

**North Ayrshire Licensing Board  
26 October 2020  
Coronavirus Procedure**

**Meeting, 26 October 2020** - At a meeting of the North Ayrshire Licensing Board at 10.00 am using online video conferencing.

**Present**

Councillors Ronnie McNicol (Convenor), Todd Ferguson, Robert Barr, John Easdale, Jean McClung and Davina McTiernan.

**In Attendance**

A Craig, Clerk, W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer, M Champion, Admin Assistant and D McCaw, Committee Services Officer.

**Also In Attendance**

Chief Inspector Brian Shaw and Sergeant Scott Barrie (Police Scotland).

**Convenor**

Councillor Ronnie McNicol.

**Apologies for Absence**

Councillor Scott Gallacher.

Councillor Angela Stephen

The Board determined that this meeting cannot be held in public for a reason relating to coronavirus. As an alternative the meeting was conducted using online video-conferencing instead of in Council Chambers at Cunninghame House, Irvine. Accordingly, this meeting was not open to the public.

The legislation which permits this is the Coronavirus (Scotland) Act 2020, Schedule 5, Paragraph 4(5)(d), amending Licensing (Scotland) Act 2005, Schedule 1, Paragraph 12(2); the 2020 Act was extended to 31 March 2021 by the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 No. 299.

The Convenor welcomed Members and Officers, applicants and guests to the virtual meeting and reminded them to switch off their microphones when not speaking and that their camera is on during the meeting to ensure they are visible as being present. He also asked everyone to open the chat box and if they have a question or a point of order at any point, they should indicate this by typing "Q" or "PO", respectively, in the chat box.

**1. Declarations of Interest**

There was no Declarations of Interest.

**2. Licences and Applications under the Licensing (Scotland) Act 2005.**

The Board considered a report by the Clerk to the Licensing Board on matters under the Licensing (Scotland) Act 2005. The report, on this occasion, contained 1 Appendix.

A. Premises Licence applications or any other applications requiring a Hearing.

The Licensing Board agreed to dispose of the matters as follows;

**A. Premises Licence applications or any other applications requiring a Hearing**

**A.1 0508 Metro Reloaded Limited, 2A Hamilton Street, Saltcoats**

The Board considered an application for grant of a Provisional Premises Licence made by Metro Reloaded Limited for the above premises. The Applicants, Steven Miller and Gary Burns, were present.

An objection was submitted in relation to the application from Police Scotland. A copy of the objection was provided to the applicants prior to the Board meeting and a copy was given to the Board Members.

The Board considered the terms of the case summary report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the summary report.

Mr O'Brien advised the Members that the background papers consisted of the objection letter from Police Scotland, email exchange between Mr O'Brien and the applicants and an email from the LSO. Both Mr Miller and Mr Burns confirmed to the Convenor that they had received copies of the relevant paperwork.

Explaining the video conference procedure, the Convenor invited the applicants to address the Board, followed by Police Scotland and then it would be opened out to Board Members for any questions.

Mr Burns and Mr Miller then addressed the Board. They advised that their intention is to bring people back to Saltcoats, to boost the local economy and to provide live bands, DJ's, music events and charity events in the premises. This would create more jobs for the area and more income to local taxi drivers and local business and put Saltcoats back on the map again.

Mr Burns and Mr Miller explained the intention is to operate from 11am until midnight during the week, with Thursday and Friday catering for music events and a nightclub on a Saturday night only. Live bands, tribute nights, DJ's and under 18s events will be on Friday nights. The premises would also cater for weddings, Christenings, birthday parties, retirements, business functions open mic nights. During the day there would be fitness classes and charity groups with events for every age in the whole community and all of these activities would bring this iconic building back into use.

Chief Inspector Shaw then read out the content of the objection letter from Police Scotland. He stated granting the application would be inconsistent with one or more of the licensing objectives, namely Preventing crime and disorder and Securing public safety.

Chief Inspector Shaw highlighted to the Board that an increase in the numbers of people in this area under the influence of alcohol would have a very high impact on Police resources and would ultimately result in additional crime within the community.

