

**North Ayrshire Licensing Board
18 December 2012**

Irvine, 18 December 2012 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Ronnie McNicol (Chair), Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alex McLean, Alan Munro, Donald Reid and Robert Steel.

In Attendance

W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer, C Simpson, Licensing Standards Officer, C Pollock, Licensing Administration Officer, P Brennan, Specialist Environmental Health Officer (Noise), Chief Inspector Ross and Police Constable McLean, Strathclyde Police.

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Tom Marshall.

1. Minutes

The Board were asked to confirm the Minutes of the Board Meeting held on 3 October 2012. The Chair proposed that the Minutes be adopted and this was seconded by Councillor Barr. 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 Case 6 would be moved to the start of the agenda and considered first.

A.6 Towerlands Sports Club – Towerlands Farm Road, Irvine

The Board considered an application for an Occasional Licence (1169/12) made by Towerlands Sports Club for their own Premises on 13 January 2013. The applicant was represented by Kevin Gallacher (Club Chairman), and Alexandria Kirkpatrick.

The Board considered the terms of a verbal report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Claire Simpson, Licensing Standards Officer, gave a report to the Board regarding the Board's Policy in relation to the issue of darts and occasional licences.

Thereafter Mrs Kirkpatrick addressed the Board on the issues arising. She explained that the event is an annual darts competition, run under the auspices of the Darts Federation, and there will be a lot of competitors who are non-members of Towerlands Sports Club, including a number 16 and 17 year olds.

Councillor Barr asked Ms Simpson if the premises had caused any problems in the past.

Ms Simpson confirmed that there had been no problems with the premises since the current Chairman, Mr Gallacher, came into office.

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 Chair stated that Cases 1 and 3 would be considered together.

A.1 & A.3 Premises Licence 0080 The Waterside, 14 Bath Street, Largs

The Board resumed consideration of a Review Application under Section 36 made by Mr Paul Brennan, North Ayrshire Council Specialist Environmental Health Officer (Noise), relating to the above premises. The Board also resumed consideration of applications for Extended Hours (884/12, 885/12 & 886/12) made by Brian Purdie (Premises Manager) for the above premises.

The Licence Holder, Greene King Retailing Ltd, was represented by Andrew Hunter, Solicitor, and he was accompanied by Brian Purdie.

The Review Application was made by Mr Brennan by a letter to the Board, dated 7 August 2012. Copies of the letter were given to Board Members. Mr Brennan was present.

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

Mr Brennan reported that Environmental Health had visited the premises and the internal works, which are now complete, appear to have been effective. When the doors are closed the noise from live bands playing within the premises is barely audible outside. This has been confirmed by neighbouring residents, who in the past have consistently complained about noise coming from the premises.

Thereafter Mr Hunter addressed the Board on the issues arising. Referring to Mr Brennan's positive report, Mr Hunter said that if the Board were now minded to take no further action in

relation to the Review Application, the Licence Holder would permanently revert to normal operating practice, that is, in accordance with the condition imposed by the Board at the meeting on 26 June 2012. Therefore, amplified music or noise would cease at 12.30 am on a Friday and Saturday night and 11.30 pm on a Sunday night. Mr Hunter also invited the Board to grant the applications for Extended Hours.

Having considered the terms of the report, information supplied by the Licensing Standards Officer, and the submissions made, the Chair moved that no further action be taken in relation to the Review Application, and that the applications for Extended Hours be granted. Councillor Reid seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to take no further action in relation to the Review Application, and to grant the applications for Extended Hours.

A.2 Premises Licence 0157 Keystore, 67/71 Ashgrove Road, Ardrossan

The Board resumed consideration of an application for variation of a Premises Licence made by A C Currie Ltd for the above premises. The Licence Holder was represented by Alex Currie (Director, A C Currie Ltd).

The Licence Holder was requesting the following variation:

1. Increase off-sales capacity from 20.0 sq.m. to 28.2 sq.m.

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 Mr Currie addressed the Board on the issues arising. Mr Currie explained that he had been unable to attend the previous Board meeting due to illness, and he added that the application was made in order to address the issue of beer stacks at the premises.

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.

A.4 Premises Licence 0395 Bothan Bar, Broomlands Gate, Bourtreehill

The Board considered applications for Extended Hours (1133/12, 1134/12 & 1135/12) made by Daljit Kaur Sangha (Director, Bothan Lic Ltd, and Premises Manager) for the above premises. Mrs Sangha was not present or represented.

An objection to the application had been made by the Chief Constable, Strathclyde Police, by a letter to the Board, dated 11 December 2012. Copies of the letter were given to Board Members and the content of the letter was summarised by Chief Inspector Ross.

The Board considered the terms of a verbal report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Referring to the Review proceedings involving the Bothan Bar and Mrs Sangha, which were considered at the Board meeting in November, Mr O'Brien updated Board Members that the resultant sanctions imposed by the Board had now expired. Mr O'Brien suggested that the Board may wish to consider application 1134/12 separately, and then consider applications 1133/12 and 1135/12 together. All Board Members agreed that this would be a sensible way to proceed.

