

**North Ayrshire Licensing Board
3 June 2019**

Irvine, 3 June 2019 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Councillors Ronnie McNicol (Convenor), Robert Barr, John Easdale, Jean McClung, Donald L. Reid and Angela Stephen.

In Attendance

W O'Brien, Solicitor (Licensing) and C Pollock, Licensing Administration Officer.

Also In Attendance

Convenor

Councillor McNicol.

Apologies for Absence

Todd Ferguson, Scott Gallacher and Davina McTiernan

Declarations of Interest

None.

1. Minutes

The Board were asked to confirm the Minutes of the Board meeting held on 8 April 2019. The Board unanimously agreed to confirm and adopt the Minutes.

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 Haylie Convenience Stores, 90 Irvine Road, Largs

The Board considered an application for grant of a Provisional Premises Licence made by David Castelvechi for the above premises. Mr Castelvechi was present and was represented by Mr Russell, Solicitor.

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. Mr O'Brien updated the Board on progress made against the observations set out in the report.

An objection to the application had been made by Bertie and Elizabeth Jagiella. Copies of the written objection were given to the Board Members. Neither objector was present. Mr Russell confirmed that he had seen a copy of the objection prior to the Board meeting.

Mr Russell submitted documentation in support of the application and he then addressed the Board regarding the application and issues arising. Mr Russell observed that the objection was a re-run of the objection made 2 years ago and argued that it contained nothing of relevance in relation to the Section 23 Grounds for Review and as such requested that the Board reject it as frivolous and vexatious.

Mr Russell explained that the application is a very modest proposal for a small shop to serve local customers. In the last 2 years Haylie Convenience Store has struggled as it does not have a link to any of the big 3 wholesalers (Premier, Day ToDay and Keystore). You can't do business with these organisations without a licence to sell alcohol so the application before the Board today is vital for the survival of the premises and the jobs it provides.

Mr Russell then addressed the Board regarding the Licensing Objectives. In relation to the prevention of crime and disorder, securing of public safety and prevention of public nuisance, there is internal and external CCTV coverage and it is a very small shop which is easily monitored by staff as the sight lines are clear. In terms of protecting children from harm, in addition to the CCTV and staff monitoring, children are not encouraged to come into the shop on their own.

Regarding the protection and improvement of public health, Mr Russell referred the Board to the documentation he submitted. He highlighted that there are only 2 other premises within 600m, namely Haylie Hotel and Largs Golf Club, and neither have an off sales permission. There is every likelihood that the majority of customers to the premises come on foot, which encourages people to exercise. Mr Russell acknowledged that there would be some customers who come by car however this number would be limited as the parking provision in the vicinity of the premises is poor.

Mr Russell and Mr Castelvechi then responded to questions from Councillors Barr, Easdale, Reid and the Convenor. Mr Castelvechi said that he was not aware of any incidents of antisocial behaviour in the vicinity of the shop and he noted that Police Scotland had no objection to the application. He explained that the premises were relatively small, only about $\frac{1}{4}$ of the size of the Council Chambers. The shop had not opened yet but there is now a justifiable customer demand. If the licence was granted the premises would employ 3 full time and 3 part time staff, and all staff would be adequately trained. The premises would also trade longer each day, until 8.00 pm or 9.00 pm.

Councillor Reid commented that the Board do need to bear in mind and consider overprovision and the public health Licensing Objective.

Mr Castelvechi informed the Board that if he can get Haylie Stores operating successfully then his next project would be Graze in Dalry, which will also increase employment.

The Board adjourned with the Solicitor (Licensing) at 10.26 am to deliberate in private and re-convened at 10.43 am.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that the application be granted. Councillor McClung seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

The Provisional Premises Licence is granted subject to Standard Conditions (Edition 5) Parts A and B.

A.2 Premises Licence 0494 Roebank Hotel & Wedding Venue , Roebank Road, Beith

The Board considered an application for variation of a Premises Licence made by the Licence Holder, JNS Hotels Ltd, for the above premises. The Premises Licence Holder was represented by Niall Hazard, Solicitor.

The Licence Holder was requesting the following variations:

1. Addition of a second Outdoor Drinking Area, being the whole of the ground containing the licensed premises, lying to the South of the building.

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. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Mr Hazard then addressed the Board. Referring to correspondence with Mr O'Brien prior to the meeting, Mr Hazard requested that the Board continue consideration of the application to a future meeting.

Having considered the terms of the report, and the request made by Mr Hazard, the Board unanimously agreed without dissent or abstention to continue the case.

