

Cunninghame House,
Irvine.

15 August 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 21 AUGUST 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 22 May 2013 and 30 May 2013

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)

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

21 August 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, Solicitor (Licensing)
, 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.	0111, 0161	Asda Stores Limited Asda House Southbank Great Wilson Street Leeds LS1 5AD	Various Premises	Premises Licence Review Proposal - Section 37
2.	NA0529	Pavita Singh Shergill 28B Bank Street Irvine KA12 0AD		Personal Licence Review Hearing - Section 83(7) Continued from 22/05/13
3.	0438	P/Ship of Alastair & Alison Bilsland Bilslands Shore Road Brodict Isle of Arran KA27 8AJ	Bilslands Shore Road Brodict Isle of Arran KA27 8AJ	Application for Variation of Premises Licence - Section 29
4.	0258	Henry P Fitzsimmons c/o Premier Leisure Winton Circus Saltcoats KA21 5DA	Premier Leisure Winton Circus Saltcoats KA21 5DA	Application for Variation of Premises Licence - Section 29
5.	0248	Madeleine Dawson Flat 1/R 30 Gallowgate Street Largs KA30 8LX	The Bean & Leaf 6 The Promenade Gallowgate Street Largs KA30 8BG	Application for Variation of Premises Licence - Section 29
6.	0443	BP Oil UK Limited Chertsey Road Sunbury on Thames Middlesex TW16 7BP	BP Girdle Toll Connect Littlestane Row Long Drive Irvine KA11 2DJ	Application for Grant of Provisional Premises Licence - Section 45 Continued from 22/05/13
7.	0444	Jing Luo 1F, 40 Eglinton Street Beith KA15 1AQ	China Palace 132 Main Street Kilwinning KA13 6AA	Application for Grant of Premises Licence - Section 20 Continued from 22/05/13 & 30/05/13

8.	0418	The Douglas Hotel Arran Limited 5 Woodlands Road Thornliebank Glasgow G46 7SP	The Douglas Hotel Brodict Isle of Arran KA27 8AW	Application for Variation of Premises Licence - Section 29
9.	0295	Towerlands Sports Club Towerlands Farm Farm Road Irvine KA11 1PZ	Towerlands Sports Club Towerlands Farm Farm Road Irvine KA11 1PZ	Application for Variation of Premises Licence - Section 29
10.	0446	P/Ship of Gurdawer Gill, Sakinderjit Kaur Gill, Gurdip Singh Basra & Rajwinder Kaur Basra	17-19 Station Road Stevenston KA20 3NJ	Application for Grant of Provisional Premises Licence - Section 45
11.	0445	Co-operative Group Food Limited 1 Angel Square Manchester M60 0AG	Unit 2 The Promenade Largs KA30 8BG	Application for Grant of Provisional Premises Licence - Section 45
12.	0047	Aldi Stores Limited Holly Lane Atherstone Warwickshire CV9 2SQ	Aldi East Road Irvine KA12 0AA	Application for Variation of Premises Licence - Section 29
13.	0086	Aldi Stores Limited Holly Lane Atherstone Warwickshire CV9 2SQ	Aldi 2 The Braes Saltcoats KA21 5EP	Application for Variation of Premises Licence - Section 29
14.	0196	Baljit Sohal 13 Knockrivoch Wynd Ardrossan KA22 7QA	Nisa Local Store 39 Glasgow Street Ardrossan KA22 8EP	Premises Licence Review Application - Section 36
15.	NA1355	Steven McArthur 128 Main Street West Kilbride KA23 9AR		Personal Licence Review Hearing - Section 84A

Premises Licence Review Proposal - Section 37

Premises	Asda Store, Harbour Rd., Ardrossan (Board ref.: 111) Asda Store, Rivergate, Irvine (161)
Premises Licence Holder	Asda Stores Ltd

1. Background

The Board has received confirmation from the Chief Constable that the Premises Licence Holder has been convicted:

Date:	30 May 2013
Court:	Barnsley Magistrates Court
Offence:	Health & Safety at Work Act 1974, Section 33(1)(a)
Disposal:	Fine £20,000

Under Section 44 the Board must, on receipt of that confirmation, make a Review Proposal under Section 37 (Review of Premises Licence on Licensing Board's initiative).

The information given by the Police is limited to that given above, and does not contain details of the charge, e.g. place, date, circumstances. However, the PLH's solicitors have supplied further information: the offence relates to the store in Barnsley. While working at night, while the store was closed to the public, an employee slipped in a walk-in freezer which is not accessible to the public. The PLH reported this accident to the local Council under Health & Safety legislation, was prosecuted and pleaded guilty.

2. Action

Given

- (a) that the conviction relates to Premises outside North Ayrshire and is unlikely to have a bearing on Premises within the Board's area, and
- (b) the likelihood that the conviction relates to the operation of a food shop as opposed to the selling of alcohol,

the Board may wish to conclude the Review by taking no action. If the Board considers that Revocation or the other steps otherwise available may be appropriate, and wishes to be addressed by the Licence Holder, the case should be continued to a later meeting.

Personal Licence Review Hearing - Section 83(7)

Licence Holder	Pavita Shergill, 28 Bank St., Irvine (D.O.B. 20.5.1965)
Ref.	NA0529

CONTINUED FROM 22/05/2013

1. Background

The Board has received confirmation from the Chief Constable that the Personal Licence Holder has been convicted of a 'relevant or foreign offence'. Copies of the letter will be distributed to Members at the Meeting.

The information was not supplied by the Holder within one month after the date of the conviction. Board staff only learned of the conviction from a newspaper story. Failure to do so without reasonable excuse is an offence under Section 82(5).

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. 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 Variation of Premises Licence - Section 29

Applicant	Alastair Bilsland
Premises	"Bilsland's", Shore Road, Brodick, Isle of Arran KA27 8AJ
Ref.	438

1. Summary of Variation Request(s)

No.	Variation
1	<i>Allow under-18s to buy non-alcoholic drinks as well as retail goods</i>
2	<i>Allow under-18s 8.00 a.m. to 8.00 p.m.</i>
3	<i>Allow Outside Drinking Area to be used for soft drinks and food 8 - 11.00 a.m.</i>
4	<i>Allow Outside Drinking Area alcohol hours to be same as inside building</i>
5	<i>Discontinue need to check toilets and capacity</i>
6	<i>Reduce off-sale display capacity per Layout Plan</i>

2. Objections and Representations

Police	No objection
Community Council	No objection (support application)
Fire	No objection
Health Board	No objection
NAC Building Standards	No objection
NAC Planning	No objection
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 under-18s to buy non-alcoholic drinks as well as retail goods</i>
Grant (no statutory reason to refuse, and no breach of Board policy)
Notes: The Operating Plan already provides: Children under 12 are not allowed unless accompanied by an adult Children aged 12 - 15 and Young People (16-17) are allowed unaccompanied The premises are a combined shop and cafe. The layout is such that the staff will be able to monitor the public areas and ensure that no-one under 18 consumes alcohol (except where this is permitted: beer, wine, cider or perry may be bought for and consumed by a Young Person (aged 16-17) along with a meal supplied on the

Premises.)

Variation 2: *Allow under-18s 8.00 a.m. to 8.00 p.m.*

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

Notes:

The licensed hours are 10.00 a.m. to 8.00 p.m. and the Operating Plan limits under-18s to those hours, but the Premises may open before 10.00 a.m..

Variation 3: *Allow Outside Drinking Area to be used for soft drinks and food 8 - 11.00 a.m.*

Discretionary refusal

Notes:

The Applicant wishes to vary NALB Condition C.5.2 (which relates to Outside 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.."

The justification for that condition is Licensing Objective (c) ('preventing public nuisance'). The terrace here is at the front of the building and is not near residential dwellings. The Board might consider that the use of the terrace here from 8.00 a.m. would not be inconsistent with the L.O..

