

Cunninghame House,  
Irvine.

26 September 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 **MONDAY 30 SEPTEMBER 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 Meeting held on 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)

**3. Submission from the Licensing Forum**

Submit reports to the Licensing Board by the Licensing Forum on Early Opening Premises and Festive Extensions (copy enclosed)

**4. Consideration of NALB Policy for Festive Period 2013-2014**

Submit report to the Licensing Board regarding Occasional Extensions and Occasional Licences during Festive Period 2013-2014 (copy enclosed)

**5. Draft Licensing Policy Statement 2013-2016**

Consideration of the draft Licensing Policy Statement (copy enclosed)



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## Licensing Board

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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:



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## Agenda Item 2

30 September 2013

### North Ayrshire Licensing Board

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

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

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**Recommendation:** That the Licensing Board determines the applications.

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#### 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.	0447	Kirpa Scotland Limited 43 Main Street Largs KA30 8AE	Koh-I-Noor 43 Main Street Largs KA30 8AE	Application for Grant of Provisional Premises Licence - Section 45
2.	0007	Bar One (Saltcoats) Limited Radleigh House 1 Golf Road Clarkston Glasgow G76 7HU	Bar One 55 Vernon Street Saltcoats KA21 5HN	Application for Variation of Premises Licence - Section 29
3.	0067	Abacus Estates Limited Linden Court House 52 Liverpool Street Salford Greater Manchester M5 4LT	Trisha's Bar 69/71 Princes Street Ardrossan KA22 8DG	Application for Variation of Premises Licence - Section 29
4.	0134	P/Ship of Robert & Lesley Cunningham Newton Bar 1 Glasgow Street Millport KA28 0DJ	Newton Bar 1 Glasgow Street Millport KA28 0DJ	Application for Variation of Premises Licence - Section 29
5.	0274	Routenburn Golf Club Routenburn Road Largs KA30 8AQ	Routenburn Golf Club Routenburn Road Largs KA30 8AQ	Section 37 Review Proposal





## Application for Grant of Provisional Premises Licence - Section 45

Applicant	Kirpa Scotland Ltd.
Premises	"Koh-i-Noor", 43 Main St., Largs, KA30 8AE
Ref.	447

### **Preliminary**

*This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 20 September 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 Provisional Premises Licence (PPL).

The Koh-i-Noor restaurant was licensed until 5 October 2012. The Licence lapsed on that date since the company which held the licence ("Koh-i-Noor Restaurant Ltd.") was dissolved (this is the automatic effect of Section 28). The present Applicant has since acquired the building and proposes to operate the same sort of business as before.

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 Board granted an Occasional Licence to permit the Applicant to trade for a few days during the Largs Viking Festival; Occasional Licences are not used to permit normal trading.

The Licence-Holder will apply to the Board for Confirmation once 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 Planning or Building Control. If the PPL is granted, the Premises cannot operate until all other legislative requirements are met.

### **2. Detailed proposal**

#### **(a) Licensed Hours**

The earlier Licence was for on-sales only. The Application seeks to add off-sales. That hours requested are 7 days, 11.00 - 22.00, which are within the Board's policy.

The on-sales hours are changed on 4 days (Thur - Sun):

	<b><i>Proposal</i></b>	<b><i>Earlier</i></b>
Monday	11.00 - 24.00	11.00 - 24.00

Tuesday	"	"
Wednesday	"	"
Thursday	11.00 - 1.00	"
Friday	"	"
Saturday	"	"
Sunday	11.00 - 24.00	14.30 - 23.30

(b) Capacity

The earlier Licence had capacity of 36 customers. The proposed capacity is 40. The proposed layout of the premises is similar to that earlier licensed (9 tables) and Applicant should inform Board where the extra 4 customers are to be accommodated. The Premises have a servery, but under the earlier operation this was mainly to supply table service, as opposed to selling to patrons standing there.

(c) Activities other than the sale of alcohol

The proposal is shown in the table below. It is similar to what was in the earlier Licence except that:

- (i) the proposal is to add the activities marked "#".
- (ii) There were earlier no 'other activities'. The proposal now is "Charity Events. Take-away facilities." The latter is within Board policy if both the food and alcohol are delivered to a customer inside the Premises (the usual age checks will be required). A proposal for home delivery of alcohol would be contrary to Board policy (LPS para. 2.14).

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

(d) Access for Under-18s

The earlier Licence permitted all ages provided that they were accompanied by an adult. The proposal is to require adult accompaniment only for Children (aged 0-15). The proposal is to allow "Young People" (16-17) without an adult, when either consuming a meal or attending a function.

### 3. Issues

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

It is the Clerk's opinion that,

- (a) apart from the question of on-sales capacity (see below), and
- (b) subject to confirmation that "take-away" would not include home delivery of alcohol,

there are no statutory reasons to refuse, and there is no breach of Board Policy. If any of the potential Grounds of Refusal apply, the Board must refuse. If none apply, the Board must grant: Section 23(4)-(5).