The Convenor asked the applicants to address the concerns of Police Scotland especially regarding to the 2 Licensing Objectives.

Mr Burns and Mr Miller confirmed that they are in the process of meeting with a security company who will require to attend the premises to confirm the quantity of stewards required due to the size of the building. Along with stewards on duty, there would also be ushers and members of staff in the premises to help with dispersal of people and to get them home safely. Mr Burns confirmed that the intention was for security staff not to be from the local area so that they would not be known to customers. He also confirmed to the Convenor that both Mr Miller and himself were Personal Licence Holders and either of them, in turn, would be on duty on a Saturday night as well as another manager.

Mr Burns confirmed to the Convenor that Policies on the evacuation of the premises; and the prevention of the misuse of drugs on the premises would be in place at the time of Confirmation.

The Convenor then invited questions from the Board Members. Councillor Easdale noted that although he did not know the area well, he is concerned with the existing high crime statistics in the vicinity, these exist without the premises being open and asked what the proposals were to help this situation. Both Mr Miller and Mr Burns confirmed they intend to work alongside the Police to help make the area a better place by offering entertainment that would hopefully distract people away from crime.

Councillor McClung, knowing the area well, confirmed it was an iconic building which is in a terrible state of repair and enquired what the intentions are to upgrade the exterior of the building. Mr Miller confirmed that the existing steel canopy will be removed, and a modern sign put in its place, new windows will be fitted and the exterior painted to make the building look good again. At the moment they have been concentrating mainly on the roof and the inside of the building. Mr Burns highlighted that this work required a lot of money and without the Provisional Premises Licence being granted this work remains outstanding.

In relation to the late opening to 2.30am and the capacity of 540 people, Councillor Barr noted that public transport is not available at this time therefore the demand for taxis would be very high. Mr Miller and Mr Burns advised that not all 540 people would leave at the same time and that people from out of town would probably arrive by buses or they would arrange taxis from their local area to collect them therefore leaving local taxis for local residents.

Mr Burns confirmed their intention to the Convenor for the nightclub only to be open on a Saturday night to 2.30am. Thursday and Sunday would be for music events normally closing earlier but they would like the flexibility to be open until 2.30am if this was required.

Both Mr Miller and Mr Burns advised the Convenor that they had no previous experience in the licensed trade.

Mr Miller noted that both he and Mr Burns are very passionate about this venture. They have received a lot of support from local businesses, have had meetings with the local Police, have put a lot of work and spent a lot of money on the building for the benefit of Saltcoats. Their intention is to benefit the whole community and help turn bad vibes into something positive.

Mr Burns advised the Convenor that there is no kitchen and food would not be supplied on the premises although catering may be provided at functions by external parties. Accordingly, Mr Burns confirmed that buffets are to be removed from the Operating Plan and if applicable in the future a Variation would be applied for.

With regards to the capacity of 540 people, Mr Burns advised this was the figure provided by Building Control.

Regarding young persons (16 and 17 years) attending birthdays, Mr Burns confirmed to the Convenor they will not require to be accompanied by an adult, no alcohol will be sold during these events and security staff will be on duty as well as 6 members of staff ensuring that no alcohol is brought into the premises. Mr Miller also advised that both Mr Burns and himself would also be present during these times and if any young person was under the influence of alcohol they would be asked to leave.

Mr Miller advised the Convenor that to date a lot of work has been carried out on the pitched roof at the back of the building with completion only last week and it is intended that a contractor will carry out work to the flat roof. Mr Burns advised that a lot of work has been carried out on the inside of the building as well as repairing holes in the roof and removal of pigeons. In total it has taken 6-8 months to complete the repairs to the roof.

Mr Miller also explained to the Convenor that the intention is to install a new air conditioning unit if the Provisional Premises Licence were granted.

The Convenor highlighted that Protective Services had raised issues regarding the ceiling and an officer had classed the building as dangerous. Mr Miller advised that part of the ceiling had been removed and the ceiling area at the second bar balcony area has partially been repaired making the ceiling much more secure. Mr Burns and Mr Miller informed the Board that the walls were also badly damaged by dampness and a lot of repairs have been carried out to a high standard.

