

**North Ayrshire Licensing Board  
10 December 2018**

**Irvine, 10 December 2018** - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

**Present**

Councillors Ronnie McNicol (Convenor), Robert Barr, John Easdale, Donald L. Reid, Jean McClung and Davina McTiernan.

**In Attendance**

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

**Also In Attendance**

Chief Inspector Convery and Dawn Hastings (Police Scotland).

**Convenor**

Councillor McNicol.

**Apologies for Absence**

Todd Ferguson and Scott Gallacher.

**Declarations of Interest**

None.

**1. Minutes**

The Board were asked to confirm the Minutes of the Board meeting held on 1 October 2018. Councillor Barr proposed that the Minutes be adopted and this was seconded by Councillor Reid. 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**

**A.1 Premises Licence 0429 News Stand, 29/31 Dockhead Street, Saltcoats**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Mounir Hanna Sabti, for the above premises. Mr Sabti was present.

The Licence Holder was requesting the following variation:

1. Increase Off Sales Display Capacity from 8.8 sq.m. to 13.8 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.

Mr Sabti then addressed the Board. He explained that he had underestimated the capacity he would require when submitting his initial Premises Licence application and he would now like to offer customers more choice. The Convenor highlighted to Mr Sabti that the Board have an overprovision policy in place, Mr Sabti confirmed he was aware of the Board's Policy but he needed to extend the capacity to give customers more choice. He also explained his plan is to expand the current display area by removing magazines and newspapers.

Ms Cullen confirmed to the Board that she has visited the Premises in the last few months and enquired if the proposed area was an extension to the existing accessible area. Mr Sabti confirmed that this was his intention.

Mr Sabti confirmed his opening hours to Councillor McClung.

The Board adjourned with the Solicitor (Licensing) at 10.07 am to deliberate in private and re-convened at 10.15 am.

Having considered the terms of the report, and the submissions made, Councillor Reid proposed that the Board refuse the application on the basis of Overprovision. Councillor Barr seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to refuse the application.

The Convenor confirmed to Mr Sabti that the application had been refused on the grounds of Overprovision.

## **A.2 Premises Licence 0154 McColl's, 21/27 Old Raise Road, Saltcoats**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Martin McColl Limited, for the above premises. The Licence Holder was represented by Mr McDougall, Solicitor, and he was accompanied by Martin Black, Area Manager.

The Licence Holder was requesting the following variation:

1. Amend Operating Plan to allow trading outside Licensed Hours

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 McDougall then addressed the Board. He noted that there had been no comments or adverse objections received in connection with the application. Assuring the Board there would be no sale of alcohol outside the core hours he requested that the Board grant his Client's application.

Having considered the terms of the report, and the submission made, Councillor Barr moved that the application be granted. Councillor McClung seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

### **A.3 Premises Licence 0164 Morrisons, 4 Irvine Road, Largs**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Wm Morrison Supermarkets plc, for the above premises. The Licence Holder was represented by Mr Taylor, Solicitor, and he was accompanied by Mr Ferguson, Store Manager.

The Licence Holder was requesting the following variation:

1. Allow Tastings

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 Taylor then addressed the Board. Providing the background to the application, he explained that his Client would like to showcase local produce. He confirmed that tastings would be offered from a staffed stand and all staff are fully trained.

Mr Taylor confirmed in response to questions from Councillors Easdale and McTiernan that the stand would be a permanent fixture and that he was unable to specify how many of bottles of alcohol would be used, this would depend on the duration of a promotion.

With regards to the drink driving limits, Councillor Reid highlighted his reservations. Mr Taylor advised that samples would be provided within the Sampling Guidelines, ultimately it is a personal choice whether or not to accept a sample and his Client would not be encouraging customers to participate.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that the application be granted. Councillor Easdale seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

### **A.4 Premises Licence 0163 Morrisons, Hawkhill Farm, Kilwinning Road, Stevenston**

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Wm Morrison Supermarkets plc, for the above premises. The Licence Holder was represented by Mr Taylor, Solicitor, and he was accompanied by Mr Shields, Store Manager.

The Licence Holder was requesting the following variations:

1. Add Restaurant Facilities
2. Allow Tastings

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 Taylor then addressed the Board. He confirmed the application was exactly the same as the previous case in terms of the request to allow tastings, with one further request to include the café.

Having considered the terms of the report, and the submission made, Councillor McClung moved that the application be granted. Councillor Barr seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

#### **A.5 Premises Licence 0089 The Twa Dugs, 71 Main Street, West Kilbride**

The Board considered an application for variations of a Premises Licence made by the Licence Holder, William Gibson, for the above premises. The Licence Holder was represented by Debbie Crossan, Premises Manager.

