

**North Ayrshire Licensing Board
28 November 2022**

Irvine, 28 November 2022 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Councillors Eleanor Collier (Convenor), Christina Larsen, Matthew McLean, Jean McClung and Donald L Reid.

In Attendance

R Lynch, Clerk, G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer and M Champion, Admin Assistant.

Convenor

Councillor Eleanor Collier.

Apologies for Absence

Councillors Nairn McDonald, John Bell, Ronnie Stalker and Angela Stephen.

1. Declarations of Interest

There were no Declarations of Interest.

2. Minutes

The Board were asked to confirm the Minutes of the Board meeting held on 31 October 2022. The Board unanimously agreed to confirm and adopt the Minutes.

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

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

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

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

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

A.1 Premises Licence Skelmorlie Golf Club, Beithglass Road, Skelmorlie

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Skelmorlie Golf Club, for the above premises. The Premises Licence Holder was not present or represented.

The Licence Holder was requesting the following variations:

- 1. Amend Layout plan
- 2. Amend under-18 access

The Board considered the terms of the case summary report. As the Applicant was not represented the Clerk updated the Board on the application. He referred the Members to pages 15-27 of their papers which contained the existing Operating Plan and Layout Plan as well as the proposed Layout Plan. The Clerk explained that The Club had advised that no-one was available to attend the Meeting and he confirmed the Confirmation of Site Notice had been received.

Ms Cullen, LSO, explained the application is a tidy-up of the licence, the amendment to the Layout Plan is a room name change where children and young persons are currently permitted as well as allowing more flexibility for under 18's to attend social functions.

The Clerk explained the application is all within the Board's Policy and the Board could determine the application today or continue it to a future meeting if they have any questions for the applicant.

Having considered the terms of the case summary and the Clerk's update, Councillor Reid proposed that the Board grant the application. Councillor McClung seconded the motion. There was no Amendment.

The Board unanimously agreed without dissent or abstention to grant.

A.2 Extended Hours Application 0243 Pitchers, 18 Bank Street, Irvine

The Board considered an application for Extended Hours (625/22) made by Signature Works (Scotland) Ltd for the above premises. The application is for an extension of core hours starting on Monday 26 December and ending at 3.00am on Tuesday 27 December. The Premises Licence Holder was represented by John Duncan, Director, and he was accompanied by Rachel Robertson, Premises Manager.

The Board considered the terms of a Case Summary Report by the Solicitor (Licensing). The Board also had regard to a report by Grace Cullen, Licensing Standards Officer. The Clerk referred to the Board's Festive Policy and advised Ms Robertson had also submitted a statement with the Extended Hours Application. The Premises have been granted Extended Hours to 3.00am for Boxing Night for many years. No objections to this application have been received from Police Scotland or the LSO.

The LSO confirmed the application is out-with the Board's Festive Policy hour of 2.00am however the Premises are well run and have had this granted by the Board for many years.

Ms Robertson then addressed the Board. She explained that Boxing Night is an important night and one of their busiest nights of the year.

The Clerk also noted their submission contained reference to including Boxing Night in the Board's future Festive Policy. He noted that this would be a decision for the Board when preparing their Policy in future years.

Having considered the terms of the Case Summary and the submissions made, Councillor Reid moved that the application be granted. Councillor Larsen seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Extended Hours application.

A.3 The Waterside, 14 Bath Street, Largs

The Board considered an application for variation of a Premises Licence made by the Licence Holder, Hillend Enterprises Ltd, for the above premises. The Premises Licence Holder was represented by Iain Hunter, Solicitor, and was accompanied by Brian Purdie, Director and Premises Manager.

The Licence Holder was requesting the following variations:

1. Amend Terminal Hour Sunday to Wednesday from 11.00pm to Midnight
2. Amend Terminal Hour Thursday to Saturday from 11.00pm for 1.00am

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising.