Variation 4: *Allow Outside Drinking Area alcohol hours to be same as inside building*

Discretionary refusal

Notes:

The licensed hours for inside are 10.00 a.m. to 8.00 p.m..

As with variation 3, the Board might consider that consumption of alcohol from 10.00 instead of 11.00 would not be inconsistent with the L.O..

Variation 5: *Discontinue need to check toilets and capacity*

Discretionary refusal

Notes:

The Licence is subject to various NALB conditions which require checking and recording (C.8 as to Occupancy Capacity, and C.12 as to maintaining toilets and washing facilities clean and tidy, and regularly inspected).

The justification of these conditions is Licensing Objectives (a) 'preventing crime and disorder', (b) 'securing public safety' and (d) 'protecting & improving public health'.

Neither the Police nor the Health Board object to the Applicant's proposal. The Board may consider that the risk of harm which these conditions seek to address (e.g. overcrowding) is very low here.

Variation 6: *Reduce off-sale display capacity per Layout Plan*

Mandatory Grant : The request is for a 'Minor Variation'

4. Licence Conditions

If Variation 3 is granted, Condition C.5.2 should be worded:

C.5.2 No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 8.00 a.m. and later than 10.00 pm..”

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

Application for Variation of Premises Licence - Section 29

Applicant	Henry P. Fitzsimmons
Premises	Premier Leisure, Winton Circus, Saltcoats KA21 5DA
Ref.	258

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 August 2013. Until the Board has a Certificate of Display, it cannot determine the Application.

1. Summary of Variation Request(s)

No.	Variation
1	Extend Terminal Hour (Sun-Wed) from 10.00 p.m. to 11.00 p.m.
2	Extend Opening Hour (Sun) from 12.30 p.m. to 11.00 a.m.
3	Add outdoor drinking
4	Allow hot drinks/soft drinks before 11.00 a.m. in outdoor area
5	Amend premises name to "Oscar's"

2. Objections and Representations

Police	No response yet
Community Council	No response yet
Fire	No objection
Health Board	No objection
NAC Building Standards	No objection
NAC Planning	See Variation 3
Other Objections or Representations?	None

The premises are being substantially reconstructed, and the bar (originally on the first floor) is now to be on the ground floor. Building Control have no objection but Licence-holder will have to obtain a Completion Certificate before allowing the public on the Premises.

Not an issue for the Board, but there is a Planning issue, see Variation 3.

The arrangements for under-18 access are not changing but given that the building as a whole has several different functions and the alcohol part is being relocated, the Applicant might consider whether or not the Operating Plan might be clarified. Suggestion:

OP 6(b) (Terms) - After the text describing the access arrangements for the soft play area and the cinemas, continue:

"In the area where alcohol may be sold:

Children (aged 0-15): allowed if both with adult and having a meal.

Young Persons (16-17): allowed without either an adult or having a meal."

OP 6(d) (Times) - "Children allowed until 10.00 p.m.. Young Persons allowed for the whole Core Hours."

OP 6(e) (Parts) - "Children and Young Persons allowed in all public parts of the Premises except within 1 metre of the bar."

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>Extend Terminal Hour (Sun-Wed) from 10.00 p.m. to 11.00 p.m.</i>
Grant (no statutory reason to refuse, and no breach of Board policy)

Variation 2: <i>Extend Opening Hour (Sun) from 12.30 p.m. to 11.00 a.m.</i>
Grant (no statutory reason to refuse, and no breach of Board policy)

Variation 3: <i>Add outdoor drinking</i>
Discretionary refusal
<p>Notes:</p> <p>The proposal relates to the 'patio' area shown on drawing 2059.115 (Jan 13), which is beside the north corner of the premises.</p> <p>The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'.</p> <p>Board may consider that its Standard Condition is sufficient:</p> <p style="padding-left: 40px;">"C.5.1 No loudspeakers, televisions, radios or other devices for amplifying sound shall be positioned at any time in Outdoor Drinking Areas.</p> <p>See also Variation 4.</p> <p>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.</p> <p><i>Note to Licence-Holder: This is not an issue for the <u>Licensing Board</u>, but <u>Planning Permission</u> was granted for the alterations with expressly <u>excluding</u> the external</i></p>

terrace. Even if the Board allows 'outdoor drinking', this will only amend the Operating Plan part of the Licence. It would remain the case that the area could only be used if and when the Planning Authority (separate from the Board) decided to vary the Planning condition.

Variation 4: Allow hot drinks/soft drinks before 11.00 a.m. in outdoor area

Discretionary refusal

Notes:

If the outdoor area is permitted, it would be subject to NALB Standard Condition 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.."

This is a non-mandatory condition, and is applied to all on-sales licences on the view that the operation of any outdoor drinking areas has the potential to be inconsistent with the "preventing public nuisance" Licensing Objective. On a case-by-case basis the Board is free to decide to vary that condition.

If the Board varies the condition and later upholds a Review, the condition can be re-applied or further varied.

Variation 5: Amend premises name to "Oscar's"

Mandatory Grant : The request is for a 'Minor Variation'

4. Licence Conditions

If Variation 4 is granted, the Condition should be amended.

Application for Variation of Premises Licence - Section 29

Applicant	Ms. Madeleine Dawson
Premises	"The Bean and Leaf", 6 The Promenade, Largs KA30 8BG
Ref.	248

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 August 2013:

- 1. Until the Board has a Certificate of Display, it cannot determine the Application.*
- 2. no details of comments from third parties are given here. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	Add Outdoor Drinking Area
2	Amend Condition so as to allow use of that area from 9.00 a.m.

2. Summary

The premises are a restaurant facing onto Gallowgate Street. The proposal is to replace the existing fixed windows with sliding door-windows, and to build a balcony on the street frontage. The occupant capacity will not change, and remains 40 persons.

The proposed Outdoor Drinking Area would be used for the sale of alcohol during the Premises' existing hours: 11.00 - 22.00 (6 days), 12.30 - 22.00 (Sunday).

That area would be used for the sale of food and non-alcoholic drinks from 9.00 a.m..

There are (to date) no third-party objections.

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: Add outdoor drinking area
Discretionary refusal
Notes: The Board would have to be satisfied that the proposals were not inconsistent with

any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'.

The Board is entitled to ask the Applicant to vary the proposal, e.g. to alter the times or locations of activities which might lead to noise or other nuisance.

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.."

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.

The proposed area is small and is immediately adjacent to the public footpath. The justification for Condition C.5.1 is Licensing Objective (c) ('preventing public nuisance'). Amplifying equipment which was situated within the building would have much the same potential for causing nuisance as equipment in the outdoor area itself if the door-windows were left open. The Applicant may wish to undertake to the Board that any such equipment will be kept under staff control and that noise will be kept at a level which does not cause nuisance to the general public. The Applicant is advised to seek the advice of NAC Environmental Services.

Variation 2: Amend Condition so as to allow use of that area from 9.00 a.m.

Discretionary refusal

Notes:

The extended use relates only to food and non-alcoholic drinks (the sale of alcohol will keep to the existing licensed hours). NALB Condition C.5.2 applies (see note to Variation 1).

The justification for that condition is Licensing Objective (c) ('preventing public nuisance'). The terrace here is at the front of the building and is not near residential dwellings. The Board might consider that the use of the terrace here from 9.00 a.m. would not be inconsistent with the L.O..

4. Licence Conditions

The Licence was granted subject to Edition 3 of the Board's Standard Conditions - before the most recent revision. The existing Conditions should be replaced by the current Edition 5.

If Variation 2 is granted, the Condition should be amended appropriately..