Regarding 1134/12, Councillor Barr commented that he had serious concerns with football supporters arriving in Glasgow at that time of the day, having already consumed quantities of alcohol.

Referring to the information provided by the Police in relation to 1134/12, Councillor Clarkson commented that the purpose of the extended hours sought is clearly not the festive period, as stated on the form.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that application number 1134/12 should be refused. Councillor Bruce seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to refuse.

Thereafter Chief Inspector Ross addressed the Board in relation to applications 1133/12 and 1135/12. He highlighted that the premises have caused the Police a number of problems in recent times and there hasn't yet been sufficient time (since the Review proceedings in November) to monitor the premises in order to make a judgement on whether there have been notable improvements.

Councillor Barr commented that the vast majority of the alleged incidents, considered by the Board during the Review proceedings in November, did occur after midnight. Both 1133/12 and 1135/12 are seeking an extension of hours beyond midnight.

Councillor Reid said that the hours sought are not unique and are the same hours being applied for by numerous other premises in the area during the festive period.

In response to Councillor Reid's comments, the Chair said that there are presently exceptional circumstances with the Bothan Bar, highlighted by the fact that the Police have deemed it appropriate to make a written objection to these applications.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that applications numbered 1133/12 and 1135/12 should be refused. Councillor Steel seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to refuse.

A.5 Premises Licence 0138 Charlie's Bar, 18 Glasgow Street, Ardrossan

The Board considered an application for Extended Hours (1123/12) made by William Woods for the above premises. The application was for an extension of core hours 1.00 am to 2.00 am on Thursday 27 December 2012 for a charity party night. Mr Woods was not present or represented.

The Board considered the terms of a verbal report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising.

Tracy Woods (Premises Manager) had made a written submission and copies were given to Board Members.

Grace Cullen, Licensing Standards Officer, highlighted to the Board that the Licence Holder has been granted an extension of hours for this annual event for a number of years now.

Having considered the terms of the report, and the written submission 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.

3. Consideration of the Board's draft Statement of Principles 2013-2016 (Gambling Act 2005, Section 349).

The Board considered a report by the Solicitor (Licensing) regarding the requirement, under the Gambling Act 2005, for the Board to adopt and publish a Statement of Principles for the period 2013-2016 by 31 January 2013.

Councillors Clarkson and Munro both raised the issue of gaming machines that are located in take-away premises and other shops within local communities. Councillor Munro highlighted concerns that children are exposed to these machines and Councillor Clarkson asked who was responsible for checking the legality of the machines.

Grace Cullen and Claire Simpson, Licensing Standards Officers, explained that there are 2 types of gaming machine, skill and amusement, and they can be very difficult to distinguish between. Amusement type machines are clearly categorised and require an appropriate licence or permission. However, skill machines require no licence or permission, meaning that in effect the Licensing Board and LSOs are, at present, powerless in relation to this type of gaming machine. Only skill machines are allowed in shops and take-away premises. Mrs Cullen said that, as LSOs, she and Ms Simpson can, and do check individual machines, quite often in liaison with the Gambling Commission. This can potentially be a complicated process and involves scrutinising all of the relevant documentation, which should accompany a machine, in order to clearly categorise the type of a particular machine.

Ms Simpson added that she had recently investigated a complaint by a member of the public regarding a machine located within a shop in an area of Kilwinning. The machine turned out to be a skill machine so the operator of the shop was legally entitled to retain the machine on the premises. On that occasion, the operator of the shop was able to provide all of the relevant documentation, which facilitated a quick confirmation of the machine type. However, in other examples, the required paperwork has not been made available, which makes it extremely difficult to resolve such an enquiry / complaint.

Councillor Steel asked if manufacturers could be forced to provide clear guidance and documentation in relation to these machines, and Councillor Munro asked if the relevant law makers and authorities could be advised of the concerns that Board Members have in relation to skill type machines.

Councillor Bruce commented that if a gaming machine has the capability and potential to pay out money then surely there should be an age restriction with regard to who is permitted to play it.

Mr O'Brien highlighted to the Board that the Gambling Act 2005 is legislation made by the UK government, and the Gambling Commission are the organisation responsible for the regulation of commercial gambling in Great Britain. The Board could write to the Members of Parliament for North Ayrshire and to the Gambling Commission to detail Members' concerns in relation to skill gaming machines.

The Chair proposed that perhaps the Board should request the views of East Ayrshire Licensing Board and South Ayrshire Licence Board regarding this matter, and then make a co-ordinated approach to the Members of Parliament for Ayrshire. All Board Members unanimously agreed to the Chair's proposal and Mr O'Brien said that he would action the Board's instruction.

Having considered the report and the draft Statement, the Chair proposed that the Board accept the recommendation and adopt the draft Statement as it's Statement of Principles for the period 2013-2016. There were no counter proposals and the Board unanimously agreed

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without dissent or abstention to adopt the draft Statement as its Statement of Principles for the period 2013-2016.

The meeting ended at 10.45 am.