Towerlands Sports Club for the above premises. The Licence Holder was represented by Kevin Gallacher, Chairman, Janette Rawls, Vice Chairperson, and Alexandria Kirkpatrick, proposed Premises Manager.

The Licence Holder was requesting the following variations:

1. Surrender special status as a 'Section 125 Club'.
2. Appoint a Premises Manager.
3. Extend access hours for under 18s attending functions.
4. Remove Conditions as to the playing of pool and darts in areas admitting children under 16.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

An objection to the application had been made by George and Jean McAusland, 7 Towerlands Farm Centre. Mr Gallacher confirmed that he had seen a copy of the objection

prior to the Board meeting. Copies of the written objection were given to the Board Members. Mr and Mrs McAusland were not present.

Mr Gallacher addressed the Board on the issues arising. In response to the objection, Mr Gallacher explained that the outdoor drinking area is 50 – 60 yards away from Mr and Mrs McAusland's property. Furthermore, children are strictly supervised at the premises. Anyone who books a function at the premises must adhere to a condition that states that children are to be strictly supervised at all times.

Mr Gallacher said that the primary function of the Club remains the activity of bowling.

Having considered the terms of the report, and the submissions made, the Chair moved that all variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. The Board's Standard Conditions Edition 5 will now apply. Part I of the Board's Standard Conditions will be replaced by Part K. Standard Conditions C.10.3 (d) and (e) are disappplied.

A.10 17-19 Station Road, Stevenston

The Board considered an application for grant of a Provisional Premises Licence made by the Partnership of Gurdawer Gill, Sikinder Kaur Gill, Gurdip Singh Basra and Rajwinder Kaur Basra for the above premises. The Applicant was represented by Ian Hunter, Solicitor, and he was accompanied by Sakinderjit Kaur Gill.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

An objection to the application had been made by Dr Maggie Watts, Consultant in Public Health Medicine, NHS Ayrshire and Arran. Mr Hunter confirmed that he had seen a copy of the objection prior to the Board meeting. Copies of the written objection were given to the Board Members. Ruth Shepherd of NHS Ayrshire and Arran was present.

Mr Hunter addressed the Board regarding the background to the application. He explained that the building had been empty for a long time and in due course the project would create 5 jobs. Mrs Gill was a very experienced Licence Holder. She has successfully operated Thornhouse Stores in Irvine for a long time, and the intention would be to run this premises in a similar manner. It is proposed that Mr Gill would be installed as Premises Manager in due course. The proposed alcohol display area would have a capacity of 19 sq mtrs, compared to a total retail capacity of 119 sq mtrs.

In terms of overprovision, Mr Hunter explained that the nearest similar premises is at Stevenston Cross, and there is a substantial population in between the 2 locations. In summation, Mr Hunter commended the application and invited the Board to grant.

Ms Shepherd then addressed the Board, re-iterating the content of Dr Watts's objection. Ms Shepherd said that if the application were granted then that would increase the availability of alcohol, which would in turn result in an increase in alcohol related harm. Ms Shepherd highlighted that the Health data for the area in which the store is to be located is well below the national average. The NHS are also concerned that the premises are to be located in close proximity to a Centre for Addition Services, which is used by vulnerable individuals, many of whom have alcohol problems and dependence. In summation, Ms Shepherd said that Scotland has a harmful heavy / binge drinking culture and with increased availability comes increased consumption, which results in an increase in alcohol related harm. The NHS recommend refusal of the application.

Thereafter Mr Hunter re-addressed the Board with his response to the issues raised by the NHS and to questions and comments from Councillor Marshall, Councillor Maguire and Councillor Clarkson. He said that education is the key and responsible operators, via their attitude during the alcohol sales process, have a role to educate and inform local populations in order to improve public health and tackle Scotland's binge drinking culture. Mr Hunter added that parents also have a huge responsibility in terms of how they introduce their children to alcohol. The culture towards alcohol in many European countries is the example for Scotland to follow.

Ms Shepherd commented that Scotland's drinking culture is very different to that in many European countries.

The Chair and Councillor Munro both stated that they were in favour of the application. The building had lain empty for a long time and the Applicant's proposals would aid the regeneration of the locality, which, in Councillor Munro's opinion, would be comparable to the regeneration of the Grange building at Stevenston Cross. The Chair did add, however, that the statistics provided by the NHS in relation to this application were 'pretty shocking'.

Mrs Gill informed the Board that they were aware of the challenges in the area and they were more than ready to tackle them. By being a responsible operator, Mrs Gill said that they have helped to improve serious problems of underage drinking in the locality of Thornhouse Stores.

The Board adjourned at 1.12 pm and re-convened at 1.20 pm.

Having considered the terms of the report, and the submissions made, Councillor Munro moved that the application be granted. Councillor Barr seconded the motion. Councillor Marshall moved, as an amendment, that the application be refused, based on the data submitted by the NHS. Councillor Reid seconded the amendment.