### Capacity

One of the Licensing Objectives is "securing public safety". A potential reason for refusal (Section 23(5)(d)) is

"that, having regard to—

- (i) the nature of the activities proposed to be carried on in the Subject Premises,
- (ii) the location, character and condition of the Premises, and
- (iii) the persons likely to frequent the Premises,

the Board considers that the Premises are unsuitable for use for the sale of Alcohol"

Although the discrepancy about capacity is not great, the Board's difficulty is that the Board has no confirmation that the Premises are sufficient to accommodate 40 patrons, instead of 36. If this was a 'full' application then the Board would have a Building Standards Certificate and NAC Building Standards would have been able to comment, but this is only a PPL, and a Certificate will be provided later, at Confirmation. Confirmation is normally delegated, so rather than have the case call again at the Board there are possibilities:

- (a) the Applicant could amend the proposal to 36; or
- (b) the Applicant could undertake to keep to a capacity of 36 unless NAC Building Standards confirm that a different capacity is appropriate: if that happens, the Applicant will have the choice whether or not to seek a variation. If there is to be an increase in capacity, the Application will be a 'major variation' (fee £280); or

(c) the PPL decision itself could be deferred to the next Board (19 November 2013) to obtain suitable confirmation from NAC Building Standards.

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 a potential ground for refusal: Section 23(7).

#### **4. Observations**

Off-sales capacity (square metres) should be stated in the O.P.. Regulations require locations and dimensions of all Off-sales display areas. Dimensions required are length and height.

#### **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)
- C (On-sale Premises)

## Application for Variation of Premises Licence - Section 29

Applicant	Bar One (Saltcoats) Ltd.
Premises	"Bar One", 55 Vernon Street, Saltcoats
Ref.	007

**Preliminary**

*This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 20 September 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	<i>Remove requirement that Children should be eating a meal</i>
2	<i>Extend access to Children aged 0-4 years</i>
3	<i>Extend under-18 access times on Sunday</i>
4	<i>Extend under-18 access to whole Premises</i>

**2. 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.

<b>Variation 1: Remove requirement that Children should be eating a meal</b>
Discretionary refusal
Notes:
The existing licence permits children and young people 5-17 until 20.00:
(a) for meals, and
(b) if accompanied by a responsible adult.
The proposal is to remove condition (a) but keep (b).
Another variation seeks to extend access to the whole premises, and not just the lounge, so under-18s could be in the bar if accompanied.
The Board requires to consider whether or not the proposal is consistent with the Licensing Objective 'protecting Children from harm' (this applies only to "Children",

aged 0-15, and not to older "Young People (16-17)).

There is also an issue concerning darts. The LSO understands that at present under-18s are not admitted as no food is available, and that the proposal relates to a darts league played in the Lounge.

The proposal to admit Children (aged 0-15) to a place where darts or pool is played infringes Board condition C.10.3, which is based on this L.O. and also the L.O. 'securing public safety'.

The Condition is:

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

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

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

The Applicant should clarify whether the presence of under-16s will coincide with the playing of such games - are there dart boards or pool tables anywhere on the Premises, not just in the Lounge?

#### **Variation 2: *Extend access to Children aged 0-4 years***

Discretionary refusal

Notes:

At present access is limited to age 5 and above. If access is allowed for younger children, the Premises would be subject to a mandatory condition requiring the provision of baby-changing facilities accessible by both genders. The Applicant should advise the Board where such facilities will be. If they are not available then the application might be regarded as inconsistent with that L.O..

#### **Variation 3: *Extend under-18 access times on Sunday***

Discretionary refusal

Notes:

At present the premises are open to Children and Young People on Sundays from 12.30 p.m..

The proposal is to change this to 11.00 a.m., when the Premises are licensed from on Sunday (the Premises open at 9.00 a.m. the rest of the week).

#### **Variation 4: *Extend under-18 access to whole Premises***

Discretionary refusal

Notes:

At present under-18s are permitted only in the Lounge.

### **3. Licence Conditions**

The Licence was granted subject to Edition 1 of the Board's Standard Conditions - before the most recent revision. The existing Conditions should be replaced by the current Edition 5.





### Application for Variation of Premises Licence - Section 29

Applicant	Abacus Estates Ltd.
Premises	"Trisha's", 69-71 Princes St., Ardrossan, KA22 8DG
Ref.	67

#### **Preliminary**

*This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 20 September 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)**

<b>No.</b>	<b>Variation</b>
1	<i>Vary to add 'bar meals' to Operating Plan</i>
2	<i>Allow under-18s in dining area</i>
3	<i>Change Premises' name to "Latrobes"</i>
4	<i>Vary Layout Plan</i>

Note: this variation Application is not made by the Premises Licence Holder (Abacus), but by Gary McKenna who has the authority of the PLH to do so. At the time of preparing this Report (12 September) Mr. McKenna was not currently the tenant of the Premises, but it was expected that a Lease would be signed in a few days.

