

Cunninghame House,
Irvine.

14 May 2015

North Ayrshire Licensing Board

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Council Chambers, Cunninghame House, Irvine on **MONDAY 18 MAY 2015** 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 25 March 2015.

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

Submit report by the Clerk to the Licensing Board on applications under the Licensing (Scotland) Act 2005 (copy enclosed).

Licensing Board

Sederunt: Ronnie McNicol (Convenor)
 Tom Marshall (Vice-Convenor)
 Robert Barr
 John Bruce
 Ian Clarkson
 Catherine McMillan
 Donald Reid
 John Easdale
 Grace McLean

Chair:

Attending:

Apologies:

Meeting Ended:

Agenda Item 2

18 May 2015

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 Police Scotland and with the Council's Building Standards and Planning Sections. Where relevant the reports have been copied to the applicants and any persons making objections or representations. Any objections or representations have been copied to the applicants, so that a response might be made at the Board Hearing.

Clerk to the Licensing Board

Reference : WO'B/MC

*For further information please contact William O'Brien, Solicitor (Licensing)
, on 01294 324305*

APPENDIX A

Premises Licence Applications or any other Applications requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comments
1.	0224	Lanes @ Largs Ltd Oakwood The Avenue West Glen Road Kilmacolm PA13 4PW	Lanes 1 The Promenade Largs KA30 8BG	Application for Variation and Transfer of Premises Licence - Sections 33 & 35
2.	0341	Hawthorn Leisure Limited 47 Park Lane London W1K 1PR	Crown Inn 162 High Street Irvine KA12 8AN	Premises Licence Review Proposal - Section 37
3.	NA0546	Shahid Ramzan 48 Hillcrest Drive Stevenston KA20 3AP		Personal Licence Review Hearing - Section 83(7)
4.	0470	Arran Brew Limited 100 Wellington Street Glasgow G2 6DH	Dreghorn Brewery Former Dreghorn Primary School Main Street Dreghorn Irvine KA11 4AB	Application for Grant of Provisional Premises Licence - Section 45
5.	0469	Arran Brew Limited 100 Wellington Street Glasgow G2 6DH	Public House 11-13 Bridge Street Kilbirnie KA25 7BL	Application for Grant of Provisional Premises Licence - Section 45
6.	0413	Ailie Duncan 8 Manse Crescent Brodick Isle of Arran KA27 8AS	Little Rock Cafe Shore Road Brodick Isle of Arran KA27 8AJ	Application for Variation of Premises Licence - Section 29
7.	0464	John Mather McBride 49 Stuart Street Millport Isle of Cumbrae KA28 0AG	The Harbour Lights 15 Stuart Street Millport Isle of Cumbrae KA28 0AJ	Application for Variation of Premises Licence - Section 29

Application for Variation and Transfer of Premises Licence - Sections 33 & 35

Licence Holder	Lanes at Largs Ltd.
Transferee	J. D. Wetherspoon (Scot) Ltd.
Premises	Currently "Lanes", proposed "Wetherspoon's", 1 The Promenade, Largs, KA30 8BG
Ref.	224

Preliminary

1. *This Report was prepared provisionally before the expiry of the Site Notice display period, which expires on 8 May 2015. Accordingly, only those third-party comments which had already been received are noted at Paragraph 2 below. If there are any others both the Board and the Applicant will be advised.*

2. *The Board will not be entitled to determine the Variation application until they have a Certificate from the Applicant confirming display of the Site Notice. If this Certificate is not available by the time the Board meet on 18 May 2015, the case would have to be deferred until a later meeting. The next Meeting is on 22 June 2015.*

3. *In relation to the Variation application, the Board are entitled, but not obliged, to request a report from the Chief Constable detailing all cases of Antisocial Behaviour, and all complaints or other representations made to Police which have taken place on, or in the vicinity of, the Premises, in the previous year. (The Board's power is under Section 24A, as added by the Criminal Justice and Licensing (Scotland) Act 2010). Before proceeding to determine the Application itself, the Board should decide whether or not to request a Report. If they do, they must defer further consideration until the Report is produced.*

1. Background

The holder of the Licence has requested two things of the Board:

- (a) Variation of the Licence.
- (b) Transfer, if the Board agrees to the proposed Variation.

This Application relates to the large building on Largs seafront, near the Cumbrae Ferry Terminal.