Application for Grant of Provisional Premises Licence - Section 45

Applicant	B.P. Oil UK Ltd.
Premises	B.P. Girdle Toll Connect, Littlestone Row, Long Drive, Irvine KA11 2DJ
Ref.	443

1. Preliminary

This case was first considered by the Board on 22 May 2013. There were then three potential issues (See Para. 3). Two of these were considered by the Board, and the Board concluded that neither provided a reason to refuse. The Board decided that consideration of the remaining issue (overprovision) should be deferred until it had the usual health and licensing information.

2. Summary of Proposal

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

The proposal is to include an off-sales facility in the existing convenience store associated with the petrol filling station at Hill Roundabout (between the A736 and Littlestone Road). The shop opens 24 hours a day, 7 days a week, although the alcohol hours requested are 10.00 - 22.00, 7 days a week. This is the maximum permitted by the legislation and is within NALB Policy.

The PPL relates to Premises which are to be 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 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.

3. Issues

There were initially 3 potential Grounds for Refusal, although after 22 May only issue (c) remains to be considered:

- (a) Excluded Premises
- (b) Public Health
- (c) Overprovision

(c) - Overprovision may result if the Application is granted

Section 23(5) of the Licensing (Scotland) Act 2005 provides:

"The grounds for refusal are— ...

(e) that, having regard to the number and Capacity of—

(i) Licensed Premises, or

(ii) Licensed Premises of the same or similar description as the Subject Premises,

in the locality in which the Subject Premises are situated, the Board considers that, if the Application were to be granted, there would, as a result, be Overprovision of Licensed Premises, or Licensed Premises of that description, in the locality."

Section 7(2) provides:

"It is for the Licensing Board to determine the "localities" within the Board's area for the purposes of this Act."

The Board's Overprovision Policy distinguishes Premises by 'Function Types':

1. Off-sales
2. Nightclubs
3. Other On-sales (e.g. public houses)
4. Premises where the principal activity is the provision of accommodation, meals or non-alcoholic refreshment

The Subject Premises are in Function Type 1. There is a presumption of refusal due to:

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

The Clerk has prepared two sets of documents for the consideration of the Board:

(a) Licence Summary

This covers this and nearby Intermediate Zones, giving figures for capacity of similar Premises and population. The 4 IZ areas which seem relevant here are:

43 (Irvine Perceton and Lawthorn)

where the proposed premises are, and the nearby

40 (Girdle Toll and Stanecastle)

36 (Irvine Broomlands)

37 (Irvine Bourtreehill)

(b) NHS Information on health and social indicators

The Board has when considering overprovision in the past had regard to the NHS document - "Health and Wellbeing Profiles 2010 Spine Pack". This gives scores (by IZ) comparing parts of NA with the Scottish average for 59 indicators.

The document consists of one page for each of the 38 IZs within NALB, and the Board will have the relevant pages for those 4 IZs.

The indicators which appear relevant are:

- 1 Life expectancy - males
- 2 Life expectancy - females
- 9 Patients hospitalised with alcohol conditions
- 10 Deaths from alcohol conditions
- 38 Population income deprived
- 39 Working age population employment deprived
- 40 Working age population claiming Jobseeker's Allowance
- 41 Dependence on out of work benefits or child tax credit
- 43 Crime rate
- 44 Prisoner population
- 46 Patients hospitalised after an assault

Conclusion

Those documents are attached to the Agenda.

The Board should invite submissions from the Applicant with a view to satisfying the Board that Overprovision would not result if the Application was granted.

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).

4. 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 by BP for Premises at Girdle Toll
 NALB Licence ref. 443
 Intermediate Zone = 43 (Irvine Perceton and Lawthorn)
 Function Type = 1

Pop = Adult population

No. = Number of Premises of THAT FT

Cap. = capacity (sq. m.)

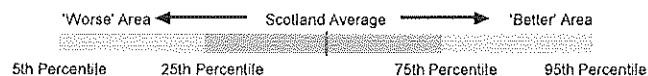
Licence No.	Premises Name	Premises Address	PostCode	Licence No.	Off-Sales (sq. m.)	Off-Sales Total in IZ (sq. m.)	Pop.	Total premises	Cap. Per 1,000 pop.
In IZ 43 (Irvine Perceton and Lawthorn)									
443	BP Girdle Toll Connect	Littlestone Row, Long Drive	KA11 2DJ	443	5.04				
204	Spar Convenience Store	2/3 Cardow Crescent, Girdle Toll	KA11 2DH	204	29.34	29	4,283	1	6.85
In IZ 40 (Girdle Toll and Stanecastle)									
389	Premier / Girdle Toll Post Office	83 Burns Crescent, Girdle Toll	KA11 1AQ	389	8.94				
6	Keystore	89 Burns Crescent, Girdle Toll	KA11 1AQ	6	62.6	72	4,386	2	16.31
In IZ 36 (Irvine Broomlands)									
367	Broomlands Supermarket	35 Broomlands Gate, Lewis Cres.	KA11 1HB	367	10.9	11	2,962	1	3.68
In IZ 37 (Irvine Bourtreeshill)									
107	Nisa Extra (fka The Lateshop & Co-op 13 Lower Vennel, Bourtreeshill		KA11 1PQ	107	22.7				
172	Village Store	Unit 1 & 2 Lower Vennel, Bourtreeshill	KA11 1ND	172	25.76				
193	Towerlands Stores	Towerlands Gate, Bourtreeshill	KA11 1HA	193	1.68	50	2,494	3	20.10
The comparable figures for:									
Whole Irvine Area (not incl. Kilwinning)									
					[Irvine]	2,803	39,527	37	70.91
Whole of NALB					[all NALB]	5,238	135,247	128	38.73

Irvine Perceptron and Lawthorn Intermediate Zone Health Summary

This chart compares the local value for each health indicator to the Scottish average for all intermediate zones.



- 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	Indicator	Number	Measure	Type	Unit	Worst	Scotland Average	Best
Life Expectancy & Mortality	1 Life expectancy - males ¹	n/a	75.3	yrs	74.5			
	2 Life expectancy - females ¹	n/a	80.8	yrs	79.5			
	3 Deaths all ages ²	82	694.5	sr	707.8			
	4 Early deaths from coronary heart disease (< 75s) ²		37.9	sr	57.2			
	5 Early deaths from cancer (< 75s) ²	13	113.1	sr	134.7			
	6 Early deaths from cerebrovascular disease (< 75s) ²	0	0.0	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	154	1,246	sr	1,088			
	10 Deaths from alcohol conditions ¹	n/a		sr	46.4			
	11 Patients hospitalised with drug related conditions ²	11	86.2	sr	85.1			
	12 Active travel to work ³	n/a		%	14.0			
Ill Health & Injury	13 Sporting participation ³	n/a		%	73.0			
	14 Patients registered with cancer ¹	68	380.2	sr	412.6			
	15 Patients hospitalised with COPD ²	33	280.0	sr	158.6			
	16 Patients hospitalised with coronary heart disease ²	47	405.9	sr	347.0			
	17 Patients hospitalised with cerebrovascular disease ²	19	141.0	sr	173.8			
	18 Patients hospitalised with asthma ²	99	765.6	sr	472.9			
Mental Health	19 Patients hospitalised as an emergency ²	842	6,945.4	sr	6,378.9			
	20 Patients (65+) with multiple hospitalisations ²	71	5,616.5	sr	4,607.6			
	21 Road traffic accident casualties ²		26.2	sr	79.4			
	22 Patients hospitalised after a fall in the home (65+) ²	12	961.2	sr	710.4			
	23 Prevalence of diabetes	158	3.7	sr2	3.5			
	24 Patients prescribed drugs for anxiety/depression/psychosis	514	11.9	%	9.7			
Social Care & Housing	25 Patients with a psychiatric hospitalisation ²	17	133.5	sr	303.0			
	26 Deaths from suicide ¹		2.9	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	170	5.1	%	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			
Education	31 Children looked after by local authority ³	n/a		cr2	14			
	32 Single adult dwellings	488	29.6	%	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	186.8	mean	179.7			
	35 Primary school attendance	n/a	96.0	%	95.2			
	36 Secondary school attendance	n/a	92.7	%	91.1			
Economy	37 Working age adults with low or no educational qualifications ³	n/a		%	14.8			
	38 Population income deprived	460	10.8	%	15.1			
	39 Working age population employment deprived	260	9.3	%	11.6			
	40 Working age population claiming Jobseeker's Allowance	100	3.6	%	4.4			
	41 Dependence on out of work benefits or child tax credit	455	39.0	%	46.6			
	42 People claiming pension credits (aged 60+)	95	14.7	%	11.0			
Crime	43 Crime rate	64	15.0	cr2	49.5			
	44 Prisoner population		57.7	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		48.0	sr	95.2			
	47 Population within 500 metres of derelict site	0	0.0	%	30.0			
	48 People living in 15% most 'access deprived' areas	1,148	27.0	%	14.2			
Environment	49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0			
	50 Breast screening uptake ²	313	76.0	%	75.3			
	51 Mothers smoking during pregnancy ²	21	16.8	%	22.6			
	52 Teenage pregnancies ²	12	41.4	cr2	41.4			
	53 Low weight live births ²	0	0.0	%	2.3			
	54 Babies exclusively breastfed at 6-8 weeks ²	16	13.6	%	26.4			
Women's & Children's Health	55 Immunisation uptake at 24 months - MMR ²	127	92.7	%	92.1			
	56 Immunisation uptake at 24 months - all excluding MMR ²	135	98.5	%	97.5			
	57 Child dental health in primary 1	23	59.0	%	61.8			
	58 Child obesity in primary 1	n/a		%	8.0			
	59 Patients hospitalised by unintentional injuries at home (<15) ²		374.6	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.