Mr Burns confirmed that the initial application was for phase 1 and understood that a Major Variation would be required for additional phases.

Regarding overprovision, Mr Burns advised that the premises would be different from those currently in the area, the intention is a music venue where an entry fee will be required.

Councillor McClung noted that they were limited to the ideas that could be implemented until the Provisional Premises Licence was granted. With regards to under 18s discos she queried if these had caused issues for the Police in the past.

Chief Inspector Shaw confirmed it was the case that under 18s events had caused issues in the past in Irvine and Glasgow where he has been based. He confirmed that these events usually end up causing issues for both the Premises and for the Police. He highlighted that Pitchers, a well established nightclub in Irvine, chose to stop these events due to issues, as had a lot of premises in Glasgow. He advised there is often gang rivalry when young people come to these type of events from different areas.

Mr Miller advised that the intention was to have under 18s events once a month where security would be on duty. Further Mr Burns highlighted that everyone deserves a chance but if issues did arise then they would put a stop to these events. Chief Inspector Shaw agreed that everyone does deserve a chance, however, although issues are fairly easy to manage when inside a premises, managing these before and after an event causes significant problems for the Police.

Confirming that their intention is to bring positivity to the town and to North Ayrshire in general, Mr Burns advised that it would also help the local economy where business are currently facing financial difficulty. By putting Saltcoats back on the map it would help provide more income for shops, taxis and B & Bs. Mr Miller also pointed out that people of every age would benefit from the premises, it is not just a nightclub but would be a venue for lots of varied events.

Chief Inspector Shaw confirmed that Police Scotland do have concerns as the area is very busy at the moment and if the premises were opened it could increase the already high amount of crime and antisocial behaviour in the area. He also advised that at the dispersal time when Police resources are limited, and crime rates are already very high it would be Police resourcing and the local community that would be impacted upon.

The Board adjourned with the Solicitor (Licensing) at 10.50 am to deliberate in private and all applicants, objectors and external participants left the virtual meeting. The meeting re-convened at 11.17 am.

A roll-call was made to ensure all Members were present. The same Officers were present except from Diane McCaw, Committee Services Officer, who had left the meeting.

Having considered the terms of the case summary and the submissions made, Councillor Barr moved that without the ability to conduct a site visit due to the Coronavirus the Board should continue consideration of the application to a future meeting when a video could be supplied by the Applicants showing both the inside and the outside of the building and works carried out to date. Councillor Ferguson seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Easdale, McClung and McTiernan all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to continue the case to the November meeting of the Licensing Board and for a video of the building to be provided beforehand, in place of a site visit.

The Convenor asked that the recorded video contain information on location of toilets, bar area, disco area and explaining works carried out so far as well as intended works to both the inside and outside of the building.

The Board adjourned at 11.30am for a 10 minute break before considering the second case. All parties left the virtual meeting and the meeting reconvened at 11.42am.

A roll-call was carried out to ensure all Members were present. The same Officers were also present.

## **A.2 Premises Licence 0007 Bar One, 55 Vernon Street, Saltcoats**

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Bar One (Saltcoats) Ltd, for the above premises. The Premises Licence Holder was represented by Brian McMahon, Licensing Consultant, and he was accompanied by Miriam Wyllie, Director of Bar One (Saltcoats) Ltd and Hayley Kean, Premises Manager.

An objection was submitted in relation to the application from Police Scotland. A copy of the objection was provided to Mr McMahon prior to the Board meeting and a copy was given to the Board Members.

The Licence Holder was requesting the following variation:

To extend on-sales hours so that on Friday and Saturday the Premises are to be open to 2.00 a.m.

The Board considered the terms of the case summary report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the summary report.

Mr McMahon then addressed the Board. Explaining the background to the application Mr McMahon advised that in the last year the premises had operated 16 late night events, pre-covid, which have proved a great success. He explained that of the 12 staff in the premises 9 are Personal Licence Holders, 2 have undertaken the training course and about to apply for Personal Licences and 5 members of staff are qualified first aiders. The Bar One Experience known as The Box is self-contained and has a capacity of 134 persons.