There was then a roll-call vote. There were no abstentions. Councillors McNicol, Munro, Bruce, Clarkson, Barr, and Steel voted for the motion. Councillors Marshall, Maguire and Reid voted for the amendment.

The motion was accordingly carried and the Provisional Premises Licence granted, subject to Standard Conditions (Edition 5) Parts A and B.

The Chair then suggested that the Board consider cases 12 and 13 together. Caroline Loudon, representing Aldi Stores Ltd, confirmed that she was content for the Board to proceed as per the Chair's suggestion.

A.12 & A.13 Premises Licence 0047 Aldi, East Road, Irvine and Premises Licence 0086 Aldi, 2 The Braes, Saltcoats

The Board considered 2 applications for variation of Premises Licence made by Aldi Stores Ltd for the above premises. The Licence Holder was represented by Caroline Loudon, Solicitor, and she was accompanied by Alice Hodgson, Area Manager, Aldi Stores Ltd.

The Licence Holder was requesting the following variations:

1. Increase off-sale capacity from 29.66 sq.m to 34.11 sq.m (Irvine Premises).
2. Increase off-sale capacity from 29.66 sq.m to 36.36 sq.m (Saltcoats Premises).

AGENDA ITEM 1

The Board considered the terms of 2 reports by the Solicitor (Licensing) which set out the results of consultations on the applications and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the reports.

Objections to the applications had been made by Dr Maggie Watts, Consultant in Public Health Medicine, NHS Ayrshire and Arran. Ms Loudon confirmed that she had seen a copy of the objections prior to the Board meeting. Copies of the written objections were given to the Board Members. Ruth Shepherd of NHS Ayrshire and Arran was present.

Ms Loudon addressed the Board regarding the background to the applications, and on the issues arising. She explained that the applications were being made in connection with a re-merchandising programme being undertaken by the Licence Holder. The intention is to introduce new brands within their stores. All displays are within sight of the till areas, and the company operate a number of responsible measures and policies in relation to the sale of alcohol, including till prompts, 'Challenge 25', and manual refusal books.

Ms Shepherd then addressed the Board, re-iterating the content of Dr Watts's objection letters. Ms Shepherd highlighted that Aldi Stores Ltd are seeking alcohol display capacity increases of 11.5% for the Irvine store, and 12.25% for the Saltcoats store. Availability is a factor in relation to increased alcohol consumption, and in turns increased levels of alcohol related harm. Ms Shepherd then referred to the figures for hospitalisations for Irvine Central and Saltcoats Central, and she stated that these figures were significantly worse than the Scottish average. Ms Shepherd added that if the Board did decide to grant the applications, then perhaps the Board would consider the addition of specific conditions, restricting the sale of cheaper products, which would help to mitigate the harmful effects of the increased availability.

In response to a question from the Chair, Ms Shepherd confirmed that the NHS figures / statistics contained in the objection letters relate to 2010 data, and the data is re-produced every 3 years.

Thereafter Ms Loudon re-addressed the Board in response to the issues raised by the NHS. She argued that the NHS statistics are out of date and cannot be linked directly or evidenced to specific stores. Ms Loudon stated that Aldi do not sell cheap vodka. £9.80 is the cheapest bottle available, and she argued that there was no reason or justification for the Board to impose or attach additional, specific conditions, as per Ms Shepherd's suggestion.

Mr O'Brien confirmed that the Board had no legal authority to impose the specific conditions suggested by Ms Shepherd.

The Board adjourned at 1.41 pm and re-convened at 1.50 pm.

In relation to the application for the Irvine premises (Licence 0047), having considered the terms of the report, and the submissions made, Councillor Barr moved that the variation be granted. Councillor Clarkson seconded the motion. Councillor Marshall moved, as an amendment, that the variation be refused, based on the data submitted by the NHS. Councillor Reid seconded the amendment.

There was then a roll-call vote. Councillor Maguire abstained. Councillors McNicol, Munro, Bruce, Clarkson, Barr, and Steel voted for the motion. Councillors Marshall and Reid voted for the amendment.

The motion was accordingly carried and the variation granted.

AGENDA ITEM 1

In relation to the application for the Saltcoats premises (Licence 0086), having considered the terms of the report, and the submissions made, Councillor Barr moved that the variation be granted. Councillor Munro seconded the motion. Councillor Marshall moved, as an amendment, that the variation be refused, based on the data submitted by the NHS. Councillor Reid seconded the amendment.

There was then a roll-call vote. Councillor Maguire abstained. Councillors McNicol, Munro, Bruce, Clarkson, Barr, and Steel voted for the motion. Councillors Marshall and Reid voted for the amendment.

The motion was accordingly carried and the variation granted.

The meeting ended at 1.51 pm.