Once a Lease is in place, Mr. McKenna will seek:

- (a) a Transfer of the Licence from Abacus to him, and
- (b) a further Variation, so as to nominate a Premises Manager (no PM has ever been appointed).

The Premises Licence was granted to Tyne & Tay Taverns Ltd. on 20 January 2009 and was transferred to Abacus on 22 October 2009. The Premises have been unoccupied for several years and the Licence was granted without the usual inspection beforehand by NAC Building Standards. The Solicitors for Tyne & Tay therefore undertook to the Board prior to the grant that the Premises would not re-open until such time as

- (a) there was a new PLH;
- (b) the Premises had been brought up to the appropriate standard;
- (c) the Premises had been inspected by the relevant officials and found to be in an acceptable condition.

The same solicitors have submitted the present Variation application on behalf of Mr. McKenna, and have confirmed his authority from Abacus to do so.

As originally licensed, the operation of the Premises was to be similar to the operation under the 1976 Public House Licence, e.g. under-18s were not admitted, and there was no permission for either restaurant facilities or bar meals.

The proposed Variation involves a substantial change in the operation: the plan shows a kitchen, bar meals are to be offered, and ages 0-17 are to be permitted with adult supervision, if eating.

*Notes to Applicant:*

1. when the Transfer and Variation application is submitted, so as to nominate a PM (if not before) the Applicant should engage with the NAC Departments for Building Control and Environmental Health. Any decision by the Licensing Board relates only to the Licence for the sale of alcohol, and does not operate as approval or consent under other legislation, such as the Building (Scotland) Act 2003 or the Food Safety Act 1990.

2. the statutory form of Licence must set out both the on-sale capacity (number of customers) and the off-sale capacity (square metres of display space). The O.P. submitted with the Variation application shows on-sale capacity of 128 (i.e. no change from the previous figure). The Licence already shows off-sales capacity as 2.0 square metres (sale from a gantry), but the new O.P. gives no figure (although the L.P. is based on a copy of the original and states 2.0). Applicant should confirm to the Board meeting that no change is intended to off-sale capacity.

## **2. 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.

<b>Variation 1: Vary to add 'bar meals' to Operating Plan</b>
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Grant (no statutory reason to refuse, and no breach of Board policy)
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<b>Variation 2: Allow under-18s in dining area</b>
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Discretionary refusal
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Notes:
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<p>1. The Applicant should confirm that the 3 undertakings referred to above will apply to him, and in particular that the Premises will not open to the public unless and until both NAC Environmental Health and NAC Building Standards have confirmed to him in writing that the Premises can re-open.</p>
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2. The dining area covers most of the Premises, except for an area to the left of the front door (i.e. the dining area is shown cross-hatched in purple on the new L.P.).

The proposal is to allow under-18s of all ages (0-17 years) in the dining area, provided they are

- (a) accompanied by an adult, and
- (b) consuming food.

Access times:

"Children" (0-15): until 21.00

"Young Persons" (16-17): until 22.30

The Board may wish to inspect the Premises or have a LSO report before determining this Application.

There are two issues:

- (a) The Board should consider whether or not the proposal is consistent with one of the Licensing Objectives: 'protecting Children from harm'.

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

- (b) the Licence already includes 'indoor/outdoor sports'. However the statutory form has a single category, and gives no more detail, so Applicant should state what is intended, where and when it will happen.

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);"

This condition is applied to all on-sales Premises since the presence of children in places where there is the potential for injury raises the L.O.. Either:

- (a) the Applicant should undertake that there will be no such activities on the Premises before 21.00 (and Q. 5 of the O.P. will be amended to reflect this), or
- (b) the Board should be satisfied that those conditions can be varied without compromising that L.O..

**Variation 3: *Change Premises' name to "Latrobes"***

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

**Variation 4: *Vary Layout Plan***

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

**Notes:**

The existing L.P. shows two rooms at the rear of the property marked "Beer Cellar" and "Store". The L.P. lodged with the present Variation marks those rooms as "Kitchen" and "Beer Cellar" respectively.

As a Minor Variation, the Board is obliged to grant this, but the Applicant cannot use the new kitchen or the new "Beer Cellar" for storing or preparing food or drink without the approval of NAC Environmental Services.

**3. Licence Conditions**

The Licence was granted subject to Edition 2 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 Conditions may require to be varied.