Two objections to the application had been made by Brian Tracey and Paolo Castelveccchi. Copies of the written objections were given to the Board Members. Both objectors were present. Mr Hunter confirmed that he had seen a copy of the objections prior to the Board meeting.

Mr Hunter then addressed the Board. He clarified that Mr Purdie had been at the Licensing Board in June for an Extended Hours Application, however this application is permanent in nature. He confirmed receipt of the Board Report and noted there are no preliminary matters. He referred to his written submission to the Board sent by email on Friday afternoon. He confirmed his consent to the objectors having sight of the submission.

The Clerk highlighted the report was on page 35 of the Members papers and the 2 objections on pages 42 and 43. He also confirmed Confirmation of Site Notice had been received and referred to the previous history of the Premises as detailed in the report.

Referring to his written submission, Mr Hunter advised that his client has taken on board the issues in the past as well as the objections received. He referred to the significant change in economic circumstances and the difficulty in employing staff, in particular door stewards. Mr Purdie has tried diligently to get a door steward, including advertising online. He alleged that Mr Purdie had contacted a member of Board staff who did supply a contact telephone number for stewards. His proposal now is to identify and pay for SIA training and employ his own member of staff as a steward in order to comply with the Board's wishes.

Mr Hunter advised the premises are genuinely well run and staff are aware that both the front and rear doors must be closed. They are unable to stop people leaving and entering the premises but the doors are controlled as much as possible. Referring to the application, Mr Hunter noted that no objection has been received from the Police and advised that a previous objector has since moved home. Mr Purdie has spoke with the new owner and they are happy with the way the premises are run.

Reassuring the Board, Mr Hunter said that a considerable amount of money has been spent soundproofing the premises and hopes that the suggestion to extend the roof over the outdoor smoking area to the adjoining property with double insulation would suitably reduce noise from this area. These works will not be carried out until January by which time a door steward can be employed, and SIA trained.

Mr Hunter suggested that the Board grant the application on a trial basis for 3 to 6 months and have Board Officers monitor the premises and possibly the Board could carry out a site visit

to view for themselves how the premises operate. He highlighted that his client is trying to make his business a success however in this economic climate it is very difficult.

The LSO confirmed compliance wise the premises are very well maintained and stated that since 2012 the historic noise and neighbour complaints were ultimately brought to the Board. She confirmed that in the last year no objections have been received from Environmental Health or the Police, however the Police have noted that no door stewards have been in place during the last year.

With regards to door stewards, the LSO confirmed to Councillor Larsen that she had some time ago spoke with Mr Purdie and suggested he contact the Police if he had problems obtaining a steward. She also advised him that as this was a Condition of his licence, he may want to have his own member of staff put through the training.

Mr Hunter confirmed Mr Purdie did speak with Police and as referred to in his written submission had previously arranged for his own member of staff to carry out the steward training.

Referring to the Licensing Board meeting in June when it was reiterated to Mr Purdie the requirement to have a door steward, Councillor Larsen enquired what advertising has been carried out to acquire a steward. Mr Hunter advised that online advertising has been carried out and he has had sight of some adverts and responses.

The Convenor explained that the biggest concern for the Board, which was reiterated back in June, is the absence of a door steward as this has been a Condition on the licence for the last 12 months. She also highlighted that door stewards attend other premises in North Ayrshire.

Mr Hunter confirmed to Councillor Larsen specific advertising for a steward had been placed on Bark and other sites were contacted. Mr Purdie explained to Councillor Larsen he has contacted lots of companies, all based in Glasgow, who would not provide a steward in Largs. He also added that a lot of the companies when searching online were no longer available.

Councillor Larsen expressed her concerns that Mr Purdie has been unable to obtain a door steward in the last year while this has been a Condition of his licence. Mr Purdie said that he did have someone identified to carry out the training however due to the physical nature of the training and the person awaiting surgery they were unable to carry this out. Mr Hunter suggested that if the application is granted Mr Purdie would not operate in this way until January in order that he could satisfy the Board a door steward was in place.