Under the Licensing (Scotland) Act 1976 the whole building was operated by a single business and treated as a single entity. It consisted of a bowling alley, areas for gaming machines (licensed under the Gambling Act 2005 and its predecessors) and a small bar-restaurant. The entire building held an "Entertainment Licence" granted under the 1976 Act. At Transition the 1976 Act Licence was superseded by a Premises Licence under the Licensing (Scotland) Act 2005. The Premises Licence contained an Operating Plan which provided for a similar arrangement of the building (i.e. bowling alley etc.), with a capacity of 356 customers.

Under the 1976 Act, Premises were categorised into 7 types, described in Schedule 1:

- Public House
- Off-sale
- Hotel
- Restricted Hotel
- Restaurant
- Refreshment
- Entertainment

In addition to the 7 categories of Licence, Clubs were Registered at the Sheriff Court.

The 2005 Act differs from the 1976 Act in that, instead of having fixed categories, there is a single type of Licence called the "Premises Licence". The operation of any Premises is to be consistent with the Operating Plan specially tailored for the particular Premises. Thus while there are about 400 Premises Licences in North Ayrshire for every sort of Premises (e.g. public houses, off-sales shops, restaurants, entertainment venues, and clubs), they all have what is (in form) the same type of Licence. In substance there is often a similarity, e.g. the Operating Plans for three public houses will have some features in common, but they might not be identical: the Board may have permitted variation in the first case, refused it in the second, and the third might never have asked.

A distinction is made in the Board's Licensing Policy Statement, which places Premises in "Function Types". This is done primarily to assess Overprovision, to assist comparison between Premises which share the same general features. The allocation of Premises to a particular "Function Type" does not place any particular obligations on the PLH, whose obligations stem from the Operating Plan and the Licence Conditions (both those which are mandatory, being implied by Statute, and those which are discretionary, being applied by the Board).

The building on the Promenade has been substantially altered and is now operated by different businesses. The building runs south-to-north and is divided into three parts:

South: this will be a reduced gaming machine area, appropriately licensed under the Gambling Act 2005;

Centre: on 21 August 2013 the Board granted a Provisional Premises Licence to Co-operative Group Food Limited for an off-sales display in a supermarket in the centre of the building. That PPL was Confirmed on 13 January 2015;

North: the present Applications for Variation and Transfer relate to this part.

Before the present Application form was lodged, the Premises Licence Holder ("PLH") also made a Minor Variation application, which sought to vary the Layout Plan so as to reflect a substantial rearrangement of the Premises (the bowling alley was retained, but the bar-restaurant would be reduced to accommodate toilets, and the alcohol-licensed area no longer extended to the gambling area).

In discussions between the Solicitor for the PLH and the Solicitor (Licensing), it was agreed that the capacity of the Licence would be reduced from its original value of 356 customers (based on the whole building) to reflect the reduced size of the on-sales area. Accordingly the Board should approach the case now on the basis that

the existing capacity is 82 customers. The proposal now is to expand the on-sales area, replacing the area occupied by the bowling alley, and increasing on-sales capacity to 350 customers.

2. Objections and Representations

Largs Community Council commented by email of 20 April 2015 (later sending a signed copy):

"The Applicant does not require any off-sales facility to operate these premises as a 'Public House type premises with substantial food offer'. The premises include an outdoor terrace adjacent to the Promenade which is part of the premises, and will be covered by an ON Licence. The operation of these premises by the existing licence holder did not require an OFF Licence."

The Chief Constable, Scottish Fire and Rescue, and NAC Planning have no comments to make. NAC Building Standards have no objections although they observe that the occupancy capacity proposed has still to be established due to the lack of clarity on the plans for proposed seating / bar areas, but the capacity stated on the licence application would appear reasonable.

3. The Applications

- (a) Variation
- (b) Transfer

Since the Applicant has stated that the Transfer Application is contingent on the grant of the Variation Application, the Board must determine the Variation Application before determining the Transfer Application. If the Board refuses the Variation Application, the Transfer Application automatically falls (Sections 35(3-4)).