## Application for Variation of Premises Licence - Section 29

Applicant	Partnership of Robert & Lesley Cunningham
Premises	Newton Bar, 1 Glasgow St., Millport KA28 0DJ
Ref.	134

**Preliminary**

*This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 20 September 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	Increase under-18 access: to 22.00 during normal trading
2	Increase under-18 access: for full Core Hours if attending private functions

**2. 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.

<b>Variation 1: Increase under-18 access: to 22.00 during normal trading</b>
Discretionary refusal
Notes:
At present under-18s (both 'Children' aged 0-15 years, and 'Young People' aged 16-17) are allowed until <u>20.00</u> in the Lounge Bar and ancillary public spaces (e.g. toilets) under adult supervision. The proposal changes the time to 22.00 but otherwise the arrangements are to remain the same.
In relation to 'Young People': there is no statutory reason to refuse the application.
In relation to 'Children', the Board should consider whether or not the proposal is consistent with the Licensing Objectives: ' <u>protecting Children from harm</u> '. This L.O. relates to Children aged 0-15 years, and <u>not</u> to older 'Young Persons' (aged 16-17).
The Board would be entitled to distinguish between 'Children' older and younger than a particular age, e.g. O.P. 6(d) might be amended to read:
"Children aged under 10 years are permitted until 20.00. Children aged 10 to

15, and Young People aged 16 or 17 years, are permitted until 22.00."

**Variation 2: Increase under-18 access: for full Core Hours if attending private functions**

**Discretionary refusal**

Notes: the Premises have the usual Policy closing times:

Sun - Wed: 24.00

Thur - Sat: 1.00

See note to Variation 1: the same Licensing Objective applies to 'Children' aged 0-15.

The Applicant should state whether the Premises would be open to the general public during the function, or whether the Premises would only be used by guests attending the function.

O.P. 6(d) might be amended to read:

"Children aged under 10 years are permitted until 20.00. Children aged 10 to 15, and Young People aged 16 or 17 years, are permitted until 22.00, or if attending a private function, for the full Core Hours."

**3. 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.

## Application for Variation of Premises Licence - Section 29

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

ON 20 MARCH 2013 VARIATIONS 4 & 5 WERE GRANTED FOR A TRIAL PERIOD OF 6 MONTHS, WITH NO MORE THAN 6 EVENTS IN THAT PERIOD. THE BOARD ALSO DECIDED TO MAKE A PREMISES LICENCE REVIEW PROPOSAL UNDER SECTION 37 WITH THE HEARING TO CALL AT A BOARD OCCURRING AFTER THAT 6 MONTH PERIOD. THE GROUNDS FOR REVIEW ARE THE 'PREVENTING PUBLIC NUISANCE' AND 'PROTECTING AND IMPROVING PUBLIC HEALTH' LICENSING OBJECTIVES. VARIATIONS 1, 2, 3 AND 6 WERE GRANTED

**1. Summary of Variation Request(s)**

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

**2. Objections and Representations**

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

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

*\* Date of email: confirming letter later sent*

### **3. Issues**

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

#### **General Comment:**

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

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

Discretionary refusal

#### **Notes:**

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

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

Board may consider that its Standard Conditions are sufficient:

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

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

#### **Comments**

#### **Largs Community Council**

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

#### **Graham & Burton**

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



**Variation 2: Amend under-18s access**

Discretionary refusal

Notes:

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

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

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

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

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

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

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

Discretionary refusal

Notes:

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

The Licence is subject to NALB Standard Conditions, including:

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

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

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

**Variation 4: Add 'live performances' to Operating Plan**

Discretionary refusal

Notes:

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

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

Discretionary refusal

Notes: see Var. 4.

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

Discretionary refusal

Notes:

The conditions referred to are:

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

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

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

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

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

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

**4. Licence Conditions**

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

## **FESTIVE EXTENSIONS**

The Forum asked the Board why the Policy allowed such a period of extended hours and should this be cut down. Why should the length of time permitted to sell alcohol be increased.

### **North Ayrshire Policy:**

1<sup>st</sup> December – 14<sup>th</sup> December inclusive each premises can apply for maximum of 4 periods of Extended Hours

15<sup>th</sup> December – 2<sup>nd</sup> January, inclusive, each premises can apply for a maximum of 7 periods of Extended Hours

Christmas Eve and Hogmanay always treated as a Saturday (to grant later hours)

### **East Ayrshire :**

Mid December – 6<sup>th</sup> January premises are permitted 4 periods of Extended Hours, Pubs and Members Clubs 2 a.m. and Nightclubs 3 a.m. (Same as North Ayrshire)

If they have specific dates or occasions stipulated in their Premises Licence, (Q.4 Seasonal Variations), these are permitted without the need to apply for an Extended Hours application.

### **South Ayrshire:**

1<sup>st</sup> December – 2<sup>nd</sup> January premises are permitted to apply for an extra 1 hr by way of Extended Hours application. These are not limited.

If this is contained in the Premises Licence under Q4 Seasonal Variations, then these are permitted without need for application.



**Report to North Ayrshire Licensing Board**

**From**

**Grace Cullen, Licensing Standards Officer**

**Subject:** Early Opening Premises (on sales) and Festive Extensions

**Purpose** To advise the Board on how many premises in North Ayrshire have early opening hours and to provide further information on festive extensions from other authorities.

**Recommendation:** That the Board have regard to the information provided and report back to the Forum

**Introduction:**

At the Joint Meeting of the Licensing Forum and the Board, on 22<sup>nd</sup> April, 2013, 2 of the 5 matters discussed were continued to the Board on 30<sup>th</sup> September, 2013 for further information.

