

Cunninghame House,
Irvine.

15 November 2012

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 NOVEMBER 2012** 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 22 August 2012

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

Submit report to the Licensing Board for Consideration of the Board's draft Statement of Principles 2013-2016 (Gambling Act 2005, Section 349)

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 November 2012

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, Licensing Solicitor , on 01294 324305.

APPENDIX A

Premises Licence Applications or any other Application requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comments
1	0327	Greene King Brewing & Retailing Ltd c/o Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	The Carrick 112-114 High Street Irvine KA12 8AH	Review Application - Section 36 Continued from 26/06/12
2	PK0504	Brian Flannigan 33 Glenearn Road Perth PH2 0NW		Personal Licence Review Hearing - Section 84A Continued from 26/06/12
3	0395	Bothan Lic Ltd 36 Nithsdale Road Glasgow G4 2AN	Bothan Bar Broomlands Gate Bourtreehill Irvine KA11 1HB	Review Application - Section 36
4	NA1336	Daljit Kaur Sangha 27 Coll Gardens Irvine KA11 4EA		Personal Licence Review Hearing - Section 84A
5	0080	Greene King Retailing Ltd c/o Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	The Waterside 14 Bath Street Largs KA30 8BL	Review Application - Section 36 Continued from 22/08/12
6	0040, 0181, 0235, 0304, 0411	Tesco Stores Ltd Tesco House Delamare Road Cheshunt Hertfordshire EN8 9SL	Various Premises	Review Proposal - Section 37

7	0111, 0161	Asda Stores Ltd Asda House Southbank Great Wilson Street Leeds LS1 5AD	Various Premises	Review Proposal - Section 37
8	0435	Nicedays Store Ltd 62 Merrick Drive Dalmellington KA6 7TJ	39/41 Rowanside Terrace Ardrossan KA22 7LN	Application for Grant of Provisional Premises Licence - Section 45
9	0437	Mohammad Rafi 18 Melfort Gardens Clydebank G81 2HG	Dalry Multifunction Centre 1 The Cross New Street Dalry KA24 5AB	Application for Grant of Provisional Premises Licence - Section 45
10	0436	Nicandro Arcaro 4 Tollerton Drive Irvine KA12 0AQ	13 Bridgegate Square Irvine KA12 8BJ	Application for Grant of Provisional Premises Licence - Section 45
11	0438	Partnership of Alastair Bilsland & Alison Bilsland Shore Road Brodict Isle of Arran KA27 8AJ	Bilslands Shore Road Brodict Isle of Arran KA27 8AJ	Application for Grant of Premises Licence - Section 20
12	0316	Beith Golf Club Threepwood Road Beith KA15 2JR	Beith Golf Club Threepwood Road Beith KA15 2JR	Application for Variation of Premises Licence - Section 29
13	0046	Arran Hotels Ltd Glenisle Hotel Lamlash Isle of Arran KA27 8LY	Glenisle Hotel Lamlash Isle of Arran KA27 8LY	Application for Variation of Premises Licence - Section 29
14	0065	A & M Dobbin Ltd 22/24 Guildford Street Millport KA28 0AB	A & M Dobbin t/a V G Store 22/24 Guildford Street Millport KA28 0AB	Application for Variation of Premises Licence - Section 29
15	0268	Ladeside of Kilbirnie Bowling Club 6 Mill Road Kilbirnie KA25 6DZ	Ladeside of Kilbirnie Bowling Club 6 Mill Road Kilbirnie KA25 6DZ	Application for Variation of Premises Licence - Section 29

16	0169	J & S Bingo 60 Hamilton Street Saltcoats KA21 5DS	Non-Such Snooker Club (1st & 2nd Floors) 35 Windmill Street Saltcoats KA21 5EW	Application for Variation of Premises Licence - Section 29
17	0157	A C Currie Ltd 33 Bentick Crescent Troon KA10 6JN	Keystore 67/71 Ashgrove Road Ardrossan KA22 7HS	Application for Variation of Premises Licence - Section 29
18	0359	Thomas Gilmore Ormidale Hotel Brodick Isle of Arran KA27 8BY	Ormidale Hotel Brodick Isle of Arran KA27 8BY	Application for Variation of Premises Licence - Section 29
19	0337	Jaspreet Bawa (formerly Soumel) 3 Townhead Street Stevenston KA20 3AF	Stevenston Post Office 3 Townhead Street Stevenston KA20 3AF	Application for Variation of Premises Licence - Section 29
20	0222	Graham Conrathe Moorpark House Hotel School Road Kilbirnie KA25 7LD	Moorpark House Hotel School Road Kilbirnie KA25 7LD	Application for Variation of Premises Licence - Section 29
21	0375	Loch Lomond Golf Club Ltd 16 Charlotte Square Edinburgh EH2 4 DF	Dundonald Links Ayr Road Irvine KA12 8DJ	Application for Variation of Premises Licence - Section 29
22	0163	Wm Morrison Supermarkets plc Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL	Morrisons Hawkhill Farm Kilwinning Road Stevenston KA20 3DE	Application for Variation of Premises Licence - Section 29
23	803/12	Garnock Valley Boxing Club c/o Thomas Payne 1 Balgray Road Glengarnock KA14 3AG	Walker Hall Main Street Kilbirnie	Application for Occasional Licence - Section 56
24	855/12	Brian Green 31 Landsborough Drive Kilmarnock KA3 1RY	Volunteer Rooms 19 High Street Irvine	Application for Occasional Licence - Section 56 Clerk to report

25	883/12	Alexander Mair 15 Paterson Avenue Darvel KA17 0BH	Castlepark Community Centre 4 Castlepark Road Castlepark Irvine	Application for Occasional Licence - Section 56 Clerk to report
26	884/12, 885/12, 886/12	Brian John Purdie 37 Greenock Road Largs KA30 9PJ	The Waterside 14 Bath Street Largs KA30 8BL	Application for Extended Hours - Section 68 Clerk to report

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"The Carrick", 112-114 High Street, Irvine KA12 8AH.
Premises Licence Holder	Greene King Brewing and Retailing Ltd (t/a Belhaven Pubs)
Ref.	0327

CONTINUED FROM 26/06/12

1. Background

By letter of 25 April 2012 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. Basis of Review

The 'Grounds for Review' are that the operation of the Premises was inconsistent with the 'preventing crime and disorder' Licensing Objective.

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

On-sales:

Mon	9.00	24.00
Tue	"	24.00
Wed	"	24.00
Thur	"	1.00
Fri	"	1.00
Sat	"	1.00
Sun	10.00	24.00

Off-Sales:

Mon	10.00	22.00
Tue	10.00	22.00
Wed	10.00	22.00
Thur	10.00	22.00
Fri	10.00	22.00
Sat	10.00	22.00
Sun	10.00	22.00

4. Capacity etc.

The Premises have a capacity of 408 customers, and an off-sales display capacity of 27.5 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Gaming, Televised Sport, quiz nights, dominoes and charity nights.
- (c) The Premises have Outdoor Drinking Facilities.
- (d) The Premises allow under-18s of all ages if accompanied by adult, for meals, either:
 - (i) until 21.00, or
 - (ii) until the end of a function.

5. Procedure

Having received an Application, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the letter from the Police, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

6. Additional Powers of inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5) and (6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;

- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review Application,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

If the Board is satisfied that a Ground for Review is established, 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 (Section 38(5) & (6)).

8. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing. If there is also a decision about a Personal Licence, the holder can appeal to the Sheriff.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.

Personal Licence Review Hearing - Section 84A

Applicant	Brian Flanagan, 33 Glenearn Road, Perth, PH2 0NW (D.O.B. 7.4.78)
Ref.	PK 0504

CONTINUED FROM 26/06/12

1. Background

The Personal Licence Holder is the Premises Manager of "The Carrick", 112-114 High Street, Irvine KA12 8AH (NALB 327).

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 25 April 2012 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.

Premises Licence Review Application - Section 36

Premises	Bothan Bar, Broomlands Gate, Bourtreehill, Irvine KA11 1HB
Premises Licence Holder	Bothan Lic Ltd
Ref.	0395

1. Background

By letter of 2 October 2012 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.