(a) Variation

a.1. Summary of Variation Requests

No.	Variation (* see 'a.2 notes' below)
1	Amend description *
2	Amend address by deleting "Lanes"
3	Amend OP1 from "on-sales" to both on- and off-sales
4	Amend on-sales hours *
5	Add off-sales hours
6	Add seasonal variations (referring to Board "Festive Period" policy)
7	Amend OP so Premises will not have restaurant facilities
8	Amend OP so Premises will have bar meal facilities
9	Amend OP so Premises will cater for Club or other group meetings
10	Amend OP so Premises will not have dance facilities
11	Amend OP so Premises will not cater for indoor or outdoor sports
12	Amend OP so Premises will have televised sport
13	Add to OP early opening to serve food but no alcohol *
14	Amend OP so as to delete "other activities" *
15	Amend OP as to terms of under-18 access *

16	<i>Amend OP to increase under-18 access to 22.00 *</i>
17	<i>Amend OP as to parts of premises for under-18 access *</i>
18	<i>Alter capacity</i>
19	<i>Substitute revised Layout Plan</i>

a.2 Notes:

V1 (description) Proposal: "Public House type premises with substantial food offer located on the seafront at Largs. The area in which the premises are located is primarily commercial in nature."

V4 (hours) Proposal: 10.00 - 24.00 (Sun - Wed); 10.00 - 1.00 (Thu - Sat).

V13 (early opening) Proposal: "The Premises will open prior to the commencement of the core licensed hours for the provision of Teas, Coffees, Pastries, Breakfasts etc.. For the avoidance of doubt, no alcohol will be sold other than during the core licensed hours. Recorded Music will be played from the opening time of the Premises."

V14 (other activities). Superseded as the Premises are no longer to be a bowling alley or gambling venue.

V15 (under-18 access) The new wording permits access to both Children (aged 0-15 years) and Young People (16-17). Children are to be accompanied by a responsible adult. There is no such requirement for Young People. Originally there was such a requirement for all under-18s (OP 6(e)).

V16 (under-18 times): originally Children were limited to 20.30, and there was no time limit for Young People.

V17 (under-18 parts): new wording reflecting rearrangement.

a.3 Issues

Most of the variation requests do not raise issues about law or policy. Those which do are:

V4 (On-sales hours)

V18 (capacity)

Variation 4: Amend on-sales hours
Discretionary refusal
Notes:
The closing hours match NALB policy, but the policy on opening hours is 11.00, not 10.00. The LPS is:
<i>"7.5. The Board considers that the commencement of On-sales of alcohol before 11.00 a.m. is likely to be inconsistent with the Licensing Objective "protecting and improving public health". Exceptionally the Board may allow early-opening to permit the provision of breakfast facilities for shift workers from nearby factories, markets, etc.."</i>

On a case-by-case basis the Board may agree to the hours starting at or after 10.00 a.m. if the Licence Holder satisfies the Board that there is a need for this, arising from the particular circumstances of the Premises. The Board would expect evidence, and not simply anecdotal evidence, that there is an actual need for the hours already licensed.

7.6. *Where Applicants seek the grant or variation of Premises Licence to permit On-sales before 11.00 a.m.:*

(a) The Operating Plan will have to indicate an intention to provide certain facilities, e.g. the provision of cooked meals throughout the early opening period (snacks and crisps are not considered to constitute 'meals');

(b) The Applicant will require to satisfy the Board that there is a demonstrable demand from patrons to provide those facilities. It is not sufficient to refer generally to 'customer demand'. What is required is evidence that there is a quantifiable demand."

The Premises are already proposing to open early to serve food but no alcohol (V13). In order to sell alcohol before 11.00 the Applicant should produce evidence of demand.

Variation 18: Alter capacity

Discretionary refusal

Notes:

The proposed on-sales capacity is 350 customers.

The Premises do not currently have an off-sales facility, and the proposal is to add a gantry facility such as is found in other public houses, amounting to 36.96 sq.m.. Since that facility is ancillary to the primary activity (on-sales), Board practice is to disregard that capacity for the purpose of Overprovision.

The Board should consider whether or not the Variation should be refused on the basis that Overprovision may result if the Application is granted (Section 30(5)(d) and 30(4)(b)).

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2016, Annex E) ("LPS"). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

The Board should consider any submissions made by the Applicant and any interested party, and take into account those submissions and the following presumptions:

- (a) the existing number and capacities of Premises in that Locality and in that Function Type are already sufficient,

- (b) Overprovision would result if the Application was to be granted, and
- (c) the Application should be refused.

The Policy is only a guideline and does not set rigid quotas. It would always be open to the particular Applicant to seek to persuade the Board that the Application should be granted.