The Clerk referred to the Condition, the LSO clarified the Condition requires a door steward every time there is live entertainment on the premises. Councillor McLean highlighted the Board's Standard Condition C.4.4.

The Board adjourned with the Clerk at 10.31 am to obtain a copy of the Premises Licence and re-convened at 10.48 am.

The Clerk noted the adjournment was helpful in clarifying the Conditions on the Licence, copies were provided to Board Members and Mr Hunter.

Referring to the Condition placed by the Board in November last year, Councillor McClung enquired how often bands played in the premises, Mr Purdie confirmed that bands played every weekend. Mr Hunter also referred to the Covid restrictions placed on licensed premises.

Councillor McLean also expressed his concerns that live bands and dancing have been taking place in the last year with the Condition on the licence, with no door steward not being in place.

Mr Purdie advised that he himself has been in attendance when live music has been taking place. On a Friday night there is karaoke between 7.30pm and 10.30pm and on a Saturday live music is played from 7.30pm to 10.30pm. Mr Purdie is in attendance all the time ensuring doors are not jammed open and there are no issues.

Referring to the Licensing Board Meeting in June, the Convenor noted that a photograph showed doors wedged open. Mr Purdie explained that no bands were playing at that time. The Convenor reiterated again the Condition requiring a door steward.

Councillor Larsen explained the issue for the Board is a Condition requiring there is a door steward is not being adhered to. Mr Hunter noted that Mr Purdie has not had legal representation in the past, although this is a Condition his client is trying to comply with going forward. Mr Hunter referred to the previous candidate who Mr Purdie had identified to carry out the stewarding training and confirmed that another candidate will be identified and will be trained.

Referring to the noise issues, Councillor Reid enquired from Mr Purdie if the noise generated is from the live bands or from noise in the outside shelter and would the additional works make a difference. Mr Purdie said that no noise is heard outside his premises from the bands. Mr Hunter explained that there is a smoking area at the rear of the premises. Councillor Reid suggested that restricting the number of people in the outside area at any time could be beneficial. Mr Hunter noted that this could be feasible. Mr Purdie clarified to Councillor Larsen that the smoking area is monitored by staff as well as there being CCTV in the outdoor smoking area and confirmed he is trying to obtain a door steward. He confirmed that without live music his premises would close as it is a music venue. Councillor Larsen repeated that the Condition on his licence must be complied with.

Referring to staff on duty at any time, Mr Purdie confirmed to Councillor McClung that 3 members of staff are on duty, 2 in the bar and himself circulating the premises and monitoring the doors.

Mr Tracey then addressed the Board. He expressed his concerns that when other licensed premises in Largs close, when this premises had live music, people left other premises to go to The Waterside. He has lived in the area for 5 years and has witnessed constant noise, people hanging about outside, shouting and screaming, loud music with no communication with Mr Purdie. He advised that there have been no issues with the premises closing at 11pm, when other premises in Largs close at 11.45pm. He expressed his concern that a door steward has not been on duty when live music has been played and raises concerns that this is not being adhered to.

Mr Castelveccchi then addressed the Board. Agreeing with the comments from Mr Tracey, he also noted that the premises have 2 entrances and suggested the premises should have 2 door stewards, one for each doorway. He explained he has just carried out a Google search and found 6 companies that will supply door stewards in Largs.

With regards to stewards, Mr Tracey highlighted that other premises in Largs had door stewards, Room and Lounge operated by Mr McDonald. He believes that people have lots of alcohol in other premises in Largs or at home before leaving to come to The Waterside for their live entertainment. The premises are too busy for only 2 people behind the bar, the heavy rock bands are noisy when the doors are opened and believes this premises is not designed for live bands.

Referring to the outdoor smoking area, Mr Castelveccchi believes the plans for the roof will not solve the noise problem as ventilation is required for a smoking area. Mr Tracey advised that he has no problems with the music, the issues arise at closing time when lots of people leave

at the same time. Mr Castelvechi noted that Mr Purdie stated he had spoke with the new neighbour, however the new neighbour has not experienced the premises closing after 11pm.