Irvine Girdle Toll and Staneca Intermediate Zone Health Summary

This chart compares the local value for each indicator to the Scottish average and to the 5th, 25th, 75th and 95th percentiles for all Intermediate Zones.



- 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



Domain	Indicator	Number	Measure	Unit	Value	Worse	Scotland Average	Better
Life Expectancy & Mortality	1 Life expectancy - males ¹	n/a	77.4	yrs	74.5			
	2 Life expectancy - females ¹	n/a	80.3	yrs	79.5			
	3 Deaths all ages ²	103	624.6	sr	707.8			
	4 Early deaths from coronary heart disease (< 75s) ²		24.3	sr	57.2			
	5 Early deaths from cancer (< 75s) ²	17	107.1	sr	134.7			
	6 Early deaths from cerebrovascular disease (< 75s) ²		10.7	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	208	1,387	sr	1,088			
	10 Deaths from alcohol conditions ¹	n/a		sr	46.4			
	11 Patients hospitalised with drug related conditions ²	17	148.8	sr	85.1			
	12 Active travel to work ³	n/a		%	14.0			
Ill Health & Injury	13 Sporting participation ³	n/a		%	73.0			
	14 Patients registered with cancer ¹	108	419.7	sr	412.6			
	15 Patients hospitalised with COPD ²	29	157.9	sr	158.6			
	16 Patients hospitalised with coronary heart disease ²	49	305.6	sr	347.0			
	17 Patients hospitalised with cerebrovascular disease ²	25	150.0	sr	173.8			
	18 Patients hospitalised with asthma ²	158	1,113.5	sr	472.9			
Mental Health	19 Patients hospitalised as an emergency ²	947	7,045.5	sr	6,378.9			
	20 Patients (65+) with multiple hospitalisations ²	97	4,764.0	sr	4,607.6			
	21 Road traffic accident casualties ²	11	88.8	sr	79.4			
	22 Patients hospitalised after a fall in the home (65+) ²	22	971.6	sr	710.4			
	23 Prevalence of diabetes	209	3.9	sr2	3.5			
	24 Patients prescribed drugs for anxiety/depression/psychosis	546	12.2	%	9.7			
Social Care & Housing	25 Patients with a psychiatric hospitalisation ²	32	235.8	sr	303.0			
	26 Deaths from suicide ¹		4.4	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	210	6.0	%	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			
Education	31 Children looked after by local authority ³	n/a		cr2	14			
	32 Single adult dwellings	810	40.7	%	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	172.0	mean	179.7			
	35 Primary school attendance	n/a	95.8	%	95.2			
	36 Secondary school attendance	n/a	92.0	%	91.1			
Economy	37 Working age adults with low or no educational qualifications ³	n/a		%	14.8			
	38 Population income deprived	660	15.3	%	15.1			
	39 Working age population employment deprived	330	11.9	%	11.6			
	40 Working age population claiming Jobseeker's Allowance	125	4.7	%	4.4			
	41 Dependence on out of work benefits or child tax credit	515	52.8	%	46.6			
	42 People claiming pension credits (aged 60+)	135	13.8	%	11.0			
Crime	43 Crime rate	137	31.7	cr2	49.5			
	44 Prisoner population		106.7	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	20	170.2	sr	95.2			
	47 Population within 500 metres of derelict site	953	22.5	%	30.0			
	48 People living in 15% most 'access deprived' areas	0	0.0	%	14.2			
Environment	49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0			
	50 Breast screening uptake ²	433	76.4	%	75.3			
	51 Mothers smoking during pregnancy ²	35	26.3	%	22.6			
	52 Teenage pregnancies ²	14	53.8	cr2	41.4			
	53 Low weight live births ²			%	2.3			
	54 Babies exclusively breastfed at 6-8 weeks ²	16	10.6	%	25.4			
Women's & Children's Health	55 Immunisation uptake at 24 months - MMR ²	126	94.0	%	92.1			
	56 Immunisation uptake at 24 months - all excluding MMR ²	131	97.8	%	97.5			
	57 Child dental health in primary 1	22	81.5	%	61.8			
	58 Child obesity in primary 1	n/a		%	8.0			
	59 Patients hospitalised by unintentional injuries at home (<15) ²	12	598.6	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.

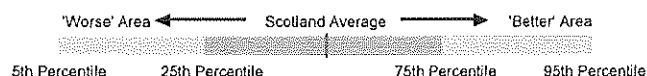
See the detailed Definitions and Sources table for Indicator information and Technical Report (on the web) for further guidance on interpreting the spine.

Irvine Broomlands Intermediate Zone Health Summary



This chart compares the final value for each indicator to the distribution of values for all Intermediate Zones.