The Premises Licence was granted on 10 November 2009 and was transferred to the present PLH on 18 April 2012. The Licence was varied on 23 April 2012 so as to appoint Dalgit Kaur Sangha as Premises Manager.

2. Basis of Review

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

"(a) preventing crime and disorder"

"(c) preventing public nuisance"

In addition (due to Sections 38(5) & (6) & 39(1)) the Board is entitled to consider whether any other Grounds for Review are established, e.g.

(i) relating to any other L.O., such as "(b) securing public safety" or "(e) protecting children from harm."

(ii) breach of any condition of the Licence, e.g.

that any person working in the Premises:

(a) making sales of Alcohol, or

(b) serving Alcohol for on-sale consumption,

should either hold a Personal Licence or have statutory training (and, if training, that records be kept for inspection): 2005 Act, Schedule 3, Paragraph 6.

3. Capacity etc.

The Premises have a capacity of 286 customers, and an off-sales display capacity of 12.0 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Dance Facilities, Gaming, Indoor/outdoor Sports, Televised Sport, (the Premises do not have 'Adult Entertainment' but permit customers to organise kissograms for private functions).
- (c) The Premises do not have Outdoor Drinking Facilities.
- (d) The Premises do not allow Children under 5. Older 'Children' (under 16), and 'Young People' (16-17) are allowed if accompanied by adult until 20.00.

4. 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.

5. 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 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.

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.

6. Observation

This is not part of the present Review and is supplied for the PLH's information:

The Operating Plan (O.P. 4) refers to the Premises being open outside normal Core Hours around Christmas. The Premises do not have additional hours, and there is no Board-wide automatic extension granted under Section 67, and there never has been. If the Premises wish to open outside the normal Core Hours, they should apply for Extended Hours under Section 68 on each occasion. They cannot sell alcohol outside Core Hours unless such an extension is granted. See Paragraphs 9.9 - 9.14 and Annex C of the NALB Licensing Policy Statement.

Personal Licence Review Hearing - Section 84A

Applicant	Daljit Kaur Sangha, 27 Coll Gardens, Irvine KA11 4EA (d.o.b. 24.5.75)
Ref.	NA1336

1. Background

The Personal Licence Holder is the Premises Manager of the Bothan Bar, Broomlands Gate, Bourtreehill, Irvine KA11 1HB (NALB 395).

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 9 October 2012 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.

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"The Waterside", 14 Bath Street, Largs
Premises Licence Holder	Greene King Retailing Ltd. (t/a Belhaven Pubs)
Ref.	0080

CONTINUED FROM 22/08/12

1. Background

By letter of 7 August 2012 Paul Brennan, NAC Specialist Environmental Health Officer (Noise) 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.

On 26 June 2012 the Board considered and upheld a Review Application made by Paul Castelvechi, Flat H, The Moorings, 18 Main St., Largs. This was based on noise complaints. The Board then varied the Licence by directing that the playing of amplified music should cease at 00.30 on Friday and Saturday, and at 23.30 on Sunday.

The Board did not then take any action in relation to Personal Licence of the Premises Manager Brian Purdie (NA 1190).

2. Basis of Review

The 'Grounds for Review' are:

1. the operation of the Premises is inconsistent with the "preventing public nuisance" and "protecting and improving public health" Licensing Objectives; and
2. conditions of the Premises Licence have been breached (specified in the Application).

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

On-sales:

Mon	8.00	24.00
Tue	"	24.00
Wed	"	24.00
Thur	"	1.00
Fri	"	1.00
Sat	"	1.00
Sun	11.00	24.00

Off-Sales:

Mon	10.00	22.00
Tue	"	"
Wed	"	"
Thur	«	«
Fri	«	«
Sat	«	«
Sun	11.00	22.00

4. Capacity etc.

The Premises have a capacity of 96 customers, and an off-sales display capacity of 11 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Gaming, Indoor/outdoor Sports, Televised Sport, and quiz nights, dominoes and charity nights.
- (c) The Premises do not have Outdoor Drinking Facilities.
- (d) The Premises allow under-18s of all ages if accompanied by adult either:
 - (i) until 21.30, or
 - (ii) until the end of a meal or function.

5. Procedure

Under Sections 36(6)-(8), the Board may reject a Review Application if the Board considers the Application—

- (a) is vexatious or frivolous, or
- (b) does not disclose any matter relevant to any of the statutory "Grounds for Review".

If the Board rejects the Application it must give notice of the decision, and the reasons for it, to the Applicant.

The Board is entitled (but not obliged) to order that the Applicant should pay the Board's expenses. If it does so, it should specify the sum due.

Having received an Application and not rejected it, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the communication from the Applicant, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, with the date, time and place of the Hearing.

6. Additional Powers of Inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5)-(6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;
- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

If the Board is satisfied that a Ground for Review is established, 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 (Section 38(5) & (6)).

8. Personal Licence

Whether or not the Board takes any action in relation to a Premises Licence, the Board may consider that any Personal Licence Holder who is or was working in the Licensed Premises concerned acted in a manner which was inconsistent with any of the Licensing Objectives.

If so, then under Section 84 the Board may review that Personal Licence

If the Licence Holder has had the opportunity to be heard, the Board Meeting which considers the present Premises Licence Review can consider that further Review at the same time as the Hearing relating to the Premises Licence.

The Board may, if it considers it necessary for any of the Licensing Objectives:

- (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 the Licence Holder gets 3 Endorsements in a 5 year period, then the Board would have to consider whether the Licence should be Suspended (for up to 6 months) or Revoked (these are not automatic).

The Board is not obliged to take any of these steps, and may decide to take no action.

9. Human Rights

The Board requires to balance competing rights:

- (a) Regularly exposing neighbours to noise and other nuisances may breach neighbours' human rights to respect for private life, family life and home under ECHR Article 8. If the Board was being asked to permit nuisance (by granting or varying a Licence), its decision might be the basis of a claim for compensation by them against the Board (such a claim has been recognised by the European Court of Human Rights - Gomez v Spain [2004] ECHR 633).
- (b) The Licence Holder has a right to free enjoyment of his possessions (the Licensed Premises): ECHR, Protocol 1, Article 1.

Neither right is absolute. There is no precedent for a Board having liability for failing to prevent a nuisance. The Board is obliged to have regard to Licensing Objective (d): 'protecting & improving public health', but the duty is solely to 'have regard' to it. It is not conclusive, and does not oblige the Board to close the Premises or to impose such a substantial variation that the Premises become uneconomic.

Where the Board takes a Review action (e.g. suspension), that decision may be appealed against on the grounds that it is 'disproportionate in all the circumstances', but this appeal ground does not exist if the Board fails to take such action (Section 131(3)(b)).

10. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.

Review Proposal - Section 37

Premises	Tesco Metro, Saltcoats (Board ref: 0040) Tesco Store, Kilbirnie (0181) Tesco Extra, Irvine (0235) Tesco Express, Kilwinning (0304) Tesco Express, Largs (0411)
Premises Licence Holder	Tesco Stores Ltd

1. Background

The Board has received confirmation from the Chief Constable that the Premises Licence Holder has been convicted of a 'relevant or foreign offence' (as prescribed by Regulation):

Date:	15 Aug 2012
Court:	Cardiff and the Vale of Glamorgan Magistrates Court
Offence:	Health and Safety at Work Act, Section 3 & 33 (breach of H & S Regulations)
Disposal:	Fine £10,000 (total)

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 1974 Act is the basis of many Regulations about things like the safety of customers and employees. These Regulations have little or nothing to do with the sale of alcohol.

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.

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:	06/06/12
Court:	Reading Crown Court
Offence:	Article 8(1)(a) & (b) of the Regulatory Reform (Fire Safety) Order 2005
Disposal:	Fine £20,000

The legislation contravened does not itself apply to Scotland, but the offence is treated as a "Foreign Offence" under Section 129(2) of the 2005 Act, since it is an offence under the law of any place other than Scotland which is similar in nature to any "Relevant Offence" (which, as prescribed by Regulation, includes an offence under the Fire (Scotland) Act 2005).

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 offences relate to the store in Slough where 2 of 30 fire exits were temporarily obstructed.

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.

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Nicedays Store Ltd
Premises	39/41 Rowanside Terrace, Ardrossan, KA 22 7LN
Ref.	0435

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 26 October 2012.