The Licence Holder was requesting the following variations:

1. Vary Layout Plan
2. Allow access by accompanied 16-17 year-olds

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 Crossan then addressed the Board. The atmosphere of the Premises has changed and it now has a country pub theme, in order to attract a wider clientele. With the sponsoring of a local football team, which includes 2 members under the age of 18, they would like young persons to be permitted access. She highlighted that there is CCTV in place which covers the pool table area which is also closely monitored by staff.

Having considered the terms of the report, and the submissions made, Councillor Reid moved that the application be granted. Councillor McTiernan seconded the motion. 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.

#### **A.6 Premises Licence 0472 The Corner Café, 73 Main Street, West Kilbride**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, Gail Burton, was not present or represented.

The Board 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.

Ms Cullen highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Ms Cullen updated the Board that the fee, £220 in this case, remains unpaid.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor moved that the Board suspend the Licence for a period of one year and delegate to the Solicitor (Licensing) to recall the suspension if paid. There was no counter-motion and the Board unanimously agreed without dissent or abstention to suspend the Licence for the period of one year.

#### **A.7 Premises Licence 0124 Day-Today, 20/22 Nelson Street, Largs**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, Largs Convenience Store Ltd, was represented by Mohammed Babba, Assistant Manager.

The Board 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.

Ms Cullen highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Ms Cullen updated the Board that the fee, £280 in this case, was now paid.

Mr Babba then addressed the Board. He advised that Mr Jamil, Premises Manager, was out of the country due to a family illness. He apologised for the late payment of the annual fee and assured the Board that this will not happen again.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor noted Mr Babba's apology and moved that the Board should take no further action. There was no counter-motion and the Board unanimously agreed to take no further action.

#### **A.8 Premises Licence 0216 Fiddlers & Oceans, 4 Townhead Close, Main Street, Largs**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, GCB Events Limited was not present or represented.

The Board 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.

Mr O'Brien highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Mr O'Brien updated the Board on the situation and confirmed that the fee, £220 in this case, was now paid.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor moved that the Board should take no further action. There was no counter-motion and the Board unanimously agreed to take no further action.

#### **A.9 Premises Licence 0442 Home Bargains, Unit 5A Riverway, Riverway Retail Park, Irvine**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, T. J. Hughes Limited t/a Home Bargains, was represented by Mr Taylor and accompanied by Lindsay O'Neill of Home Bargains.

The Board 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.

Mr O'Brien highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Mr O'Brien updated the Board on the situation and confirmed that the fee, £900 in this case, was now paid.

Mr Taylor then addressed the Board and sincerely apologised for his Client's oversight in relation to the annual fee.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor moved that the Board should take no further action. There was no counter-motion and the Board unanimously agreed to take no further action.

#### **A.11 Premises Licence 0102 The Queens Hotel, 9 Brisbane Street, Largs**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, Partnership of Michael John Boyle & Helen Begley or Boyle, were not present or represented.

The Board 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.

Mr O'Brien highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Mr O'Brien updated the Board that the fee, £280 in this case, remains unpaid.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor moved that the Board suspend the Licence for a period of 12 months and delegate to the Solicitor (Licensing) to recall the suspension if paid. There was no counter-motion and the Board unanimously agreed without dissent or abstention to suspend the Licence for the period of 12 months.

#### **A.10 Premises Licence 0492 Lyrics, 13 Bridgegate Square, Irvine**

The Board considered a Review Application under Section 36 made by the Licensing Standards Officer relating to the above premises. The Licence Holder, Derek Finnigan, was not present or represented.

The Board 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.

Mr O'Brien highlighted that the Ground for Review was that the Board's Standard Condition A.7, namely, 'Any annual or other recurring fee must be paid if required by the regulations', had been breached by the Licence Holder. Mr O'Brien updated the Board that the fee, £280 in this case, remains unpaid.

The Licensing Board unanimously agreed that the Ground for Review was established. The Convenor moved that the Board suspend the Licence for a period of 12 months and delegate to the Solicitor (Licensing) to recall the suspension if paid. There was no counter-motion and the Board unanimously agreed without dissent or abstention to suspend the Licence for the period of 12 months.

#### **A.12 Richard James Blackley (Application Ref NA 2520)**

The Board considered an application for a Personal Licence made by the above Applicant. Mr Blackley was not present or represented.

The Convenor confirmed that the Board were in unanimous agreement to proceed and hear the case in Mr Blackley's absence.

The Board considered the terms of a report by the Solicitor (Licensing) which referred to the Chief Constable's Notice under Section 73(3)(b) of the 2005 Act and summarised issues arising. Copies of the Police letter were given to the Board Members and the content of the letter was read by Chief Inspector Convery.

Having considered the terms of the report, and the Chief Constable's Notice, Councillor Barr moved that the application be refused on the grounds that having regard to the Licensing Objectives, the Applicant is not a fit and proper person to be the holder of a Personal Licence. Councillor Reid seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to refuse the application.

The meeting ended at 11.07 pm.