- 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



Domain	Indicator	Number	Measure	Type	Value	Worst	Scotland Average	Best
Life Expectancy & Mortality	1 Life expectancy - males ¹	n/a	72.3	yr	74.5			
	2 Life expectancy - females ¹	n/a	77.2	yr	79.5			
	3 Deaths all ages ²	60	1,081.6	sr	707.8			
	4 Early deaths from coronary heart disease (< 75s) ²		87.2	sr	57.2			
	5 Early deaths from cancer (< 75s) ²	16	217.2	sr	134.7			
	6 Early deaths from cerebrovascular disease (< 75s) ²		10.6	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	142	1,876	sr	1,088			
	10 Deaths from alcohol conditions ¹	n/a		sr	48.4			
	11 Patients hospitalised with drug related conditions ²	11	129.0	sr	85.1			
	12 Active travel to work ³	n/a		%	14.0			
Ill Health & Injury	13 Sporting participation ³	n/a		%	73.0			
	14 Patients registered with cancer ¹	44	372.8	sr	412.6			
	15 Patients hospitalised with COPD ²	20	300.2	sr	158.6			
	16 Patients hospitalised with coronary heart disease ²	24	366.0	sr	347.0			
	17 Patients hospitalised with cerebrovascular disease ²	14	198.8	sr	173.8			
	18 Patients hospitalised with asthma ²	98	1,141.5	sr	472.9			
	19 Patients hospitalised as an emergency ²	721	9,271.6	sr	6,378.9			
	20 Patients (65+) with multiple hospitalisations ²	41	6,495.5	sr	4,607.6			
	21 Road traffic accident casualties ²		95.7	sr	79.4			
	22 Patients hospitalised after a fall in the home (65+) ²		619.5	sr	710.4			
	23 Prevalence of diabetes	106	3.9	sr/2	3.5			
Mental Health	24 Patients prescribed drugs for anxiety/depression/psychosis	419	13.0	%	9.7			
	25 Patients with a psychiatric hospitalisation ²	18	200.9	sr	303.0			
	26 Deaths from suicide ¹		21.8	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	145	6.6	%	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	489	39.9	%	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	163.5	mean	179.7			
	35 Primary school attendance	n/a	94.9	%	95.2			
	36 Secondary school attendance	n/a	88.7	%	91.1			
Economy	37 Working age adults with low or no educational qualifications ³	n/a		%	14.8			
	38 Population income deprived	780	26.8	%	15.1			
	39 Working age population employment deprived	305	15.8	%	11.6			
	40 Working age population claiming Jobseeker's Allowance	170	9.0	%	4.4			
	41 Dependence on out of work benefits or child tax credit	655	71.8	%	46.6			
	42 People claiming pension credits (aged 60+)	35	9.2	%	11.0			
Crime	43 Crime rate	142	48.7	cr2	49.5			
	44 Prisoner population		413.9	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	27	314.4	sr	95.2			
Environment	47 Population within 500 metres of derelict site	0	0.0	%	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	249	72.0	%	75.3			
	51 Mothers smoking during pregnancy ²	56	41.8	%	22.6			
	52 Teenage pregnancies ²	22	96.1	cr2	41.4			
	53 Low weight live births ²			%	2.3			
	54 Babies exclusively breastfed at 6-8 weeks ²	12	8.9	%	26.4			
	55 Immunisation uptake at 24 months - MMR ²	122	69.1	%	92.1			
	56 Immunisation uptake at 24 months - all excluding MMR ²	133	97.1	%	97.5			
	57 Child dental health in primary 1	17	60.7	%	61.8			
	58 Child obesity in primary 1	n/a		%	8.0			
	59 Patients hospitalised by unintentional injuries at home (<15) ²		471.2	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.

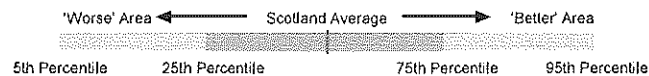
See the detailed Definitions and Sources table for indicator information and Technical Report (on the web) for further guidance on interpreting the spine.

Irvine Broughtreehill Intermediate Zone Health Summary



This chart compares the local value for each indicator with national values for all Intermediate Zones.

- 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



Domain	Indicator	Number	Measure	Type	Unit	Worst	Scotland Average	Best
Life Expectancy & Mortality	1 Life expectancy - males ¹	n/a	71.0	yrs	74.5			
	2 Life expectancy - females ¹	n/a	77.1	yrs	79.5			
	3 Deaths all ages ²	63	936.8	sr	707.8			
	4 Early deaths from coronary heart disease (< 75s) ²		64.6	sr	57.2			
	5 Early deaths from cancer (< 75s) ²		119.0	sr	134.7			
	6 Early deaths from cerebrovascular disease (< 75s) ²		17.2	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	125	1,807	sr	1,088			
	10 Deaths from alcohol conditions ¹	n/a		sr	46.4			
	11 Patients hospitalised with drug related conditions ²		61.3	sr	85.1			
	12 Active travel to work ³	n/a		%	14.0			
Ill Health & Injury	13 Sporting participation ³	n/a		%	73.0			
	14 Patients registered with cancer ¹	48	446.9	sr	412.6			
	15 Patients hospitalised with COPD ²	19	300.1	sr	158.6			
	16 Patients hospitalised with coronary heart disease ²	25	341.0	sr	347.0			
	17 Patients hospitalised with cerebrovascular disease ²	17	246.9	sr	173.8			
	18 Patients hospitalised with asthma ²	112	1,571.3	sr	472.9			
Mental Health	19 Patients hospitalised as an emergency ²	630	8,949.4	sr	6,378.9			
	20 Patients (65+) with multiple hospitalisations ²	45	6,889.6	sr	4,607.6			
	21 Road traffic accident casualties ²		135.4	sr	79.4			
	22 Patients hospitalised after a fall in the home (65+) ²	15	1,853.1	sr	710.4			
	23 Prevalence of diabetes	124	5.3	sr2	3.5			
	24 Patients prescribed drugs for anxiety/depression/psychosis	345	13.1	%	8.7			
Social Care & Housing	25 Patients with a psychiatric hospitalisation ²	22	312.4	sr	303.0			
	26 Deaths from suicide ¹		32.9	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	170	9.3	%	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			
Education	31 Children looked after by local authority ³	n/a		cr2	14			
	32 Single adult dwellings	421	41.0	%	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	126.1	mean	179.7			
	35 Primary school attendance	n/a	93.9	%	95.2			
	36 Secondary school attendance	n/a	88.6	%	91.1			
Economy	37 Working age adults with low or no educational qualifications ³	n/a		%	14.8			
	38 Population income deprived	660	27.3	%	15.1			
	39 Working age population employment deprived	265	17.3	%	11.6			
	40 Working age population claiming Jobseeker's Allowance	105	7.0	%	4.4			
	41 Dependence on out of work benefits or child tax credit	530	69.9	%	46.6			
	42 People claiming pension credits (aged 60+)	65	15.9	%	11.0			
Crime	43 Crime rate	149	61.7	cr2	49.5			
	44 Prisoner population		248.4	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	17	232.8	sr	95.2			
	47 Population within 500 metres of derelict site	10	0.4	%	30.0			
	48 People living in 15% most 'access deprived' areas	0	0.0	%	14.2			
Environment	49 Adults rating neighbourhood as a very good place to live ³	n/a		%	52.0			
	50 Breast screening uptake ²	194	68.6	%	75.3			
	51 Mothers smoking during pregnancy ²	34	38.6	%	22.6			
	52 Teenage pregnancies ²			cr2	41.4			
	53 Low weight live births ²			%	2.3			
	54 Babies exclusively breastfed at 6-8 weeks ²			%	26.4			
Women's & Children's Health	55 Immunisation uptake at 24 months - MMR ²	84	93.3	%	92.1			
	56 Immunisation uptake at 24 months - all excluding MMR ²	89	98.9	%	97.5			
	57 Child dental health in primary 1			%	61.8			
	58 Child obesity in primary 1	n/a		%	8.0			
	59 Patients hospitalised by unintentional injuries at home (<15) ²		454.1	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.

Application for Grant of Premises Licence - Section 20

Applicant	Ms. Jing Luo
Premises	"China Palace", 132 Main St., Kilwinning KA13 6AA
Ref.	444

CONTINUED FROM 22/05/2013 & 30/05/2013

Preliminary

The Applicant should lodge the following Certificates. Until the Board has all these documents, it cannot determine the Application:

- 1. Display of Site Notice*
- 2. Building Control*
- 3. Food Hygiene*

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 10 May 2013.

No details of comments from third parties are given here. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.

1. Summary of Proposal

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

The proposal is to operate a Chinese Restaurant on the first floor of a building in Kilwinning Main St.. The Premises were previously licensed as the "Orchid Garden", but that Licence was surrendered on 10 March 2012.

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 yet
Fire	No objection
Health Board	No response yet
NAC Building Standards	No response yet
NAC Planning	No objection
Others	None

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

The request is for 11.00 - 23.00, 7 days a week. This is within NALB Policy.