Since the period has not expired, only the objection received to date is noted here. The Board will be told at the Meeting if there are any others, and all letters will be handed to Members.

1. Summary of Proposal

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

The proposal is to add an alcohol off-sales facility to an existing convenience store. The store is in a single-storey building in a row of commercial premises, with an empty shop on one side (37) and a Chinese takeaway on the other (43). The area is residential.

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 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.

2. 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)	17.06
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Note: this figure has been calculated by Board staff. Applicant has failed to include this in the mandatory Operating Plan, and this figure will be added to the O.P. if the Licence is granted.

3. Objection: Mrs. Maureen Adamson, 35 Rowanside Terrace

The Premises held an Off-sales Licence under the 1976 Act which expired on 10 October 2008. There was no Application under the 2005 Act.

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.

Two L.O.s appear to be engaged:

L.O. (a): 'preventing crime and disorder'

L.O. (c): 'preventing public nuisance'

In addition, the Board must consider two other potential grounds of refusal:

(a) unsuitable premises, and

(b) overprovision,

and decide whether or not these apply.

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).

Suitability

The Board may wish to inspect the Premises or have a LSO report before determining this Application. The fact that the Premises held a Licence years ago does not mean that they are still suitable. The present Board is not obliged to take the same view of any matter as its predecessor.

Overprovision

Having regard to the description of the Subject Premises, there is a presumption of refusal due to:

- (a) Scottish Government guidance, and
- (b) 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.

In the interval, a detailed statement of the Policy will be prepared and copied to the Applicant, containing information as to the population of the locality, and the number and capacity of similar Premises in the locality.

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

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	Mohammed Rafi
Premises	DMC (Dalry Multifunction Centre), 1 The Cross, Dalry KA24 5AB
Ref.	0437

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012.

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 proposal relates to the former Kings Arms Hotel in the centre of Dalry. The building consists of:

Ground floor: restaurant, cafe and soft-play area;

First floor: function hall, play area, two party areas.

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 Building Control. If the PPL is granted, the Premises cannot operate until all other legislative requirements are met.

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

Either the request is within NALB Policy on licensed hours, and is shown 'OK', or the Policy is shown.

On-Sales

	<i>Proposal</i>	<i>Policy</i>
Monday	11.00 - 24.00	OK on all
Tuesday	"	7 days
Wednesday	"	
Thursday	11.00 - 1.00	
Friday	"	
Saturday	"	
Sunday	11.00 - 24.00	

Off-sales

	<i>Proposal</i>	<i>Policy</i>
Monday	10.00 - 22.00	OK on all
Tuesday	"	7 days
Wednesday	"	
Thursday	"	
Friday	"	
Saturday	"	
Sunday	"	

(b) Activities other than the sale of alcohol

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

<i>Other activities</i>
Ticketed events, e.g. comedy or themed nights, and darts matches

(c) Access for Under-18s

Terms (OP 6(b))	No requirement for meals. Must be with adult (except that 'Young People' aged 16-17 can be in the restaurant without being accompanied).
Times (OP 6(d))	All under-18s are allowed: (a) play area and cafe: 9.00 a.m. to 20.00 p.m. (b) restaurant and function suite: 11.00 to either end of function or end of Licensed Hours (i.e. 24.00 or 1.00)

(d) Capacity

On-Sales (persons)	250
Off-Sales (sq. mtr.s)	<i>Not stated. Applicant must advise the Board of the correct figure, either in writing or by attending the Board Meeting.</i>

3. 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.

Given that the principal activity of the Premises is the provision of meals or non-alcoholic refreshment, the presumption of refusal due to Overprovision which would otherwise apply to new or varied Premises does not apply (Board's Licensing Policy Statement 2010, Annex E, especially Paragraph 2.4(b)).

4. Observations

The Board may wish to consider whether or not the proposals are consistent with the Licensing Objectives:

(a) The Board may consider that the absence of adult supervision of under-18s increases the risk of under-age drinking.

(b) The statutory form has a single category 'indoor/outdoor sports', so the Applicant should advise Board what is proposed and where it will happen. A proposal to admit Children (aged 0-15) to a place where darts or pool is played infringes Board conditions C.10.3(d) and (e), which are based on the 'protecting Children from harm' L.O..

(c) 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 where these facilities would be.

Applicant should:

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

Without such facilities, or without children under 5 being excluded, reasons to refuse may exist:

- (a) Application is inconsistent with L.O. (d): "protecting and improving public health";
- (b) Application is inconsistent with L.O. (e): "protecting children from harm";
- (c) Premises are unsuitable for use for the sale of alcohol.
- (d) Applicant proposes 'Dance facilities'. The Board should consider whether or not the Premises are suitable for that use. Not an issue for the Board, but the Applicant should consult the Building Standards Officer about this proposal.
- (e) LP does not show locations and dimensions of Off-sales display area. 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 Grant of Provisional Premises Licence - Section 45

Applicant	Nicandro Arcaro
Premises	Nightclub, 13 Bridgegate, Irvine, KA12 8BJ
Ref.	0436

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012.

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 proposal is to license an existing nightclub for on-sales only. The Premises are in a 3-storey building near the Rivergate Shopping Mall. The entrance is at ground level (Bridgegate Square) and there are stairs down to the nightclub. A further stair leads down to the toilets etc.

The Premises held a Licence granted on 1 September 2009 to Bay River Leisure Ltd. (NALB 403). That was automatically revoked under the Transitional Rules, as no Premises Manager was nominated by 1 December 2009.

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

Either the request is within NALB Policy on licensed hours, and is shown 'OK', or the Policy is shown.

	<i>Proposal</i>	<i>Policy</i>
Monday	11.00 – 23.00	OK on all 7 days
Tuesday	"	
Wednesday	"	
Thursday	11.00 – 2.30	
Friday	"	
Saturday	"	
Sunday	12.30 - 1.00	

(b) Capacity

On-Sales (persons)	263
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(c) Activities other than the sale of alcohol

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

Other activities
None

(d) Access for Under-18s

No under-18s are allowed.

3. Issues

The Board has a discretion to grant the Application as requested, to grant it with modifications, or to refuse it.

Possible Grounds of Refusal

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 two other potential grounds of refusal:

- (a) unsuitable premises, and
- (b) overprovision,

and decide whether or not these apply.

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).

The reasons which appear to apply are:

Reason 1 - Licensing Objectives

The Board requires to consider whether or not the proposed Application is consistent with the following Licensing Objectives (Section 23(5)(c)):

- (a) L.O. 'preventing crime and disorder': The Applicant should address the Board on the level of stewarding and CCTV coverage. The proposed closing time (2.30 a.m.) is the same as that for the existing Premises nearby, so there may be an increase in the number of customers in the Town Centre in the early hours, or waiting for taxis at the stance outside "Pitcher's" in Bank Street.

The Applicant proposes 'Adult entertainment' : stripograms.

- (b) L.O. 'protecting & improving public health': The Board should consider this L.O. whether or not the Health Board or any other party raises it. The statute expressly states 'improving'. An increase in the ability to sell or consume alcohol cannot be said to improve public health. Opinions may differ as to whether it damages public health, or makes no difference, but it is unlikely to improve it.

Reason 2 - The Premises are unsuitable for the sale of Alcohol

- (a) The Chief Building Standards Officer has reported that the premises were inspected on 1 November 2012 and are satisfactory in terms of public safety and that there are no outstanding Building Warrants related to the premises. Nonetheless the Board may wish to inspect the Premises or have a LSO report before determining this Application.

- (b) The statutory form has a single category 'indoor/outdoor sports', so Applicant

should state what is intended and where it will happen.

Reason 3 - Overprovision may result if the Application is granted

Having regard to the description of the Subject Premises, there is a presumption of refusal due to Overprovision arising from:

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

It is for the Applicant to persuade the Board that Overprovision would not result if the Application was granted.

Section 23(5)(e) is:

"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."