On a typical night both the Premises Licence Holder and Premises Manager would be on duty as well as a minimum of 3 stewards. Stewards ensure there are no issues outside, are inside checking ID and taking entrance fee and at the toilet area/backdoor area. A very visible toilet attendant/first aider will be on duty ensuring no issues occur in the toilet area. Wrist bands are used after checking ID, a different colour will be used each week, and these will be returned when customers leave. The capacity will be counted using a clicker. The premises currently have experienced inhouse stewards who are known to locals. In addition, there will be 2-3 bar staff and also glass collectors on duty. The entrance fee charged covers the cost of DJ's and stewards.

Mr McMahon advised there is no increase to the current capacity. With regards to CCTV, 2 additional cameras have been positioned inside the premises and 1 outside. In the past the premises CCTV has assisted Police with incidents occurring in the vicinity of the building, unrelated to them.

The premises mainly attract local people and has also been financially beneficial to taxi operators in the area as well as staggering the times of dispersal of customers to the taxi rank. In terms of policies, 36 of the Best Bar None policies have been adapted to suit the premises.

A video and photograph of a late night event that took place during the Festive Period last year was shown to the Board.

Chief Inspector Shaw then read out the content of the objection letter from Police Scotland. He stated granting the application would be inconsistent with one or more of the licensing objectives, namely Preventing crime and disorder and Securing public safety.

Chief Inspector Shaw confirmed to Mr McMahon that the number of incidents referred to in the letter covered the general area.

In response, Mr McMahon advised the Board that the Premises had 6 incidents in this period and noted there are 7 public houses within the area.

Chief Inspector Shaw confirmed that the Premises do have a good relationship with the Police but stressed the concern is that people consuming alcohol for an extra hour would severely impact on Police resources when they are already at their highest demand.

The Convenor highlighted that only questions in relation to this application would be considered.

Mr McMahon confirmed to questions from Councillors McTiernan and Easdale that his client would be happy to accept a curfew time and that the 6 incidents he referred to previously did occur in the same period that Chief Inspector Shaw referred to. With regards to plastic containers, Mr McMahon confirmed to Councillor Barr that his client would be happy to accept the use of these.

Ms Wyllie then addressed the Board and confirmed to Councillor McClung that typically customers leave at staggered times from about 1.30am onwards, which also helps at the taxi rank.

In response to questions from the Convenor, Mr McMahon confirmed there would be no change to the capacity, the existing lounge will be used as the nightclub. The capacity of 104 in the bar and 130 in the lounge/nightclub will remain. No variation is required of the layout plan, a Personal Licence Holder would always be on duty during a late night event and that the nightclub had its own separate external entrance.

Mr McMahon also advised that a fire risk assessment had been carried out and there are 3 doors which could be used for evacuation, additionally his client will also liaise with the fire service once this is possible.

Chief Inspector Shaw recognised the strong relationship the Police have with the premises and in the 6 years that he has been in his position he has been happy with the occasional late night events. Police Officer shifts have been set up so that 2 shifts are on duty to cover peak demand at 1am when premises close, by opening to 2am there would only be one shift on duty. Therefore, late night events every weekend would put additional pressure on police resources when they are already at high demand.

The Board adjourned with the Solicitor (Licensing) at 12.19 pm to deliberate in private and all applicants, objectors and external participants left the virtual meeting. At this time it was noted that Councillor Stephen had submitted apologies for the meeting. The meeting re-convened at 12.48 pm.

A roll-call was carried out to ensure all Members were present. The same Officers were also present.

Having considered the terms of the briefing, and the submissions made, Councillor McClung proposed that the Board grant the application with a 12.30am curfew and use of plastic containers required from 1am. Councillor Easdale seconded the motion. There was no Amendment.

There was then a roll-call vote. The Convenor and Councillors Ferguson, Barr, Easdale, McClung and McTiernan all voted in favour of the motion and the Board unanimously agreed without dissent or abstention to grant.

The existing Licence Conditions are amended to include the following parts of the Board's Standard Conditions, as read with later statutory amendments Part D - Late Opening Premises.

The meeting ended at 12.52 pm.