(b) Capacity

On-Sales (persons)	57
Standing / Seated	15 / 42

(c) Activities other than the sale of alcohol

Accommodation	
Conference facilities	
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	
Dance facilities	
Theatre	
Films	
Gaming	
Indoor/Outdoor sports	
Televised sport	
Outdoor Drinking	
Adult entertainment	

Other activities
None

(d) Access for Under-18s

Terms (OP 6(b))	Must be with adult.
Times (OP 6(d))	for all Core Hours
Parts (OP 6(e))	All parts of Premises but 'Not at bar front'.

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

(a) The restaurant is on the first floor of a building which has a flat roof. To clarify, the Licence requested does not include Outdoor Drinking and only the inside of the building is to be licensed.

(b) Since the Premises are to admit children under 5, the Mandatory Condition requiring Baby-Changing Facilities accessible by both genders applies (Sch. 3, Para. 12, SC C.3). The Application does not indicate facilities in the female toilets only.

Applicant should:

- (i) state where such facilities will be, or
- (ii) amend OP to exclude children under 5; or
- (iii) give Board an undertaking that the Premises will not open until necessary facilities are in place.

(c) Applicant should confirm that 'not at bar front' means 'not within 1 metre of the bar', and that the OP can be amended accordingly.

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)

C (On-sale Premises)

Application for Variation of Premises Licence - Section 29

Applicant	The Douglas Hotel Arran Ltd.
Premises	Douglas Hotel, Shore Road, Brodick KA27 8AW
Ref.	418

Preliminary

This Report has been prepared provisionally before the Applicant has lodged the Certificate confirming public display of a Site Notice. Until the Board has a Certificate of Display, it cannot determine the Application.

1. Summary of Variation Request(s)

No.	Variation
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 p.m. to 11.00 a.m.
5	Vary condition re dartboard
6	Vary meal service for under-18s
7	Increase under-18 access times from 9.00 p.m. to 10.00 p.m.
8	Increase range of licensed activities

2. Objections and Representations

Police	No response yet
Community Council	No response yet
Fire	No objection
Other Objections or Representations?	See below

Name	Address	Date Received	Late or OK
Graeme Andrew	Arran Domestic Service Centre, Unit 4, The Douglas Centre, Brodick	28 July 2013	OK

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: Add Outdoor Drinking Area: Front lawn
Discretionary refusal
Notes:

The proposed area stretches from the front of the hotel to the boundary wall separating the ground from the pavement and Shore Road. It is bounded on the east by the hotel's car park and on the west by shrubs. The objector's business is close to the west boundary, beyond an unadopted road.

The Board should consider whether or not the proposal is consistent with Licensing Objective (c): 'preventing public nuisance'. If the Board grants the Variation and later any person makes a Review Application under Section 36, the Board may (if satisfied that the operation of the area is inconsistent with that L.O.) vary the Licence either to remove the area altogether or to put limitations on its operation.

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.."

The objection from Graeme Andrew refers to

(1) the absence of a defined fence or wall separating the proposed area from the public area of the Douglas Centre. The existing area is already unfenced. The proposal is for a grass area which is already delineated on the ground, in that there is a visible difference between the cut-grass of the lawn and the strip of vegetation bounding it.

(2) the absence of increased parking provision. This is not an issue for the Board, since it is not entitled to impose conditions in a case which is already covered by other enactments (Section 27(7)(c)). The Board has already consulted with NAC Planning who have no objection to the proposal.

Variation 2: Add Outdoor Drinking Area: East lawn
--

Discretionary refusal

Notes:

The proposed area is between the building entrance and the hotel's car park. See Variation 2.

Variation 3: Add Outdoor Drinking Area: Rear lawn
--

Discretionary refusal

Notes:

The proposed area is adjacent to two ground-floor bedrooms, which the Applicant describes as a private garden which is accessible only to those bedrooms. See Variation 2.
--

Variation 4: Vary Sunday on-sales opening hours from 12.30 p.m. to 11.00 a.m.

Grant (no statutory reason to refuse, and no breach of Board policy) - The premises are already licensed from 11.00 on the other 6 days.

Variation 5: Vary conditions re dartboard

Discretionary refusal

Notes:

If this was the only variation, it would probably have been dealt with under powers delegated by the Board.

The Application refers to Condition 5.g but the Applicant later confirmed that the request related to the possible variation of the NALB Standard Condition relating to dartboards etc. in parts of the Premises allowing 'children' (under 16).

The conditions are

"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);"

Those conditions are justified by the Licensing Objectives:

(b) 'securing public safety'

(e) 'protecting children from harm'

The Board would have to be satisfied that the proposal is not inconsistent with those Licensing Objectives. The Applicant should advise the Board where the dartboard will be and what arrangements will apply to ensure that children are supervised and protected.

Variation 6: Vary meal service for under-18s

Discretionary refusal

Notes:

At present non-resident under-18s are allowed for the purpose of having a meal if accompanied by an adult. The proposal is to extend this to a snack or drink.

Variation 7: Increase under-18 access times from 9.00 p.m. to 10.00 p.m.

Discretionary refusal

Notes:

The Board would have to be satisfied that the proposal was not 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 existing O.P. already allows them for the full Licensed Hours - midnight or 1.00 a.m. - if they are attending a wedding or other event.

The Board may consider that the proposal to allow Children (aged 0-15) on the Premises until 10.00 p.m. is not consistent with this L.O., and that different access times may be appropriate for different ages.

Variation 8: *Increase range of licensed activities*

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

Notes:

The proposal is to add to the Operating Plan:

- (a) dance facilities
- (b) films
- (c) indoor/outdoor sports

The statutory form has a single category 'indoor/outdoor sports', so Applicant should state what is intended, where and when it will happen, and whether any outdoor activities are intended.

The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives.

4. Licence Conditions

If Variation 5 is granted, the following Condition should be varied by the addition to C.10.3 of the words "except that a dartboard may be placed and used in [room]"

Application for Variation of Premises Licence - Section 29

Applicant	Towerlands Sports Club
Premises	Club, Towerlands Farm, Irvine KA11 1PY
Ref.	295

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 August 2013.

1. *Until the Board has a Certificate of Display, it cannot determine the Application.*
2. *only partial details of comments from third parties are given here. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
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

2. Objections and Representations

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

Name	Address	Date Received	Late or OK
George & Jean McAusland	7 Towerlands Farm Centre	06/08/13	OK

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: Surrender special status as a 'Section 125 Club'

Discretionary refusal - Possible reason: The Variation may create Overprovision

Notes:

Variation 2 follows from Variation 1: if Variation 1 is refused, Variation 2 will be unnecessary, but if Variation 1 is granted, Variation 2 is essential.

The Board should not determine either Variation until satisfied that the proposed Premises Manager holds a Personal Licence.

At present, the Club has the Special Status given to Clubs by Section 125 of the Act. This Special Status means that the Club has lower Licensing fees, does not require to have either a Premises Manager or Baby-Changing Facilities, and the Club is not taken into account in any consideration of Overprovision.

A consequence of having the Special Status is that the Club can have no more than 12 Occasional Licences per year.

The purpose of the present Variation is to surrender the Special Status. This will mean that the Club will be licensed like any commercial Premises (such as a Public House or a Restaurant) although, by applying special Licence Conditions known as 'Part K of the Board's Standard Conditions', the character of the Club will be preserved.

Entry to the Premises, the use of facilities and the consumption of alcohol will be limited to Members except where the Premises are used for a bona fide pre-booked function (such as a wedding reception or birthday party), when persons other than Members can:

- (a) enter the Premises,
- (b) use the facilities of the part of the Premises where the function is taking place, and
- (c) buy or consume alcohol in that part.