There are already four similar 'nightclub' premises in the locality:

- (a) "Burns' Tavern", 34-36 High Street, Irvine (NALB 246). On 3 October 2012 the Board granted a Variation of the existing Licence to extend the hours of the second floor function suite, so that on Fridays and Saturdays the Premises can be used as a nightclub between 23.00 and 2.30. Otherwise the second-floor continues to be used as a function suite.
- (b) "King's Arms", 115 High Street (NALB 214): The premises are divided into a nightclub part ("Viva") and a bar/restaurant. The Operating Plan gives different hours for both. The Capacity is 470 for the whole premises.
- (c) "Pitcher's", 18 Bank Street (NALB 243): The premises are divided into a nightclub part (ground floor & mezzanine) and a public bar (first floor). The Operating Plan gives different hours for both. The Capacity is 498 for the whole premises.
- (d) "Descent", 10A Rivergate Centre Sub-basement (NALB 394): "Descent" is the nightclub linked to the "Old Argyle" public house (basement) (NALB 393). The Licences are held by Punch Taverns (Inns) Ltd.. Both are currently closed, but since the Licences remain in force they could re-open at any time. "Descent" has a capacity of 430, in addition to "Old Argyle" which has 216.

Tables comparing customer capacity and licensed hours are below.

Comparision with other 'nightclub' Premises in the locality

(a) Nightclub capacity:

Applicant	Burns	Viva	Pitchers	Descent
263	126	470	498	430

(b) Nightclub hours:

	Burns	Viva	Pitchers	Descent
Mon	-	10.00 - 24.00	-	11.00 - 1.00
Tue	-	"	-	"
Wed	-	"	-	"
Thu	-	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Fri	23.00 - 2.30	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Sat	23.00 - 2.30	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Sun	-	10.00 - 2.00	11.00 - 2.00	12.30 - 1.00

(c) Non-nightclub Hours:

	Burns	Kings	Pitchers	Old Argyle
Mon	10.00 - 24.00	10.00 - 24.00	12.00 - 24.00	10.00 - 24.00
Tue	"	"	11.00 - 24.00	"
Wed	"	"	"	"
Thu	10.00 - 1.00	10.00 - 1.00	11.00 - 1.00	10.00 - 1.00
Fri	"	"	"	"
Sat	"	"	"	"
Sun	10.00 - 24.00	"	12.30 - 24.00	12.30 - 24.00

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)
- C (On-sale Premises)
- D (Late Opening Premises)

Application for Grant of Premises Licence - Section 20

Applicant	Partnership of Alastair Bilsland and Alison Bilsland
Premises	"Bilslands", Shore Rd, Brodick, Isle of Arran
Ref.	0438

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012.

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 Applicant is the owner of the Premises, which are the existing Cafe/Restaurant and retail shop which has operated for many years in Brodick. The Premises held a Premises Licence under the 2005 Act. That Licence was held by the Tenants of the Premises. On 3 May 2012 the Tenants renounced the lease, which meant that the Licence also fell. It could have been saved by a Transfer to a new Licence Holder within 28 days, but no Transfer was requested until 25 June 2012, after that period had expired. On 23 August 2012 the Board considered a request by the present Applicant to exercise discretion to allow the Licence to be transferred. The Board refused this request. Accordingly the Premises have been unlicensed for about 6 months.

The proposal is to License a similar operation to that previously licensed, with one of the owners being the Premises Manager.

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

The hours requested are the same as those in the previous Licence, with a minor exception:

The Sunday opening time now requested is 10.00 a.m. instead of 12.30 p.m.. The original Licence had 12.30 p.m., because:

- (i) that was the 'Permitted Hour' under the 1976 Act, and
- (ii) due to the 'grandfather rights' rules, the request for a new licence during Transition could not be for any greater licensed hours than the 1976 Act already permitted.

This restriction no longer applies, and the request for Sunday morning is for the same time which the Board allowed for the rest of the week.

On-Sales

	<i>Proposal</i>	<i>Policy</i>
Monday	10.00 – 20.00	OK on all
Tuesday	"	7 days
Wednesday	"	
Thursday	"	
Friday	"	
Saturday	"	
Sunday	"	

Off-sales

	<i>Proposal</i>	<i>Policy</i>
Monday	10.00 - 22.00	OK on all
Tuesday	"	7 days
Wednesday	"	
Thursday	"	
Friday	"	
Saturday	"	
Sunday	"	

(b) Capacity

On-Sales (persons)	70 (inside) & 30 (outside)
Off-Sales (sq. mtr.s)	<i>Not stated. Applicant has failed to include this in the mandatory Operating Plan, and must advise the Board of the correct figure, either in writing or by attending the Board Meeting. This figure will be added to O.P. 7 if the Licence is granted.</i>

(c) Activities other than the sale of alcohol

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	X
Adult entertainment	
Other activities	

(d) Access for Under-18s(i) Access for 'Children' (aged 0-15)

Terms (OP 6(b))	Must be with adult if under 12.
Times (OP 6(d))	Children of all ages allowed until 20.00.
Parts (OP 6(e))	All parts of Premises and outdoor area.

(ii) Access for 'Young Persons' (16-17)

Terms (OP 6(b))	No requirement for adult
Times (OP 6(d))	as for 'Children'
Parts (OP 6(e))	as for 'Children'

3. 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.

Overprovision is not an issue:

- (a) the current Application is almost identical to a recent Licence.
- (b) Given that the principal activity of the Premises is the provision of meals or non-alcoholic refreshment, the presumption of refusal due to Overprovision which would otherwise apply to new or varied Premises does not apply (Board's Licensing Policy Statement 2010, Annex E, especially Paragraph 2.4(b)).

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)
- C (On-sale Premises)

The previous Licence had the same Conditions.

Application for Variation of Premises Licence - Section 29

Applicant	Beith Golf Club
Premises	Threepwood Road, Beith, KA15 2JR
Ref.	0316

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	<i>Remove Conditions as to the playing of pool and darts in areas admitting Children under 16</i>
2	<i>Add Outdoor Drinking</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.

Variation 1: Remove Conditions as to the playing of pool and darts in areas admitting Children under 16

Discretionary refusal

Notes:

(a) Variation

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);"

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 proposal is to allow junior members access to the pool table. The Applicant should inform the Board:

- (a) how old these Children are;
- (b) where the pool table will be;
- (c) will there be a requirement for these Children to be supervised by a parent or guardian;
- (d) the area from which other Children are to be excluded.

Applicant should undertake to lodge an updated Layout Plan within 28 days after the Board, showing both the location of the pool table and that area.

O.P. 6(e) (Parts of Premises where under-18s have access) might be amended by adding:

'Apart from Junior Members playing pool, no Child shall approach within 2 metres of the pool table.'

(b) Generally

The arrangements for the prevention of under-age sales and the protection of Children might be clarified. The Board is entitled to consider whether or not these arrangements are consistent with the Licensing Objectives. The current O.P. permits Children who are members and their guests entry to the Club for the purpose of buying soft drinks and snacks. Apart from the bar the L.P. does not show anywhere else where such sales occur. This was raised by the Clerk with the Club on 14 April 2011 but no response was received.

If the Variation requested is granted, the Board might consider qualifying it by adding to O.P. 6(e) wording such as:

'No person under 18 shall be permitted to stand at the bar or approach within 2 metres of it.'

Variation 2: Add outdoor drinking
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 proposed area is immediately adjacent to the clubhouse and there are no dwellings or other noise-sensitive Premises nearby. 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.

3. Licence Conditions

If Variation 1 is granted, the Conditions referred should be deleted

Note to Applicant: the Club has failed to comply with the mandatory requirement to specify the location and dimension of the off-sales display, despite being written to on 4 August 2009 and 14 April 2011.

Application for Variation of Premises Licence - Section 29

Applicant	Arran Hotels Ltd.
Premises	"Glenisle Hotel", Lamlash, Isle of Arran, KA27 8LP
Ref.	046

There are no objections, but Variations 7 to 10 relate to proposals for use of an outdoors area, and there is a representation from the NAC Specialist Environmental Health Officer. Members will be given a copy and it will be copied to the Applicant.