Please find attached this information for your consideration



## Early Opening in On-Sales Premises

PL	Premises Name	Town	Postcode	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b><u>1. North Coast</u></b>										
80	The Waterside	Largs	KA30 8BL	8.00	8.00	8.00	8.00	8.00	8.00	11.00
85	Sheiling Bar	Largs	KA30 8JN	8.30	8.30	8.30	8.30	8.30	8.30	10.00
102	The Queens Hotel	Largs	KA30 8QW	10.00	10.00	10.00	10.00	10.00	10.00	12.30
225	Charlie Smith's Bar	Largs	KA30 8LX	10.00	10.00	10.00	10.00	10.00	10.00	11.00
275	Largs Golf Club	Largs	KA30 8EU	10.00	10.00	10.00	10.00	10.00	10.00	10.00
329	McCabes	Largs	KA30 8AJ	10.00	10.00	10.00	10.00	10.00	10.00	10.00
390	Scotts at Largs	Largs	KA30 8EZ	10.00	10.00	10.00	10.00	10.00	10.00	10.00
430	Bosun's Table	Largs	KA30 8EZ	10.00	10.00	10.00	10.00	10.00	10.00	10.00
89	Kilbride Tavern	W. Kilbride	KA23 9AW	11.00	11.00	11.00	11.00	11.00	10.00	11.00
99	The Kings Arms	W. Kilbride	KA23 9AW	10.00	10.00	10.00	10.00	10.00	10.00	12.30
325	West Kilbride Bowling Club	W. Kilbride	KA23 9JX	11.00	11.00	11.00	11.00	11.00	9.00	10.00
<b><u>2. Three Towns</u></b>										
138	Charlie's Bar	Ardrossan	KA22 8EL	9.00	9.00	9.00	9.00	9.00	9.00	11.00
242	Castlehill Vaults	Ardrossan	KA22 8HB	9.00	9.00	9.00	9.00	9.00	9.00	11.00
252	Garfield's	Ardrossan	KA22 8DE	10.00	10.00	10.00	10.00	10.00	10.00	10.00
273	Ardrossan Bowling Club	Ardrossan	KA22 8DX	11.00	11.00	11.00	11.00	11.00	9.30	9.30
7	Bar One	Saltcoats	KA21 5HN	9.00	9.00	9.00	9.00	9.00	9.00	11.00
11	Banks & Braes	Saltcoats	KA21 5EL	10.00	10.00	10.00	10.00	10.00	10.00	10.00
18	The Victoria Bar	Saltcoats	KA21 5JU	9.00	9.00	9.00	9.00	9.00	9.00	12.30
20	The Albion Bar	Saltcoats	KA21 5EG	10.00	10.00	10.00	10.00	10.00	10.00	12.30
38	Bobby's Bar	Saltcoats	KA21 5HP	10.00	10.00	10.00	10.00	10.00	10.00	12.30
169	Non-Such Snooker Club	Saltcoats	KA21 5EW	10.00	10.00	10.00	10.00	10.00	10.00	10.00
277	Cunninghame North CLP Club	Saltcoats	KA21 5ES	10.00	10.00	10.00	10.00	10.00	10.00	12.30
353	The Four Seasons	Saltcoats	KA21 5HQ	10.00	10.00	10.00	10.00	10.00	10.00	12.30
376	The Salt Cot	Saltcoats	KA21 5DY	10.00	10.00	10.00	10.00	10.00	10.00	12.30
3	Grant Arms	Stevenston	KA20 3JL	10.00	10.00	10.00	10.00	10.00	10.00	12.30
29	Cross Keys Bar	Stevenston	KA20 3EH	8.00	8.00	8.00	8.00	8.00	8.00	12.30
31	Pop Inn	Stevenston	KA20 3HD	10.00	10.00	10.00	10.00	10.00	10.00	12.30
101	Potters	Stevenston	KA20 3EL	10.00	10.00	10.00	10.00	10.00	10.00	10.00
198	Glencairn Bar	Stevenston	KA20 3HF	9.00	9.00	9.00	9.00	9.00	9.00	12.30
294	Ardeer Bowling Club	Stevenston	KA20 3LB	11.00	11.00	11.00	11.00	11.00	9.00	9.00
311	Ardeer Recreation Bowls Club	Stevenston	KA20 3AQ	11.00	11.00	11.00	11.00	11.00	9.00	12.30
373	Bunkers	Stevenston	KA20 3HU	9.00	9.00	9.00	9.00	9.00	9.00	12.30
<b><u>3. Kilwinning</u></b>										
81	Home	Kilwinning	KA13 6EF	10.00	10.00	10.00	10.00	10.00	10.00	11.00
93	Victoria Bar	Kilwinning	KA13 6EJ	10.00	10.00	10.00	10.00	10.00	8.00	12.30
121	Stag & Hound	Kilwinning	KA13 6EN	10.00	10.00	10.00	10.00	10.00	10.00	12.30
171	The Market Bar	Kilwinning	KA13 6EW	10.00	10.00	10.00	10.00	10.00	10.00	12.30
184	Taylors	Kilwinning	KA13 6JU	10.00	10.00	10.00	10.00	10.00	10.00	10.00
231	Lemon Tree	Kilwinning	KA13 6AW	10.00	10.00	10.00	10.00	10.00	10.00	12.30
237	Tower Inn	Kilwinning	KA13 6AN	10.00	10.00	10.00	10.00	10.00	10.00	12.30
241	Revels	Kilwinning	KA13 6AN	10.00	10.00	10.00	10.00	10.00	10.00	12.30
320	Kilwinning Bowling Club	Kilwinning	KA13 6EJ	11.00	11.00	11.00	11.00	11.00	9.00	11.00
417	Pennyburn View [PPL]	Kilwinning	KA20 3DA	10.00	10.00	10.00	10.00	10.00	9.00	9.00
<b><u>4. Irvine and area</u></b>										
58	North Gailes [TPL]	Irvine	KA11 5AE	10.00	10.00	10.00	10.00	10.00	10.00	12.30
58T	North Gailes	Irvine	KA11 5AE	10.00	10.00	10.00	10.00	10.00	10.00	12.30
82	Turf Hotel	Irvine	KA12 8AS	7.00	7.00	7.00	7.00	7.00	7.00	10.00
214	The Kings Arms Hotel	Irvine	KA12 8AA	10.00	10.00	10.00	10.00	10.00	10.00	10.00
246	The Burns Tavern	Irvine	KA12 0AY	10.00	10.00	10.00	10.00	10.00	10.00	10.00
255	The Delta Bar	Irvine	KA12 8BJ	7.00	7.00	7.00	7.00	7.00	7.00	10.00
265	Glasgow Golf Club	Irvine	KA11 5AE	8.00	8.00	8.00	8.00	8.00	8.00	8.00
272	Western Gailes Golf Club	Irvine	KA11 5AE	9.00	9.00	9.00	9.00	9.00	9.00	9.00
286	Irvine Ravenspark Golf Club	Irvine	KA12 8SR	10.00	10.00	10.00	10.00	10.00	10.00	10.00
295	Towerlands Sports Club	Irvine	KA11 1PY	11.00	11.00	11.00	11.00	11.00	10.00	10.00
296	Irvine Park Bowling Club	Irvine	KA12 0PZ	10.00	10.00	10.00	10.00	10.00	9.00	9.00
324	Irvine No. 1 Celtic Sports Club	Irvine	KA12 8BQ	9.00	9.00	9.00	9.00	9.00	9.00	9.00