A.3 Premises Licence 0042 Station Bar, 18 Station Road, Stevenston

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Margaret Emmanuel, for the above premises. The Premises Licence Holder was represented by Niall Hazard, Solicitor, and he was accompanied by Kathleen McGhee, Premises Manager, and her Partner Mr Gibson..

The Licence Holder was requesting the following variations:

1. Vary Sunday on-sales and off sales opening from 12.30 pm to 11.00 am.
2. Increase under 16's access from 8.00 pm to 10.00 pm.
3. Add Outdoor Drinking.

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. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Mr Hazard then addressed the Board. Referring to the children's access initially requested he explained that there had been a typographical error which had now been amended. Mr Hazard informed the Board that the pub had been refurbished to a very high standard. The beer garden is only accessible from within the premises and it is covered by CCTV, and the Licence Holder would conform to all of the Board's Standard Conditions.

In response to questions from the Convenor regarding management of the outdoor drinking area, Mr Gibson said that the Premises Manager is very experienced, she knows the neighbours well, will monitor the area and ensure that glasses are lifted regularly. Mr Gibson added that in total they ran 4 premises within their family including the Four Seasons in Saltcoats.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that the application be granted. Councillor Easdale seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

The Convenor confirmed the Board had agreed to grant the application as amended by Mr Hazard, however the Licence Holder should be aware that the Premises could be brought back to the Board for Review if there any issues in the future.

A.4 Premises Licence 0187 Iceland, The Braes, Saltcoats

The Board considered an application for variations of a Premises Licence made by the Licence Holder, Iceland Foods Ltd, for the above premises. The Premises Licence Holder was represented by Niall Hazard, Solicitor.

The Licence Holder was requesting the following variations:

1. Extend off sales from 8.00 pm to 10.00 pm (7 days).
2. Delete reference to 'seasonal variations'.
3. Allow recorded music both during and out with Core Hours.
4. Add to 'Additional Information'.
5. Alter 'any other activities' part of OP to include home delivery and samples.
6. Increase capacity from 4.4 sq m to 4.55 sq m (about 3%).
7. Vary layout plan.

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. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Mr Hazard then addressed the Board. He explained that this was a traditional Iceland store, as opposed to one of the newer food warehouse premises. Mr Hazard's Firm, TLT, had been tasked to review all Iceland premises licences, identify any inconsistencies, and request to rectify these by means of variation applications.

Mr Hazard said that alcohol deliveries are all ancillary to a weekly shop and the shop has done home deliveries for some time. In terms of samples, this would be done in line with all relevant guidelines. The capacity increase is very minimal and is purely a result of a store refit.

Mr Hazard stated that Iceland are good operators with good practices of due diligence. He also confirmed that Iceland are happy to accept and comply with the Board's Standard Conditions.

Councillor Reid commented that he liked the Licence Holder's policy that at the point of delivery, if a driver is in any doubt regarding the age of the recipient then all of the goods are taken away undelivered.

Having considered the terms of the report, and the submission made, the Board unanimously agreed without dissent or abstention to grant the application.

A.5 Premises Licence 0053 Riverside Lodge Hotel, 46 Annick Road, Irvine

The Board considered an application for variation of a Premises Licence made by the Licence Holder, HF Irvine Hotels Ltd, for the above premises. The Premises Licence Holder was represented by Mark Smart, Premises Manager.

The Licence Holder was requesting the following variations:

1. Addition of an Outdoor Drinking Area on the terrace to the rear of the restaurant.

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. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Mr Smart then addressed the Board and explained the background to the application.

Councillor Barr said that he was very impressed by the refurbishment at the premises and he asked if the proposed outdoor drinking area would have CCTC.

Mr Smart confirmed that there would be at least 10 cameras covering the outdoor area. He added that the proposed outdoor drinking area is secluded and away from housing.

Having considered the terms of the report, and the submission made, the Board unanimously agreed without dissent or abstention to grant the application.

3. Scottish Government Consultation on Occasional Licences

The Board considered a report by the Solicitor (Licensing) on a Scottish Government Consultation on reviewing the fee for Occasional Licences and considering a limit on the number and duration of Occasional Licences. Mr O'Brien briefed the Board on the report. He explained that Board Members should consider each question within the Consultation and provide instruction to the Clerk regarding the Board's agreed response to each. There are 18 questions within the consultation and Mr O'Brien had provided suggested responses to each question as a basis for the Board's consideration and discussions.

Having considered the report and discussed each question in turn the Board unanimously agreed with all of the Clerk's suggested answers and instructed the Clerk to submit the consultation response accordingly.

The meeting ended at 11.28 am.