1. Summary of Variation Requests

No.	Variation
1	<i>Vary Sunday on-sales opening hour from 12.30 p.m. to 11.00 a.m.</i>
2	<i>Vary Sunday off-sales opening hour from 12.30 p.m. to 10.00 a.m.</i>
3	<i>Extend O.P. to allow 'Dance Facilities' and 'Theatre'</i>
4	<i>Extend O.P. to allow meal service from 7.00 a.m.</i>
5	<i>Allow 'Receptions' outside alcohol Core Hours</i>
6	<i>Allow occasional use of TV in public areas for major sporting events</i>
7	<i>Allow use of Outdoor Drinking Area from 8.00 a.m. for meals & soft drinks</i>
8	<i>Increase Outdoor seating to 48 for normal use and 148 for functions</i>
9	<i>Allow playing of board games inside premises and in O.D.A.</i>
10	<i>Allow hotel and third parties to sell goods [clarify-non-alcohol]</i>
11	<i>Allow resident under-18s to occupy a room alone</i>
12	<i>Allow under-18s (resident or not) in restaurant 7 - 23</i>
13	<i>Increase internal capacity from 70 to 119 (in addition to the outdoor capacity of up to 148)</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.

Variation 1: Vary Sunday on-sales opening hour from 12.30 p.m. to 11.00 a.m.

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

Notes: Because of the 'grandfather rights' rules, many Premises were obliged to limit Sunday on-sales opening to 12.30 p.m., as this was the entitlement under the 1976 Act. It was left to individual Premises to seek the full Board Policy hours after Transition. The Board has granted similar variations before.

Variation 2: Vary Sunday off-sales opening hour from 12.30 p.m. to 10.00 a.m.

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

Notes: similar position to Variation 1.

Variation 3: Extend O.P. to allow 'Dance Facilities' and 'Theatre'

Discretionary refusal

Notes:

Applicant should advise Board what activities are proposed, as the Board must be satisfied that the proposals are not inconsistent with the Licensing Objectives (particularly 'securing public safety'), and that the variation would not render the Premises unsuitable for the sale of alcohol.

(a) Dance Facilities

The Layout Plan does not show a dance-floor. The Board should be told what area of the Premises would be used, and whether dancing would be the sole activity in that area, e.g. would it take place in an area where there were seated diners? how many people would be dancing?

(b) Theatre

The Layout Plan does not show areas for performance or preparation. The Board should be told what type of 'theatre' is proposed, e.g. acting, singing or dancing.

Not a consideration for the Board in determining the present Variation application, but for the Applicant's information:

In addition to the grant of the variation to the Alcohol Licence, a Licence under the Theatres Act 1968 is required for the 'public performance' of 'plays' (which includes singing, acting and dancing, whether or not an entrance fee is charged). The Licence lasts one year. There is a fee unless all performances:

- (a) are of an educational or other like character, or
- (b) are to be performed for a charitable or other like purpose.

Variation 4: Extend O.P. to allow meal service from 7.00 a.m.

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

Variation 5: Allow 'Receptions' outside alcohol Core Hours

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

Variation 6: Allow occasional use of TV in public areas for major sporting events

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

Variation 7: Allow use of Outdoor Drinking Area from 8.00 a.m. for meals & soft drinks

Discretionary refusal

Notes:

There is a representation from the NAC Specialist Environmental Health Officer, who has no objection in principle but recommends that the rear garden area should be monitored to ensure that disturbance is not caused to nearby noise-sensitive properties.

The Licence is currently subject to NALB Standard Conditions:

"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 8.30 a.m. and later than 10.00 pm."

Condition C.5.2 usually sets the earliest time as 11.00 a.m. but the Board has previously allowed a variation for the Glenisle to 8.30 a.m..

With some other Premises, the Board has previously allowed variation of C.5.2 for the service of breakfast. Before doing so here, the Board would have to be satisfied that there was no risk of nuisance, e.g. to nearby dwellings, particularly given the early time requested - i.e. that the Variation was not inconsistent with L.O. (c): 'preventing public nuisance'. The Board might consider that it was sufficient to grant the variation now and later, if there are any complaints, to Review the Licence - if the Board later upheld a Review, it would be entitled to Vary the Licence.

If the Variation requested is granted, C.5.2 will be amended to read:

"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., except that on the patio area to the south of the hotel soft drinks and hot beverages may be consumed from 8.00 a.m. each day."

Variation 8: Increase Outdoor seating to 48 for normal use and 148 for functions

Discretionary refusal

Notes: see Variation 7. The area to the south of the hotel consists of the patio referred to and a garden over 4 times as big. Applicant intends to use the garden as well as the patio. The garden is only about 15 m. from the dwellings at Hamilton Terrace.

Applicant should note that the Licence is currently subject to an unqualified prohibition on the use of loudspeakers etc. at any time in Outdoor Drinking Areas: Condition C.5.1.

Variation 9: Allow playing of board games inside premises and in O.D.A.

Discretionary refusal

Note: see Variation 7.

Variation 10: Allow hotel and third parties to sell goods

Discretionary refusal

Notes:

The proposal is to allow third parties to hold a market either in the building or in the garden, instead of the market previously held on the public space on the other side of Shore Road, between the road and the shore.

The Premises are already licensed to sell off-sales within the hotel building. Applicant should confirm that no sales of alcohol will take place outside the building or by people who are not the regular staff of the Premises.

Paintings, photographs and souvenirs would be for sale.

Applicant should advise Board that Police and Council Officers will have freedom to enter the market at any time, given Licensing Objective (a): 'preventing crime and disorder'.

Not a consideration for the Board in determining the present Variation application, but for the Applicant's information:

In addition to the grant of the variation to the Alcohol Licence, a market requires a "Market Operator's Licence" under Section 40 of the Civic Government (Scotland) Act 1982, unless the market is held by charitable, religious, youth, recreational, community, political or similar organisations. The M.O.L. lasts 3 years, and is required unless the whole proceeds of every market to be held in that period are paid to charitable etc. purposes. A M.O.L. is required if there is any profit or gain which is liable to tax.

Variation 11: Allow resident under-18s to occupy a room alone

Discretionary refusal

Notes:

The Applicant states that under 18s (of all ages) normally share a room with their parent or guardian, but at the manager's discretion may be allowed their own room.

(a) The Board might consider limiting this allowance to 'Young People' (aged 16-17), given L.O. (e): 'protecting children from harm' ('Children' means 0-15, and not older).

(b) Applicant might confirm to the Board that no under-18 will be allocated a room with a mini-bar, and that no alcohol will be sold or supplied to any such room. Otherwise, the Board may consider that the absence of adult supervision of under-18s increases the risk of under-age drinking and is not consistent with L.O. (a): 'preventing crime and disorder'.

Variation 12: Allow under-18s (resident or not) in restaurant 7 - 23

Discretionary refusal

Notes: See Variation 11.

At present the Licence already allows all ages (0-17) in both bar and restaurant without adult supervision, at these times:

8 - 23 (residents)

9.30 - 23 (non-residents)

subject to 'whenever possible, children and young persons will be seated in areas of the restaurant away from the main bar area'.

The Board may consider that the Application is not consistent with L.O. (e): 'protecting children from harm'. This L.O. relates to 'Children' aged 0-15 years, and not to older 'Young Persons' (aged 16-17).

Variation 13: Increase internal capacity from 70 to 119 (in addition to the outdoor capacity of up to 148)

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

Notes: the NAC Building Standards Dept. reports that the proposal is within the relevant legislation.

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.

If Variation 7 is granted, C.5.2 should be varied as above.

Application for Variation of Premises Licence - Section 29

Applicant	A & M Dobbin Ltd
Premises	V G Store, 22/24 Guildford St, Millport KA28 0AB
Ref.	0065

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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 Conditions requiring CCTV</i>
2	<i>Increase off-sales display area</i>
3	<i>Increase Sunday Hours</i>
4	<i>Change store's name</i>
5	<i>Increase Hours 7 days a week</i>

Variation of Hours - Off-sales

	Current	Proposed
Monday	10.00 - 18.00	10.00 - 22.00
Tuesday	"	"
Wednesday	"	"
Thursday	"	"
Friday	10.00 - 19.00	"
Saturday	"	"
Sunday	12.30 - 18.00	"

Variation of Capacity

	Current	Proposed
Off-Sales (sq. mtr.)	9.28	10.4

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.

Variation 1: Remove Conditions requiring CCTV

Discretionary refusal

Notes:

The Conditions are:

"B.5 CCTV

Where the Premises can sell Off-sale but not On-sale, Additional Condition X.1, Paragraphs (a) to (f) (which relate to CCTV coverage within all parts of the Premises and of entrances, and the retention and use of recordings) shall apply.