327 The Carrick	Irvine	KA12 8AH	9.00	9.00	9.00	9.00	9.00	9.00	10.00
341 Crown Inn	Irvine	KA12 8AN	10.00	10.00	10.00	10.00	10.00	10.00	11.00
346 Irvine Snooker Club	Irvine	KA12 0BT	11.00	11.00	11.00	11.00	11.00	10.00	11.00
370 The Keys at Irvine Harbour	Irvine	KA12 8PZ	10.00	10.00	10.00	10.00	10.00	10.00	11.00
375 Dundonald Links	Irvine	KA12 8DJ	10.00	10.00	10.00	10.00	10.00	10.00	12.30
393 The Old Argyle	Irvine	KA12 8EH	10.00	10.00	10.00	10.00	10.00	10.00	12.30
431 Proposed Public House [PPL]	Irvine	KA12 8EH	10.00	10.00	10.00	10.00	10.00	10.00	10.00
139 Annick	Dreghorn	KA11 4EG	10.00	10.00	10.00	10.00	10.00	10.00	12.30
122 The Crown Inn	Dreghorn	KA11 4AH	10.00	10.00	10.00	10.00	10.00	10.00	12.30
182 Eglinton Arms	Dreghorn	KA11 4AQ	7.00	7.00	7.00	7.00	7.00	10.00	11.00
240 Dreghorn Inn	Dreghorn	KA11 4AQ	11.00	11.00	11.00	11.00	11.00	10.00	11.00
280 Dreghorn Bowling Club	Dreghorn	KA11 4AA	9.00	9.00	9.00	9.00	9.00	9.00	9.00
416 Kidron House	Dreghorn	KA11 4EE	10.00	10.00	10.00	10.00	10.00	10.00	10.00