As 'ordinary' Premises, the Club will no longer have to be concerned with getting Occasional Licences, as catering for functions will be dealt with as part of its Operating Plan. The Club will have to pay higher licensing fees: the Annual Fee will be higher, and based on Rateable Value (as fees for commercial Premises are).

The Board requires to decide whether the proposed Variation is desirable, in that it introduces into the locality an extra set of Licensed Premises which are subject to any Overprovision Assessment.

The Premises permit children of all ages. The Board will also require to be satisfied that the Club provides Baby Changing Facilities accessible by persons of either gender. At present, as a 'Section 125 Club', the Premises do not need to fulfil the relevant mandatory condition, but if the variation is permitted, they would.

Overprovision

There is a presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement. If the Board is minded to refuse for this reason, it should continue consideration of the Application to a later Meeting, when a detailed statement of the Board's policy, with information as to the population and capacity of similar Premises in the locality, will be prepared.

Variation 2: Appoint a Premises Manager

Mandatory Grant : The request is for a 'Minor Variation'

Notes: This variation is needed if the Premises cease to be treated as a 'Section 125 Club'.

The PM is to be Alexandria Kirkpatrick who has Personal Licence NA 0422.

Variation 3: Extend access hours for under-18s attending functions

Discretionary refusal

Notes:

At present under-18s (aged 0-17) may enter parts of the Premises:

0-15: until 8.00 p.m.

16-17: until 10.30 p.m.

The proposal is that, when any under-18 is attending a function, he can have access for the whole Core Hours (1.00 a.m. seven days a week).

The Board should note that on occasions these may be increased if the Club has been granted Extended Hours.

There is no proposal to change the areas which under-18s may access. The Licence allows them into the main hall, extension (viewing area), bowling green, outdoor drinking area, locker room and toilets. They are not permitted beyond the barrier about 3 feet from the bar.

The only issue which appears relevant is 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 proposal to allow Children (aged 0-15) on the Premises after 20.00 is not consistent with this L.O..

Variation 4: Remove Conditions as to the playing of pool and darts in areas admitting Children under 16

Discretionary refusal

Notes:

This particular variation is calling at the Meeting since the other Variations are calling anyway. If this was the only proposal, it would be dealt with by the Clerk under the authority granted by the Board.

L.O. (e) applies here also.

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);"

4. Licence Conditions

The Licence was granted subject to Edition 4 of the Board's Standard Conditions - before the most recent revision. The existing Conditions should be replaced by the current Edition 5.

If Variation 1 is granted, the Conditions for 'Section 125 Clubs' (Part I) should be deleted and replaced by Part K.

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Partnership of Gurdawer Gill, Sakinderjit Kaur Gill, Gurdip Singh Basra and Rajwinder Kaur Basra
Premises	17-19 Station Road, Stevenston KA20 3NJ
Ref.	446

Preliminary

The Applicant should lodge the Certificate of Display of Site Notice. Until the Board has this it cannot determine the Application.

1. Summary of Proposal

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

The proposal relates to Premises which were previously "Blondie's" public house in Station Road at the corner with Portland Place. The proposal is to convert these Premises into a convenience store with sandwich bar and hot food take-away (premises have a kitchen). Planning Permission for this change of use has already been granted.

The PPL 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 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 act as permission or certification under other legislation, such as 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 yet
Fire	No objection
Health Board	Letter will be handed to Members
NAC Building Standards	No response
NAC Planning	No objection
Other Objections or Representations?	None

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

	<i>Proposal</i>	<i>Policy</i>
Monday	10.00 - 21.00	
Tuesday	"	Within
Wednesday	"	Policy
Thursday	"	All 7 days
Friday	"	
Saturday	"	
Sunday	10.00 - 17.00	

(b) Capacity

Off-Sales (sq. mtr.s)	19.2
-----------------------	------

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 the issue of overprovision.

The Board should consider all the potential Grounds of Refusal set out below. 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).

Possible Grounds of Refusal

The reasons which appear to apply are:

1. The Application is inconsistent with L.O. (d): 'protecting & improving public health'

See objection from Health Board. The L.O. expressly states 'improving'. The creation of a new facility to sell alcohol cannot be said to improve public health. Opinions may differ as to whether:

- (i) it damages public health, or
- (ii) makes no difference (e.g. it might be said that adding a facility here does not increase the overall amount of alcohol consumed in society, but all that will happen is that the free market will operate so as to take business away from existing outlets);

but it is unlikely to improve it.

2. Overprovision may result if the Application is granted

The Board's Overprovision Policy distinguishes Premises by 'Function Types':

1. Off-sales
2. Nightclubs
3. Other On-sales (e.g. public houses, and Members Clubs which have elected to surrender Section 125 Special Status)
4. Premises where the principal activity is the provision of accommodation, meals or non-alcoholic refreshment

The Subject Premises are in Function Type 1. There is a presumption of refusal due to:

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

This presumption operates whether or not there is an objection or the Premises were previously licensed (NALB LPS, Annex E, para. 2.2 - 2.6), especially:

"2.5 The Board, when considering an Application for the Grant or Variation of a Premises Licence:

- (a) is likely to expect that the primary function of any new on-sale Premises should be the provision of food (including non-alcoholic refreshment), entertainment or accommodation, and that the consumption of alcohol is only ancillary to that primary function; ..."

This means that there is a presumption against granting any new off-sales Licences.

If the Board is minded to refuse for this reason, it should:

- (a) decide what locality should be considered: this locality may be one or more Intermediate Zones (some towns contain two or more). The suggested locality is the local Neighbourhood Area: "Three Towns" which consists of the following Intermediate Zones:

Ardrossan North West
Ardrossan North East
Ardrossan Central
Saltcoats North West
Saltcoats North East
Saltcoats Central
Stevenston Ardeer
Stevenston North West
Stevenston Hayocks

- (b) continue consideration of the Application to a later Meeting.

In the interval, a statement of relevant statistics will be prepared and copied to the Applicant, containing information as to the population of the locality, the number and capacity of other Premises in the locality, and data supplied by the Health Board.

It will then be for the Applicant to persuade the future Board Meeting that Overprovision would not result if the Application was granted or that an exception to its policy should be made.

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 Grant of Provisional Premises Licence - Section 45

Applicant	Co-Operative Group Food Ltd.
Premises	Unit 2, The Promenade, Largs KA30 8BG
Ref.	445

Preliminary

The Board has requested a report from the Chief Constable, detailing all cases of Antisocial Behaviour in the previous year.

If the Report is available in time for the Meeting, it will be copied to the Applicant. If it is not available in time, the Board must defer further consideration until the Report is produced. The next Meetings are 2 October and 20 November 2013.

1. Summary of Proposal

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

The proposal is for a convenience store selling food, soft drinks, toiletries etc. and also off-sale alcohol in the building on the Promenade near the Largs-Millport Ferry Terminal which currently contains an amusement arcade and a bowling alley. The proposal is to decrease the size of both, with the intervening space being a shop unit entered from Gallowgate Street.

Two licences already cover parts of the building, and there are variation applications before the Board which are contingent on the shop proposal being granted:

- (a) There is currently an on-sales Licence for the bar/restaurant. If the shop PPL is granted, the licence-holder for the bar/restaurant will seek a variation to reduce the area of the Premises (thus giving up the kitchen and part of the public area).
- (b) The amusement arcade is partly an unlicensed Family Entertainment Centre and partly an Adult Gaming Centre subject to a Premises Licence under the Gambling Act 2005. If the shop PPL is granted, the licence-holder there will seek a variation to reduce the area covered, and to relocate the AGC within the remaining space.

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 act as 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	Letter will be handed to Members
Fire	No objection
Health Board	Letter will be handed to Members
NAC Building Standards	No objection
NAC Planning	No objection
Others	None

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)	24.68
-----------------------	-------

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 or the other potential Grounds of Refusal.