X.1 CCTV

(a) The Licence Holder shall install and maintain a CCTV system which shall cover all parts of the Premises and any Outdoor Drinking Area to which the public have access (other than toilets), the entrances and exits, stages and performance areas;

(b) CCTV must be of a high quality to ensure that individuals may be clearly identified;

(c) The Licence Holder shall ensure that at all times a member of staff who is able to operate the system, and to display recordings on request, is on the Premises;

(d) The Licence Holder shall retain recordings for not less than one calendar month, and when specially requested by the Police or Board, for the specified period or until a specified event occurs.

(e) The Licence Holder shall when requested provide facilities for Police or the Board to view the recordings;

(f) The Licence Holder shall provide the recordings for use in proceedings in Court or before the Board."

The Board may consider that the Application is not consistent with Licensing Objective (a): 'preventing crime and disorder'.

The Conditions were adopted with a view to minimising theft of alcohol and increasing the detection of under-age sales. If the Board was to depart from its Conditions here, it might receive similar requests from all over NA.

It is a Board requirement that the CCTV conditions automatically apply to off-sale shops. It only applies to on-sales Premises, such as pubs, if and when the Board decides. A separate CCTV requirement applies to Premises open after 1.00 a.m. (e.g. nightclubs).

The 'CCTV in off-sales' requirement is not imposed by Statute, so the Board would be entitled to remove it, but with one exception all other off-sale Premises in the Board's area have these conditions. The exception is that the Board agreed to lift

the condition from a Post Office on Arran which has all its alcohol display behind the counter, and so inaccessible – the Millport premises have displays which are both accessible to the public and behind the counter.

Variation 2: Increase off-sales display area

Discretionary refusal

Notes:

The 'accessible' area is being extended, so the overall capacity is to increase by about 12%.

There are two issues:

1. Licensing Objective (d)

The Board may consider that the Application is not consistent with L.O. (d): 'protecting & improving public health'.

The L.O. expressly states 'improving'. Opinions may differ as to whether an increase in the ability to sell 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.

2. The Variation may create 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 3: Increase Sunday Hours

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

Notes:

The Premises have 12.30 p.m. opening on Sunday because that was the 'Permitted Hour' under the 1976 Act. Premises could not apply for more than they already had if they wanted to retain 'grandfather rights'. This reason no longer applies, and Premises are now entitled to request the full set of hours allowed by Board Policy, which in the case of off-sales is 10.00 - 22.00, 7 days a week.

Variation 4: <i>Change store's name</i>
Mandatory Grant : The request is for a 'Minor Variation'
Notes: the scope of 'Minor Variations' was extended in 2011, and now includes a change in the Premises' name.
The store is to be known as "Millport's Premier Store"

Variation 5 : <i>Increase Hours 7 days a week</i>
Grant (no statutory reason to refuse, and no breach of Board policy)
Note: see Variation 3.

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.
If Variation 1 is granted, the relevant Conditions should be deleted

Application for Variation of Premises Licence - Section 29

Applicant	Ladeside of Kilbirnie Bowling Club
Premises	Club, 6 Mill Road, Kilbirnie, KA25 6DZ
Ref.	0268

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

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>Surrender special status as a 'Section 125 Club'</i>
2	<i>Appoint Premises Manager</i>
3	<i>Amend Operating Plan to include Bingo, Poker, Pool and Quiz Nights</i>
4	<i>Remove Conditions as to the playing of pool and darts in areas admitting Children under 16</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.

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, e.g. it will continue to restrict the use of its facilities to Members and their guests. 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 Board requires to decide whether the proposed Variation is desirable, in that it introduces into the locality another 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.

If the Special Status is removed, the Annual Fee will be higher, and based on Rateable Value (as fees for commercial Premises are).

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'

Variation 3: Amend Operating Plan to include Bingo, Poker, Pool and Quiz Nights

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

The Applicant proposes:

- (a) Prize Bingo (donated prizes, no cash prizes)
- (b) Poker (£5 entry fee per game)
- (c) Pool Table
- (d) Quiz nights (no cash prizes)

Note to Applicant

The Application seeks Variation of the Premises Licence under the Licensing (Scotland) Act 2005 (the alcohol licence). Although that Licence can be varied so as to include 'gaming', this Variation is not enough to permit anything which is covered by the separate legislation in the Gambling Act 2005. Unless the proposed activities are covered by entitlements or exemptions under that legislation, separate Permits or Licences may be needed. The Applicant should contact the Board office for advice on what is required.

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

Discretionary refusal

Notes:

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 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);"

3. Licence Conditions

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

If Variation 4 is granted, those Conditions should be deleted

Application for Variation of Premises Licence - Section 29

Applicant	J & S Bingo
Premises	Non-Such Snooker Club, 35 Windmill St, 1st & 2nd floors, Saltcoats, KA21 5EW
Ref.	0169

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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 on-sales closing time on Thursday from 24.00 to 1.00

2. Issues

Variation 1: Increase on-sales closing time on Thursday from 24.00 to 1.00
Grant (no statutory reason to refuse, and no breach of Board policy)
Notes: The Premises hold a Pool League on Thursday nights and seek longer hours so that patrons do not have to leave (to go to other Premises which <u>already</u> have Policy hours). The Application is consistent with the Board's Policy, which allows Premises to have hours to 1.00 a.m. on Thursday (These Premises are Type (b) in the Licensing Policy Statement 2012-2013, Paras. 9.6 - 9.8).

3. Licence Conditions

No variation of the Conditions is appropriate.
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Application for Variation of Premises Licence - Section 29

Applicant	A C Currie Ltd
Premises	"Keystore", 67/71 Ashgrove Road, Ardrossan, KA22 7HS
Ref.	0157

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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

No.	Variation
1	<i>Increase off-sales capacity from 20.0 sq.m. to 28.2 sq.m.</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.

Variation 1: Increase off-sales capacity from 20.0 sq.m. to 28.2 sq.m.
Discretionary refusal
<p>Notes:</p> <p>The Premises are a Convenience Store with an off-sales facility, and they seek to increase the existing capacity by 41%.</p> <p>There are two issues.</p> <p>(a) 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.</p> <p>(b) Licensing Objective (d): The Board may consider that the Application is not consistent with L.O. (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.</p>

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	Thomas Gilmore
Premises	Ormidale Hotel, Brodick, Isle of Arran, KA27 8BY
Ref.	0359

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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>Add activities: conference facilities; receptions; club meetings; theatre; films</i>
2	<i>Alter under-18 access</i>
3	<i>Remove Conditions as to the playing of pool and darts in areas admitting Children under 16</i>
4	<i>Add off-sales</i>

2. Changes in Variation 2:**(a) Variation of Access terms for 'Children' (aged 0-15)**

	Current	Proposed
Terms (OP 6(b))	<u>Resident</u> Children 0 - 15 allowed if with adult, for meals, for all Core Hours.	No change for Resident Children. <u>Non-Resident Children 0 - 15 allowed if with adult, for meals, only to 23.00.</u>
Times (OP 6(d))	Non-Resident Children: until 20.00.	<u>Non-Resident Children: until 23.00.</u> <u>Resident Children: until 1.00 a.m.</u>
Parts (OP 6(e))	All parts of Premises (except near bar)	n/c

(b) Variation of Access terms for 'Young Persons' (16-17)

	<i>Current</i>	<i>Proposed</i>
Terms (OP 6(b))	<u>Resident</u> YP allowed if with adult, for meals, for all Core Hours.	No change for Resident YP. <i><u>Non-Resident</u> YP allowed if with adult, for meals, for all Core Hours.</i>
Times (OP 6(d))	Non-Resident YP: until 20.00.	<i>Resident and Non-Resident YP: until 1.00.</i>
Parts (OP 6(e))	All parts of Premises (except near bar)	n/c

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.