### 5. Garnock Valley

34 Saracen Head Hotel	Beith	KA15 1AQ	11.00	11.00	11.00	11.00	11.00	9.00	10.00
66 Smugglers Tavern	Beith	KA15 2AD	10.00	10.00	10.00	10.00	10.00	10.00	12.30
299 Beith Bowling Club	Beith	KA15 1DZ	9.30	9.30	9.30	9.30	9.30	9.30	9.30
61 Black Bull Inn	Dalry	KA24 4AF	11.00	11.00	11.00	11.00	11.00	9.00	12.30
108 Enigma	Dalry	KA24 5DP	11.00	11.00	11.00	11.00	11.00	9.00	12.30
309 Dalry Bowling Club	Dalry	KA24 5EX	10.00	10.00	10.00	10.00	10.00	10.00	10.00
268 Ladeside of Kilbirnie Bowling Club	Kilbirnie	KA25 6DZ	11.00	11.00	11.00	11.00	11.00	9.00	9.00
291 Kilbirnie Place Golf Club	Kilbirnie	KA25 7AT	10.00	10.00	10.00	10.00	10.00	10.00	10.00
339 Kings Arms	Kilbirnie	KA25 7BL	10.00	10.00	10.00	10.00	10.00	10.00	12.30

### 6. Arran

414 Brodick Golf Club	Brodick	KA27 8DL	9.00	9.00	9.00	9.00	9.00	9.00	9.00
438 Bilslands	Brodick	KA27 8AJ	10.00	10.00	10.00	10.00	10.00	10.00	10.00
104 Isle of Arran Distillery	Lochranza	KA27 8HJ	10.00	10.00	10.00	10.00	10.00	10.00	10.00

7.00 am	3	3	3	3	3	2	0
8.00 am	3	3	3	3	3	4	1
8.30 am	1	1	1	1	1	1	0
9.00am	11	11	11	11	11	21	8
9.30am	1	1	1	1	1	2	2
10.00 am	47	47	47	47	47	49	25
11.00 am	13	13	13	13	13	0	13
Total	79	79	79	79	79	79	49
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun



Report

to

North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject:	Occasional Extensions and Occasional Licences – Festive Period 2013-14
Purpose:	To advise the Board about previous and current Policy, procedure and consultation
Recommendation:	That the Board determine Policy

## **1. Background**

1.1. The Board is entitled to grant:

"Occasional Extensions" under Section 68 to Premises which are already licensed ("Extended Hours" or "E.H.");

"Occasional Licences" under Part 4 to Premises which are not already licensed ("O.L.").

1.2. In previous years, the Board has determined Policy for the Festive Period, which has:

(a) designated the dates of the 'Festive Period', during which extra hours were permitted - in past years, the Festive Period was 1 December until the first day before shops and offices re-open after New Year, qualified if Christmas Eve and Hogmanay fell on weekends;

(b) determined how many periods of Extended Hours could be applied for by each Premises - in past years, the Policy was:

(i) in the period to 15 December, up to four periods;

(ii) in the period from 16 December, up to seven periods.

(c) determined what the authorised extension should be. In past years, this was one hour for each period of Licensed Hours beyond the Policy normally applicable for the particular type of Licensed Premises during the year, except that the extension for nightclubs in the period Thursday to Saturday was only 30", from 2.30 to 3.00 a.m..

(d) been that a curfew of 00.30 should apply to all on-sales premises (which is the same as during the rest of the year).

1.3. The practice of the other Ayrshire Boards is

(a) South Ayrshire LB:

The festive period is from 1st December to 2nd January. An extra hour is allowed. There is no curfew.

(b) East Ayrshire L.B.

The festive period is taken to be two weeks prior to Christmas Day until 6 January.

Premises can stay open up to 4 days:

nightclub/discos can open to 3.00 a.m. with curfew 2.15am. (rest of the year 2.30 with curfew 1.15)

other on-sales can open to 2.00 a.m. (rest of the year 1.00)

1.4. The Police and Health Board have been invited to comment on the Policy. If there are any comments, Members will be advised.

**2. NALB Policies during the rest of the year**

2.1. The NALB Policy on Terminal Core Hours throughout the year is:

(a) Public Houses and Restaurants: Sunday to Wednesday: 24.00; Thursday to Saturday: 1.00.

(b) Nightclubs: Sunday to Wednesday: 1.00; Thursday to Saturday: 2.30.

(c) Members' Clubs: 7 days -1.00.

2.2. Premises which are otherwise unlicensed (e.g. a Community Centre) might be covered temporarily by an Occasional Licence. The Policy on hours during the year is as for Public Houses, with one hour extra during the Festive Period designated for Extended Hours.

2.3. The Board's Standard Conditions require all Premises open after 1.00 a.m. to have a First Aider and to observe a 00.30 curfew, regardless of the nature of the Licence or permission which authorises opening after 1.00 a.m. (e.g. an Occasional Extension or an Occasional Licence): NALB Conditions C.17, D.1 and D.4.

2.4. The Board has not previously made a Policy on extending off-sales hours. It is not necessary that it should, as most such Premises already have the maximum statutory hours (10.00 - 22.00).

**3. Procedure**

For the convenience of Licensees, the Board accepts a single Application Form covering several different days, although these are individual Applications. The prescribed fee per Application is £10, so an Application covering 4 dates would cost £40.

E.H. Applications are not publicised and there is no scope for public comment. If there is a complaint about the operation of Premises during Extended Hours, this would be dealt with as a normal Review.