The Board should consider all the potential Grounds of Refusal set out below. 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).

The reasons which appear to apply are:

1. The Application is inconsistent with L.O. (b): 'securing public safety'

The Premises are designed so that there is a single public entrance on Gallowgate Street and the supply entrance will be on the Promenade itself. This will mean that there will be commercial vehicles driving on a pedestrian footway close to the Ferry Terminal.

2. The Application is inconsistent with L.O. (d): 'protecting & improving public health'

See objection from the Health Board. The L.O. expressly states 'improving'. The creation of a new facility to sell alcohol cannot be said to improve public health. Opinions may differ as to whether:

- (i) it damages public health, or
- (ii) makes no difference (e.g. it might be said that adding a facility here does not increase the overall amount of alcohol consumed in society, but all that will happen is that the free market will operate so as to take business away from existing outlets);

but it is unlikely to improve it.

3. Overprovision may result if the Application is granted

The Board's Overprovision Policy distinguishes Premises by 'Function Types':

- 1. Off-sales
- 2. Nightclubs
- 3. Other On-sales (e.g. public houses, and Members Clubs which have elected to surrender Section 125 Special Status)
- 4. Premises where the principal activity is the provision of accommodation, meals or non-alcoholic refreshment

The Subject Premises are in Function Type 1. There is a presumption of refusal due to:

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

This presumption operates whether or not there is an objection or the Premises were previously licensed (NALB LPS, Annex E, para. 2.2 - 2.6).

If the Board is minded to refuse for this reason, it should

- (a) decide what locality should be considered: this locality may be one or more Intermediate Zones (some towns contain two or more). The suggested locality is the local Neighbourhood Area: "North Coast" which consists of the following Intermediate Zones:

Skelmorlie and Rural
Largs North
Largs Central and Cumbrae
Largs South
Fairlie and Rural

West Kilbride and Seamill

- (b) continue consideration of the Application to a later Meeting.

In the interval, a statement of relevant statistics will be prepared and copied to the Applicant, containing information as to the population of the locality, the number and capacity of other Premises in the locality, and data supplied by the Health Board.

It will then be for the Applicant to persuade the future Board Meeting that Overprovision would not result if the Application was granted or that an exception to its policy should be made.

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 Variation of Premises Licence - Section 29

Applicant	Aldi Stores Ltd.
Premises	East Road, Irvine KA12 0AA
Ref.	47

1. Summary of Variation Request(s)

No.	Variation
1	Increase off-sale capacity from 29.66 sq.m. to 34.11 sq.m.

2. Objections and Representations

Police	No objection
Community Council	No response yet
Fire	No objection
Health Board	Letter will be handed to Members
NAC Building Standards	No objection
NAC Planning	No objection
Other Objections or Representations?	None yet

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: Increase off-sale capacity from 29.66 sq.m. to 34.11 sq.m.
Discretionary refusal
Notes:
There are two issues:
<u>(a) Licensing Objective</u>
The Board may consider that the Application is not consistent with Licensing Objective (d): 'protecting & improving public health'
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.
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.

(b) Overprovision

There is a presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement: 2010 LPS, Annex E, paragraph 2.5:

"2.5 The Board, when considering an Application for the Grant or Variation of a Premises Licence: ...

(b) is not likely to License new Premises for the sale of alcohol for consumption off the Premises:

(i) if the Premises are in the Areas of 'Irvine and area' and 'Garnock Valley' (given that the existing provision in those Areas is substantially above the average for the whole Board area - see the 'Summary' in Table 5); or ...

'New Premises' includes existing Licensed Premises where the Licence is Varied to increase capacity and/or add new facilities."

If the Board is minded to refuse for this reason, it should continue consideration of the Application to a later Meeting, when a detailed statement of the Board's policy, with information as to the population and capacity of other Premises in the locality, will be prepared.

If the Board is minded to refuse for this reason, it should

(a) decide what locality should be considered: this locality may be one or more Intermediate Zones (some towns contain two or more). The suggested locality is the local Neighbourhood Area: "Irvine and Area" which consists of the following Intermediate Zones

Irvine Castlepark North
Irvine Castlepark South
Irvine Perceton and Lawthorn
Girdle Toll and Stanecastle
Irvine Bourtreehill
Springside and Rural
Irvine Broomlands
Dreghorn
Irvine Tarryholme
Irvine Fullarton
Irvine Central
Irvine East

(b) continue consideration of the Application to a later Meeting.

In the interval, a statement of relevant statistics will be prepared and copied to the Applicant, containing information as to the population of the locality, the number and capacity of other Premises in the locality, and data supplied by the Health Board.

It will then be for the Applicant to persuade the future Board Meeting that Overprovision would not result if the Application was granted or that an exception to

its policy should be made.

4. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	Aldi Stores Ltd.
Premises	2 The Braes, Saltcoats KA21 5EP
Ref.	86

1. Summary of Variation Request(s)

No.	Variation
1	Increase off-sale capacity from 29.66 sq.m. to 36.36 sq.m.

2. Objections and Representations

Police	No objection
Community Council	No response
Fire	No objection
Health Board	Letter will be handed to Members
NAC Building Standards	No comment
NAC Planning	No objection
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: Increase off-sale capacity from 29.66 sq.m. to 36.36 sq.m.
Discretionary refusal
Notes:
There are two issues:
<u>(a) Licensing Objective</u>
The Board may consider that the Application is not consistent with Licensing Objective (d): 'protecting & improving public health'
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.
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.

(b) Overprovision

There is a presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement: 2010 LPS, Annex E, paragraph 2.5:

"2.5 The Board, when considering an Application for the Grant or Variation of a Premises Licence:

(a) is likely to expect that the primary function of any new on-sale Premises should be the provision of food (including non-alcoholic refreshment), entertainment or accommodation, and that the consumption of alcohol is only ancillary to that primary function; ...

'New Premises' includes existing Licensed Premises where the Licence is Varied to increase capacity and/or add new facilities.'

If the Board is minded to refuse for this reason, it should continue consideration of the Application to a later Meeting, when a detailed statement of the Board's policy, with information as to the population and capacity of other Premises in the locality, will be prepared.

If the Board is minded to refuse for this reason, it should

(a) decide what locality should be considered: this locality may be one or more Intermediate Zones (some towns contain two or more). The suggested locality is the local Neighbourhood Area: "Three Towns" which consists of the following Intermediate Zones:

Ardrossan North West
Ardrossan North East
Ardrossan Central
Saltcoats North West
Saltcoats North East
Saltcoats Central
Stevenston Ardeer
Stevenston North West
Stevenston Hayocks

(b) continue consideration of the Application to a later Meeting.

In the interval, a statement of relevant statistics will be prepared and copied to the Applicant, containing information as to the population of the locality, the number and capacity of other Premises in the locality, and data supplied by the Health Board.

It will then be for the Applicant to persuade the future Board Meeting that Overprovision would not result if the Application was granted or that an exception to its policy should be made.

4. Licence Conditions

No variation of the Conditions is appropriate.

Premises Licence Review Application - Section 36

Premises	Nisa Local Store, 37-39 Glasgow St., Ardrossan KA22 8EP
Premises Licence Holder	Baljit Sohal
Ref.	PR196

1. Background

By letter of 24 April 2013 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. Ground for Review

The Chief Constable submits that there are grounds relevant to the following Licensing Objective:

“(a) preventing crime and disorder”

3. Capacity etc.

The Premises are Licensed for off-sales only and have a display capacity of 20.67 square metres.

4. Licensed Hours

The operating hours are 10.00 - 22.00, 7 days a week.

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.

Personal Licence Review Hearing - Section 84A

Licence Holder	Steven McArthur, 128 Main St., West Kilbride (DOB 2.5.89)
Ref.	NA1355

1. Background

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 29 April 2013 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.