<i>Variation 1: Add activities: conference facilities; receptions; club meetings; theatre; films</i>
Grant (no statutory reason to refuse, and no breach of Board policy)
<p>Notes:</p> <p>(a) Applicant should advise the Board where the 'theatre' would be, as the Layout Plan does not show a purpose-built area, and what the 'theatre' would involve, e.g. who the performers would be, how many performers there would be, and what forms of performance are proposed (e.g. singing, acting, dancing).</p> <p>(b) Note to Applicant (not an issue for the Board) - The Application seeks Variation of the Premises Licence under the Licensing (Scotland) Act 2005 (the <u>alcohol</u> licence). Although that Licence can be varied so as to include 'theatre', this Variation is not enough to permit anything which is covered by the <u>separate</u> legislation in the Theatres Act 1968. Unless the proposed activities are covered by entitlements or exemptions under that legislation, separate Permits or Licences may be needed. The Applicant should contact the Board office for advice on what is required.</p>

Variation 2: <i>Alter under-18 access</i>
Discretionary refusal
<p>Notes:</p> <p>All under-18s require to be accompanied by a responsible adult.</p> <p>The proposal for 'Young People' (aged 16-17) does not appear inconsistent with any L.O., but the Board may consider that, insofar as it relates to 'Children' (under 16) it is not consistent 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 proposal to allow Children (aged 0-15) on the Premises after 20.00 is not consistent with this L.O..</p>

Variation 3: <i>Remove Conditions as to the playing of pool and darts in areas admitting Children under 16</i>
Discretionary refusal
<p>Notes:</p> <p>The proposal is to allow the occasional use of a darts board in the main bar area, The Applicant states that the dart board will remain in a closed cabinet and will not be in use when Children are present on the Premises.</p> <p>The Board should consider whether or not this Application is inconsistent with Licensing Objective (e): 'protecting Children from harm'</p> <p>This L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17).</p> <p>The Licence is subject to NALB Standard Conditions, including:</p> <p>"C.10.3 In the area(s) of the Premises to which Children are admitted: ...</p> <p>(d) The playing of darts, pool, snooker or any other game is prohibited;</p> <p>(e) There shall be no dartboard, pool table or other facilities for such activities in those area(s);"</p>

Variation 4: Add off-sales
Discretionary refusal
<p>Notes:</p> <p>At present the Premises are licensed for on-sales only. The proposal is to add off-sales hours, 11.00 a.m. to 22.00 p.m., 7 days a week. This is within Board Policy, but 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.</p> <p>On the assumption that off-sales are only to be sold from the existing gantry, the usual presumption of refusal due to Overprovision does not apply (NALB Licensing Policy Statement 2012-13, Annex E, Para. 2.5).</p> <p>If off-sales are allowed, the capacity should be stated (under Section 147, 'capacity' includes <u>both</u> the number of on-sales customers and the display area for off-sales. The Layout Plan should be amended to show the location and dimensions of that area.</p>

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 3 is granted, the relevant Conditions should be deleted
If Variation 4 is granted, the Conditions for Off-Sales (Part B) should be added

Application for Variation of Premises Licence - Section 29

Applicant	Mrs. Jaspreet Bawa (formerly Soumel)
Premises	Post Office, 3 Townhead St., Stevenston KA20 3AF
Ref.	337

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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

No.	Variation
1	Increase in off-sales capacity from 23.52 sq.m. to 26.36 sq.m.

2. Issues

Variation 1: Increase in off-sales capacity from 23.52 sq.m. to 26.36 sq.m.
Discretionary refusal
Notes: The Variation reflects a re-arrangement of the shop's layout, which leads to a small increase in capacity. If the rearrangement had been achieved without an increase, this would be a 'Minor Variation' and would be granted automatically. The case only requires to call at the Board because capacity is <u>increasing</u> . There are two issues, although the Board has discretion and might choose to treat this case as an exception: (a) 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. (b) Licensing Objective (d): The Board may consider that the Application is not consistent with L.O. (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.

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.

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	Graham Conrathe
Premises	Moorpark House Hotel, Kilbirnie, KA25 7LD
Ref.	022

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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>Amend Layout Plan to add Outdoor Drinking Area – North Terrace</i>
2	<i>Amend Layout Plan to add Outdoor Drinking Area – West Terrace, Croquet Lawn and West Garden</i>
3	<i>Amend Layout Plan to add Outdoor Drinking Area – South Terrace</i>
4	<i>Vary Condition C.5.2 so as to permit use of North Terrace until 24.00 for the consumption of alcohol and smoking</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.

The proposal is to add three Outdoor Drinking Areas to the north, west and south of the Premises. The Premises are in a rural location to the north-west of Kilbirnie lying to the east of School Lane. There are dwelling-houses on the west of School Lane. The closest to the Premises is 'Woodhill', occupied by Mr David Wilson.

Measured from 'Woodhill', the proposed areas are approximately:

North Terrace – 100 m.
 West Garden and Terrace – 50 to 65 m.
 South Terrace – 65 m.

The North Terrace is on the far side of the Premises, as viewed from 'Woodhill'.

There have been extensive discussions between the L.S.O., Mr. Wilson and the PLH, and the Board may wish to be advised of these.

Variation 1: Amend Layout Plan to add Outdoor Drinking Area – North Terrace

Discretionary refusal

Notes:

The proposal is to permit use of North Terrace until 24.00 for the consumption of alcohol and smoking.

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'.

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."

The Licence is already subject to a 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."

The Applicant invites the Board (Variation 4) to vary that condition so as to substitute for "10.00 p.m." the word "12.00 p.m."

Variation 2: Amend Layout Plan to add Outdoor Drinking Area – West Terrace, Croquet Lawn and West Garden

Discretionary refusal

Notes:

The proposal is to permit use of these areas until 22.00 for the consumption of alcohol and smoking.

The same L.O. issue described in Variation 1 is also relevant here. Both Standard Conditions apply, and there is no request to vary these.

Variation 3: Amend Layout Plan to add Outdoor Drinking Area – South Terrace

Discretionary refusal

Notes:

The proposal is to permit use of these areas until 20.00 for the consumption of alcohol and smoking.

The same L.O. issue described in Variation 1 is also relevant here. Both Standard Conditions apply, and there is no request to vary these.

Variation 4: <i>Vary Condition C.5.2 so as to permit use of North Terrace until 24.00 for the consumption of alcohol and smoking</i>
Discretionary refusal
Notes: See Variation 1.

3. Licence Conditions

If Variation 4 is granted, the Condition should be varied.
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Application for Variation of Premises Licence - Section 29

Applicant	Loch Lomond Golf Club Ltd
Premises	Dundonald Links, Ayr Road, Irvine, KA12 8DJ
Ref.	0375

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 15 November 2012 (late display):

- 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>Amend status of Club to gain 'Special Status' under Section 125</i>
2	<i>Delete Mandatory Conditions 4 & 5</i>
3	<i>Delete appointment of Premises Manager</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.

Variation 1: Amend status of Club to gain 'Special Status' under Section 125
Defer until the Board is satisfied that the Club qualifies for the Special Status'; If satisfied, Grant (no statutory reason to refuse, and no breach of Board policy)
Notes: Variation 3 follows from Variation 1: if Variation 1 is refused, Variation 3 will be unnecessary. The Board should not determine either Variation until satisfied that the Club's Constitution or Rules meet the requirements for the 'Special Status'. At present, the Premises are licensed like any commercial Premises, e.g. like a public house. Section 125 of the Act allows Clubs to have a 'Special Status', provided that they have certain provisions in their Constitution or Rules.

This Special Status means that:

- (a) the Club has lower Licensing fees (currently the Annual Fee is based on Rateable Value, and is £500, but a Club with 'Special Status' would pay only £180);
- (b) does not require to have either a Premises Manager or Baby-Changing Facilities, and
- (c) 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.

Variation 2: Delete Mandatory Conditions 4 & 5

Obligatory refusal, as incompetent

Notes:

The Conditions are:

4 (requirement for there to be a Premises Manager for Licensed Premises), and

5 (requirement for sales of Alcohol under Premises Licence to be authorised by a Personal Licence Holder).

Those Conditions currently apply because the Premises are not entitled to 'special treatment', so they apply to the Licence because the Act itself so requires (Section 27(1)) and not because the Board itself has imposed them under Section 27(6). The Board cannot remove or vary Mandatory Conditions.

However, if Variation 1 is granted, those Conditions automatically cease to apply (Section 125(2)(f)).