O.L. Applications are publicised on the Board website for 7 days.

Both types of Application are sent to the Police and Licensing Standards Officer for Report. These Reports are usually to be given within 10 days (E.H.) or 21 days (O.L.). However, the Board can shorten this period to not less than 24 hours if satisfied that the Application requires to be dealt with quickly (E.H.: Sections 69(4)-(6); O.L.: Sections 57(4) & (5)). The Board has previously delegated authority to make that preliminary decision to the Clerk or Solicitor (Licensing).

The decision on whether or not to grant the Application itself is dealt with by a separate delegation (see Paragraphs 4 & 5 below).

#### **4. Delegation**

Most Applications attract no adverse comment from Police, LSO or third parties and are granted under delegated powers. In previous years the Board delegated authority:

- (a) if the Application was within Policy and if there was no adverse comment - to the Clerk and the Solicitor (Licensing) to grant E.H. or O.L. (the Board has extended this delegation to the Licensing Assistant and Administrative Assistants);
- (b) if not - to the Chairman, and whom failing the Vice-Chairman, and whom failing any Member of the Board (see 'Determination without Hearing' below).

#### **5. Determination without Hearing**

In a few cases, there may be adverse comment or the Application may be outside Policy. Since it may not be practicable to have a Hearing in the usual way in the time available, the legislation allows an alternative: if there is no Hearing the Board must, before determining the Application, ensure that the Applicant is given an opportunity to comment on any adverse comment (E.H. : Section 70(3); O.H.: Section 59(4)&(5)).

Accordingly the Board in 2010 approved this procedure:

Where there are adverse comments:

- (a) the Applicant should be sent copies or advised orally or by email of their contents;

(b) the Applicant should be invited to lodge written or email comments within 3 days;

(c) the Chairman, and whom failing the Vice-Chairman, and whom failing any Member of the Board, may determine the Application, and may add to or vary the Licence Conditions.

If time permits, individual Applications may call at a scheduled Board Meeting, but it is likely that most cases will be dealt with under delegations.

## **6. Issues**

6.1 The Board should consider the Licensing Objectives, and in particular "protecting and improving public health".

6.2. The Board is invited to determine Policy. It is suggested that the form of this this might be:

(a) the 'Festive Period' is designated as Sunday 1 December 2013 until Saturday 4 January 2014, both dates inclusive;

(b) Occasional Extensions (Extended Hours) should be available for Licensed Premises at the end of [number?] periods of licensed hours;

(c) the maximum extension should be for the period from the end of the particular Premises' Core Hours for that day until one hour after the Policy Hours stated at Paragraph 4.1, except that the extension for nightclubs in the period Thursday to Saturday should be only 30", from 2.30 to 3.00 a.m.;

(d) the maximum Terminal Hour for Occasional Licences should be 2.00 a.m. (on all 7 days);

(e) a 00.30 curfew should apply to all Licences (whether Premises Licences or Occasional Licences).

6.3. (c) is not worded simply as 'one hour after Core Hours' because if the extension is related to the actual hours held by Premises during the rest of the year, this might disadvantage those Premises which have chosen to have shorter Terminal Hours;

e.g. a restaurant might normally close at 21.00 all week.

(a) If the Extension is linked to NALB Policy, then that restaurant could seek a festive extension to 1.00 (Sunday-Wednesday) or 2.00 (Thursday-Friday), but

(b) If the Extension is linked to actual Core Hours, it could only seek an extension to 22.00.

Report

to

North Ayrshire Licensing  
Board

by

Solicitor (Licensing)

Subject:	Draft Licensing Policy Statement (LPS) 2013 - 2016.
Purpose:	To summarise the proposed procedure for amending and adopting the LPS.
Recommendation:	That the Board discuss, amend and adopt a final version of the LPS.

### **1. Background**

All Boards in Scotland must have a Licensing Policy Statement (LPS) setting out the Board's Policy with respect to the exercise of its functions under the 2005 Act. The North Ayrshire Board adopted a LPS in 2007. By Law, the LPS must be revised every three years, on 30 November 2013, 2016 and so on. The current LPS was adopted by the Board on 16 November 2010.

### **2. Current Position**

A draft LPS 2013-2016 has been prepared. The proposal is to invite the Board to discuss this and to make suggestions for revision either then or over the following weeks. A further draft, incorporating those suggestions, will be placed before the Board at its next scheduled Meeting, on 19 November 2013. At that later Meeting, the Board will be invited to adopt a finalised LPS.

The draft now before the Board covers all the material which a LPS would be expected to cover, except the matter of Overprovision. Accordingly Annexes D and E are not included. It is proposed to have a Special Meeting of the Board prior to the November Meeting at which this matter will be discussed.

### **3. Recommendation**

The Board is invited:

- (a) to note this Report,
- (b) continue consideration of the draft LPS until the next Meeting on 19 November 2013,
- (c) to propose amendments in the interim, and
- (d) at that later Meeting, to discuss, amend and adopt a final version.