The Clerk explained to Councillor McClung that the Board could stipulate an early curfew.

Referring to the reference that no premises in Largs are open after midnight on a Saturday, the LSO confirmed to the Convenor that most premises have a terminal hour of 1am however they can operate within this time and can chose to close earlier. The Clerk also acknowledge that premises may close earlier than their stipulated core hours. Mr Purdie alleged that Largs premises close at midnight.

To the objectors, Councillor Reid enquired what would be an acceptable trial period for the premises to be opened after midnight, Mr Tracey advised Councillor Reid that as nothing has been done in the last year to alleviate his concerns, he did not believe Mr Purdie was in a strong position to obtain this.

The Clerk asked that all parties sum up their submissions.

The LSO confirmed she had nothing further to add and both objectors confirmed they were comfortable with their submission.

In summing up his submission, Mr Hunter referred to the updates from Board Officers that Largs premises have terminal hours to 1am. He also noted that with reference to Mr McDonald's premises, Lounge, it is currently closed which is a sign of the current economic reality. He explained his Client has taken on board all the submissions made today, and previously, and he runs his premises well.

Mr Hunter confirmed that his Client volunteered to amend the application to midnight on Friday and Saturday nights and will take on board the suggestion for controlling the number of people in the smoking area as well as showing good intentions in spending money to reduce sound in the smoking area to allow him to operate his business. As Mr Purdie has not been legally represented in the past, Mr Hunter undertook that the later hours would not be brought into force until January, and not during the busy festive period.

The Clerk sought clarification from Mr Hunter on the amended application on hours and stewarding for a trial period. Mr Hunter agreed the application should be amended.

Mr Tracey noted that it has taken Mr Purdie so long to start to communicate and he is happy for this to continue. Stating concern, Mr Castelvechi referred to the 3 Reviews in the past, and consistent breach of Licensing Conditions, and he was seeking reassurance. Mr Hunter gave his assurance that the extra hours would not be in force until a licensed door steward was in place.

Referring to the suggestion of 2 door stewards, one at each of the 2 entrances, Mr Hunter confirmed to Councillor Reid the second entrance leads from the rear of the premises to the sea front and due to economic reasons this would not be feasible to his Client. Mr Purdie himself will manage the rear doorway and a door steward will be on the front door.

The Board adjourned with the Clerk at 11.18 am to deliberate in private and re-convened at 11.42 am.

The Convenor, after hearing from all parties, clarified all Conditions of the licence must be upheld and moving forward, a licensed door steward must be employed with immediate effect.

Having considered the terms of the report and the submissions made, Councillor Larsen proposed that the Board grant the application to midnight for a trial period of 3 months, with an SIA door steward being in place.

Mr Hunter clarified to the Clerk that the amendment to Friday and Saturday until midnight was sufficient with Sunday remaining 11pm.

The Clerk confirmed the application was granted for a trial period of 3 months, for Friday and Saturday night only until midnight. This will not take effect until the Clerk issued the Varied Licence following confirmation the works have been completed and an SIA door steward is available. Delegation would be given to the Clerk to allow the trial period to take effect.

Mr Hunter noted that his Client would need some time to have a door steward trained and for a joiner to carry out the proposed works to the outside area.

The Convenor highlighted that no live music should take place until a licensed door steward is in place and advised Mr Purdie to contact Environmental Health for advice on the outside smoking area to ensure the proposals comply with regulations. She was pleased there has been some communication with the objectors and suggested Mr Purdie continues discussions with the complainers.

The Clerk confirmed on all other nights the terminal hour will be 11.00pm and dialogue should continue with all parties. Mr Hunter noted that during the recess they had had a short chat with one of the complainers.

4. Any Other Business

There was no other business to consider.

The meeting ended at 11.48 am.