Variation 3: Delete appointment of Premises Manager

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

Notes: This Variation follows from Variation 1. At present the Premises do not have the 'special treatment', so require a P.M. like any other. If they are granted 'special treatment' they no longer need a P.M..

3. Licence Conditions

The Premises are currently subject to the Parts of the Board's Standard Conditions which are appropriate to Premises selling both on-sales and off-sales.

If Variation 1 is granted, these Conditions should be augmented by Part I, which is appropriate to Clubs which have the 'special treatment'. Part I largely repeats the Regulations which relate to the requirements of a Club's Constitution or Rules in order to qualify for the 'special treatment'.

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.

Application for Variation of Premises Licence - Section 29

Applicant	Wm Morrison Supermarkets PLC
Premises	Morrisons, Hawkhill Farm, Kilwinning Road, Stevenston, KA20 3DE
Ref.	0163

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 9 November 2012:

- 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 off-sales display from 173.63 sq.m. to 191.4 sq.m..

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.

Variation 1: Increase off-sales display from 173.63 sq.m. to 191.4 sq.m..
Discretionary refusal
Notes: The supermarket is being re-designed and the alcohol display capacity is increasing by about 10%. The floor area of the alcohol part of the shop is not changing – the increased capacity is achieved by replacing one display, using four shelving units, with: 2 wine towers "free-standing half-price wine table end unit" 12 "display bases" There appear to be two issues: <u>(a) Licensing Objective (d)</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) The Variation may create 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.

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Occasional Licence - Section 56

Applicant	Thomas Payne (Garnock Valley Boxing Club)
Premises	Walker Hall, Main Street, Kilbirnie
O.L. Ref.	803/12

1. Summary of Proposal

- (a) Most O.L.s are granted under delegated powers, subject to NALB Licence Conditions (see Part 5 below). This particular Application is being referred to the Board as the activity proposed is boxing, so the Board itself will wish to consider whether or not the Application should be granted.
- (b) An O.L. is granted temporarily for Premises which are not otherwise Licensed. In addition to consulting the Police and LSO (who may comment within 21 days), the Board gives public notice by advertising on its website for 7 days; and anyone can object in that time.

A single period covered by an O.L. costs £10, in contrast to the fee for permanent commercial Premises (where the initial fee is in the range £800 to £2,000, and further an Annual Fee in the range £220 to £900 is due).

O.L.s are not counted for Overprovision purposes, and Overprovision itself is not a valid reason for refusing an O.L.

2. Consultation

Police	No objection
LSO	No objection
Other objections or representations	None

3. Detailed proposal

Date(s) and times requested	Saturday 8 December 2012, 19.00 – 24.00
Occasion	Boxing Ring
Sale of alcohol	on-sales only
Children (0-15 years)	Children of 11 and older are permitted until they box
Young Persons (16-17)	Young Persons of all ages are permitted until they box

4. Possible decision

Discretionary refusal

Notes:

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

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

Unsuitable Premises

The statutory Grounds for Refusal include Section 59(6)(d):

“(d) that, having regard to—

- (i) the nature of the activities proposed to be carried on in the Premises to which the Application relates,
- (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.”

The Board may wish a Report from Building Standards to confirm suitability, and also to specify an occupant capacity.

Contact Sports

The Applicant should advise the Board:

- (a) what provision is to be made for medical checks and treatment of participants before, during, and after the bouts
- (b) whether the bouts would be conducted according to the rules and standards set by an established sporting association
- (c) what arrangements are proposed to ensure that spectators are not injured (e.g. will the bouts be held in a traditional roped-off ring)
- (d) how many spectators will be present
- (e) will the spectators be seated or standing
- (f) what form of boxing is intended
- (g) who would organise these events
- (h) who the participants would be

- (i) whether they would be under 18
- (j) what charity would benefit
- (k) whether the entire admission charges would be paid to the charity or whether any proceeds would be retained by the Licence Holder or bout organiser

Licensing Objectives

It may be thought that these L.O.s are engaged:

L.O. (b): 'securing public safety', L.O. (d): 'protecting & improving public health'

The Board is entitled to enquire as to the arrangements for medically checking and treating participants and as to the arrangements for the boxing ring to avoid spectators being injured.

L.O. (e): 'protecting Children from harm'

This L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17). If neither participants nor spectators will be under 16, the Board may disregard this L.O..

Information for Applicant

The Premises may require other Consents or Permissions, and the O.L. would not remove the need for these. These are not issues for the Licensing Board and should not be taken into account in making a decision about the proposal. They are only mentioned here for the Applicant's information: e.g. the boxing ring may need a 'Raised Structure Consent' under Section 89 of the Civic Government (Scotland) Act 1982. The Applicant should contact the NAC Chief Building Standards Officer.

5. Licence Conditions

As well as the Conditions which automatically apply (2005 Act, Schedule 4) the Board is entitled to attach conditions to the O.L.:

- (a) The Board may wish to make it a condition of the licence that the premises will at no time contain more than a set number of people.
- (b) The Licence will be subject to Parts
 - A (All Premises)
 - H (Occasional Licences)
 - L (Contact Sports)

of the current NALB Standard Conditions. unless the Board agrees to vary the

Conditions.

These are set out below and include:

Part H contains conditions on use of outdoor areas (e.g. marquees), supervision, training, and the use of plastic (not glass) drinking receptacles.

Part L contains conditions appropriate to boxing, karate or other martial arts etc.. It requires medical supervision, parental consent, sometimes insurance, and the prior delivery of medical and parental consent documentation to the Board.

Part H of the NALB Licence Conditions applies to Occasional Licences and includes:

H.7 Temporary Structures (such as a marquee or tent):

Alcohol may only be consumed within either that structure or a roped area beside it reserved exclusively for drinking (where the roped area is no more than 50% of the area of the structure).

H.9 Supervision

- (a) adequate stewarding must be provided;
- (b) all staff who sell or serve alcohol either hold a Personal Licence or have received the same training as is required of staff in Licensed Premises;
- (c) the Licence Holder or that trained member of staff must be present for the duration.

H.10 Conduct

- (a) Children under 14 years must be excluded from the bar area;
- (b) no alcohol is to leave the Licensed Area (if a Temporary Structure is used, this means the that structure or roped area - see H.7)
- (c) No glasses shall be used. All drinks (alcoholic or not) shall be decanted into paper or plastic containers.

Part L of the NALB Licence Conditions applies to Contact Sports and includes:

L.11.2. No Child (a person aged under 16) shall participate in a contact sport without the written consent of someone holding Parental Rights over him.

L.11.3. Except where the whole proceeds of the event are paid to a charity, the Licence-Holder shall hold an insurance policy or bond indemnifying him

against any claims which might be made by the public or any third party arising from the death of or injury to any person, to the extent of £10,000,000 per claim.

L.11.4. Either

- (a) a Medical Practitioner, or
- (b) a person trained to the satisfaction of the Licensing Board in administering first aid,

must

- (a) ascertain by checks before, during and after bouts that all participants are medically fit to participate; and
- (b) be present on the Premises throughout the period from the start of the first bout until the end of the period of Licensed Hours.

L.11.5. The Licence-Holder shall follow the instructions of any officer of the Board or North Ayrshire Council as to any of the arrangements for the event or the location of any structure, furniture or seating in connection with—

- (a) the sale of Alcohol on the Premises, or
- (b) any other activity carried on in such Premises.

Those instructions may be given at any time or times, before and during the period that the Licence has effect.

Use by the public of the Premises shall not take place until such instructions are complied with (and if that use has begun, it shall cease if the officer determines that this is necessary to safeguard the public).

L.11.7. Where contact sports are conducted on Premises which are subject to an Occasional Licence, the Licence-Holder shall deliver the documents described in L.11.6 (a) and (c) to the Clerk at least 72 hours before the Occasional Licence has effect. Notwithstanding signature and delivery of the Licence, it shall be of no effect until the Clerk has confirmed both:

- (a) that this Condition has been fully complied with, and
- (b) that he is satisfied both with the extent of any indemnity and the qualifications of the First Aider.

The documents referred to are:

- (a) *the written consent as to a Child's participation (required by L.11.2);*
- (c) *either a statement of the name and address of the Medical Practitioner, or the First Aider's Qualification Certificate (required by L.11.4).*