The Board will expect Applicants who are seeking the grant of a Variation which increases the capacity under an existing Licence to provide robust and reliable evidence as to why the benefit to each of the Licensing Objectives outweighs the apparent detriment to those Licensing Objectives. The Board will expect to be addressed on the way the promotion of each Licensing Objective will be achieved by granting the Application.

This report to the Board supplies the following information:

- (a) the Locality of the Premises
- (b) the Function Type of the Premises
- (c) any Additional Factors
- (d) other similar premises in the Locality

(a) the Locality of the Premises

The Board has determined that there are 6 'localities' in its area (coinciding with the 6 'Neighbourhood Areas' used by the North Ayrshire Community Planning Partnership). The Subject Premises are in Locality 1 (North Coast).

(b) the Function Type of the Premises

The Board's Overprovision Policy distinguishes Premises by 'Function Types'. The Subject Premises are in Function Type 3 (On-sales premises other than premises FT2 or FT4). In the LPS:

FT2 are "On-sales Premises whose principal function is the provision of entertainment ... This category typically includes nightclubs. Such Premises are usually subject to a curfew condition, preventing any customers from entering after 00.30;"

FT4 are "On-sales Premises whose principal function is the provision of accommodation, meals or non-alcoholic refreshment and the supply of alcohol for consumption is only ancillary to that purpose; 'meal' means a substantial meal eaten at a table, counter or other structure which serves the purpose of a table. Snacks and crisps are not considered to constitute 'meals'".

(c) Additional Factors

No "Additional Factors" are present here. In general, the likelihood that an Application will be granted or refused will be influenced by the Locality and the Function Type. Applications for the grant of a new Licence, or the variation of an existing one so as to increase capacity, are especially unlikely to be granted:

- (1) in 4 of the 6 Localities of North Ayrshire: "Three Towns"; "Kilwinning"; "Irvine etc."; or "Garnock Valley"; and/or
- (2) where the Function Type is 1 (Off-sales).

Since the Premises are in the "'North Coast') Localities and are not off-sales, the presumption of refusal is not increased.

(d) other similar premises in the Locality

An Overprovision Assessment Report giving details of other comparable Premises and populations is part of the Agenda.

a.4. Licence Conditions on Variation

No amendment of the Conditions which already apply is necessary.

(b) Transfer

b.1. Initial Procedure

The Application has been intimated to the Chief Constable, who is obliged to respond to the Board with a Notice stating either that:

- (a) neither the Transferee nor any Connected Person has been convicted of any Relevant Offence or Foreign Offence, or
- (b) that there are such convictions.

In either case, the Chief Constable may recommend that the Board should refuse the Transfer Application, if he considers that it is necessary for the purposes of any of the Licensing Objectives (Sections 33(7) - (9) as substituted by Criminal Justice and Licensing (Scotland) Act 2010).

There is no other consultation, and no display of a Site Notice, for the Transfer part of the Application. For the Variation part, there is the same consultation, Site Notice and scope for objections and representations as applies in other cases involving a Major Variation or the grant of a Premises Licence.

b.2. Chief Constable's Notice

A copy of the Chief Constable's Notice has been given to the Applicant and will be given to Members. The Chief Constable has stated that there are no relevant convictions, and has made no refusal recommendation.

b.3. Hearing

If the Variation is refused, the Transfer Application automatically falls and the Board does not require to determine it.

If the Variation is granted, the disposal of the Transfer Application depends on the response of the Police. Since there are no relevant convictions and the Chief Constable has not recommended refusal, the Board would be obliged to grant the Transfer Application.

Overprovision Assessment Report

Premises: 'Escape', The Promenade, Largs (Wetherspoon) (NALB ref. 224)

A. The OA divides:

North Ayrshire into 6 'Localities', and
Premises into 6 'Function Types'.

B. The 'Localities' are:

1. North Coast
2. Three Towns
3. Kilwinning
4. Irvine and area
5. Garnock Valley
6. Arran

C. The 'Function Types' are:

1. Off-sales Premises
2. On-sales Premises principally providing entertainment (e.g. nightclubs)
3. Other on-sales Premises (e.g. public houses)
4. On-sales Premises (accommodation/meals/non-alcoholic refreshment)
5. Members' Clubs with Special Treatment (excluded from Overprovision)
6. Members' Clubs without Special Treatment ('Part K Clubs')

D. The Subject Premises are:

in 'Locality' : 1 (North Coast)
in 'Function Type' : 3 (Other on-sales Premises (e.g. public houses))

E. Description of THIS Locality (North Coast):

People in this Locality: 24,722
ALL alcohol outlets in this Locality : 110 (or 4.4 per 1,000 people)
(of ALL FTs, except FT5 - Clubs)
Total ON-SALES capacity: 9,134 customers (or 369 per 1,000 people)
Total OFF-SALES capacity: 410 sq.m. (or 16.5 per 1,000 people)

F. Premises of THIS Function Type in THIS Locality:

The number of Premises of the same Locality/Function Type : 34

These are:

		cust.
1. Dalgarn House Hotel	KA13 6PL	260
2. Kilbride Tavern	KA23 9AW	100
3. The Kings Arms	KA23 9AW	120
4. The Merrick Hotel	KA23 9NA	183
5. Romeo & Juliet Inn (ex Dalry Inn)	KA24 5JS	630
6. Kelburne Bar	KA28 0AJ	96
7. Frasers Bar	KA28 0AS	170
8. Minstrels	KA28 0AS	91
9. Royal George Hotel	KA28 0AW	140
10. Newton Bar	KA28 0DJ	146
11. Tavern Bar	KA28 0DL	120
12. Millport Field Studies Centre	KA28 0EG	98

13. Sportscotland National Centre Cumbrae	KA28 OHQ	195
14. The Village Inn (ex Mudhook)	KA29 OAL	161
15. The George	KA30 8AA	230
16. The Lounge	KA30 8AF	330
17. Macaulays Bar	KA30 8AJ	80
18. McCabes	KA30 8AJ	248
19. The Waterside (ex Clachan Bar)	KA30 8BL	96
20. Scotts at Largs (ex Regattas)	KA30 8EZ	161
21. Sheiling Bar	KA30 8JN	140
22. The Royal Oak Bar	KA30 8LD	59
23. J G Sharps	KA30 8LW	213
24. The Three Reasons (ex Charlie Smith's Bar)	KA30 8LX	160
25. Room (ex The Town House)	KA30 8LX	222
26. Ye Olde Anchor Inn	KA30 8LX	80
27. Albert's (ex Ad Lib)	KA30 8LZ	40
28. Morris's	KA30 8LZ	77
29. The Brisbane Hotel	KA30 8NF	724
30. Willowbank Hotel	KA30 8PG	300
31. The Woodhouse Hotel	KA30 8PX	109
32. Queens Hotel	KA30 8QW	96
33. Sportscotland National Centre (Inverclyde)	KA30 8RW	70
34. Eglinton Bar	PA17 5AH	60

G. For comparison, information about premises in the same Locality which are in 'Function Type' : 4 (On-sales Premises (accommodation/meals/non-alcoholic refreshment))

The number of Premises of the same Locality/Function Type : 16

These are:

		cust.
1. The Rowan Tree Restaurant	KA22 8PG	100
2. 39 Ritchie Street, West Kilbride	KA23 9HF	22
3. Seamill Hydro Hotel	KA23 9NB	850
4. Waterside Hotel	KA23 9NG	322
5. Braidwoods Restaurant	KA24 4LN	24
6. The Cumbrae Bistro	KA28 0AG	30
7. The Harbour Lights	KA28 0AJ	36
8. Nardini at The Moorings	KA30 8AB	60
9. Koh - I - Noor	KA30 8AE	40
10. Acre Lettings (restaurant)	KA30 8AT	50
11. The Bean & Leaf	KA30 8BG	40
12. Nardini at the Green Shutters	KA30 8BL	40
13. Haylie Hotel	KA30 8EY	40
14. Bosuns Table	KA30 8EZ	69
15. Star of India	KA30 8LZ	50
16. Nardini	KA30 8NF	270

These figures disregard:

1. Clubs which are entitled to special treatment under section 125 (FT=5)
2. Gantries in on-sales premises

Sources:

1. Licensing Policy Statement (2013-16) Annex E)

2. Population from 'Scottish Neighbourhood Statistics' (SNS) 2011
3. NALB Premises Licences data as at 20 Apr 2015
(off-sales capacity rounded down to next 0.1 sq.m.)

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1. on date/time: 20 Apr 2015:23:39:29
2. by program 'OVP-Locality' v0.27 (20 Apr 2015)

CASE 1

List of Objectors - Lanes, 1 The Promenade, Largs

No.	Name	Address Line 1	Address Line 2	Address Line 3	Address Line 4
1	Haley McCracken	31 Sinclair Drive	Largs	KA30 9BL	
2	Sonya McManus	62 Gateside Street	Largs	KA30 9LJ	
3	John McManus	62 Gateside Street	Largs	KA30 9LJ	
4	Melanie Lewis	31 Sinclair Drive	Largs	KA30 9BL	
5	Patricia Lewis	40L Seamore Street	Largs	KA30 8AP	
6	Robert Grant	33 Woodbank Gardens	Largs	KA30 8NU	
7	Megan Riley	34 Frazer Street	Largs	KA30 9HP	
8	Vanda Lewis	56 Douglas Street	Largs	KA30 8PT	
9	Jacob Ashmead	9 Hill Street	Largs	KA30 8BX	
10	David Riley	34 Frazer Street	Largs	KA30 9HP	
11	Toni Dawson	The Bean and Leaf	No. 6 The Promenade	Largs	KA30 8BG
12	Christine Reynolds & Steven Millar	Flat 2/R, 13 Charles Street	Largs	KA30 8HJ	
13	Miss A Kydd	27 Noddleburn Place	Largs	KA30 8UE	
14	Elizabeth Templeton	30 Holehouse Road	Largs	KA30 9EL	
15	Lillian Barr	126/5 Irvine Road	Largs	KA30 8EY	
16	G Scott	Morris's	86 Gallowgate Street	Largs	KA30 8LZ
17	Mr C MacEachern	6 Harper Crescent	Largs	KA30 9JE	
18	Mr G Scott	Flat 1, 86 Gallowgate Street	Largs	KA30 8LZ	
19	M Marston	10 Brisbane Road	Largs	KA30 8LF	
20	Lee Anderson	22 Queens Avenue	Largs	KA30 9HD	
21	Mr J.D. Veitch	42 Seamore Street	Largs	KA30 9AP	
22	D Rennie	54 Kelburn Avenue	Fairlie	KA29 0AV	
23	Hayley Nicolson	18D Lindsay Crescent	Largs	KA30 9JR	
24	W.R Adam	Vanduaara, Flat B	1 Greenock Road	Largs	KA30 8PQ
25	Graham Rennie	10 Lovat Street	Largs	KA30 9NE	
26	Archie Burleigh	Meigle Cottage	Skelmorlie	PA17 5HA	
27	Lauretta Nardini	58 Douglas Street	Largs	KA30 8PT	
28	Matthew Burgess	Flat B, 10 Bath Street	Largs	KA30 8BL	
29	Helen Henney	81A Seamore Street	Largs	KA30 9AR	
30	Miss Karen Douglas	19L Seamore Street	Largs	KA30 9AN	
31	Mrs E Riley	5 Amy Place	51 Nelson Street	Largs	KA30 9AA
32	Connor Ashmead	9 Hill Street	Largs	KA30 8DX	
33	Mr Andrew Hill	19L Seamore Street	Largs	KA30 9AN	
34	Valerie Craddock	8 Eastern Avenue	Largs	KA30 9EG	
35	Sam McDonald	17 John Street	Largs	KA30 8HN	
36	Miss Nadine McShane	1 Mount Stuart Road	Largs	KA30 9ES	
37	Mr Andrew Smith	44 Alexand Avenue	Largs	KA30 9EU	
38	Mrs Freda Cockerill	7 Rankin Drive	Largs	KA30 9DA	
39	Elaine McGinnis	2/1 19 Gogo Street	Largs	KA30 8BU	
40	Mrs M Scott	Tourgill Lodge	Brisbane Glen	Largs	KA30 8SN
41	Mr & Mrs Chestnut	5 Douglas Street	Largs	KA30 8PS	
42	Miss Emma Douglas	51 Moorburn Road	Largs	KA30 8DE	
43	Jennifer Tweddle	2 Woodcroft Avenue	Largs	KA30 9EW	
44	Mrs M Collett	32 Raillies Avenue	Largs	KA30 8QY	
45	Mary MacDonald	Flat 61, Strathclyde House	Shore Road	Skelmorlie	PA17 5AN
46	Mr Bolland	Hamilton Cottage	4 Nelson Street	Largs	KA30 8LW
47	Henry Fitzsimmons	Brisbane House	14 Greenock Road	Largs	KA30 8NE
48	W Davidson	33A Brisbane Road	Largs	KA30 8LH	
49	R Carpenter	60 Hollywood	Largs	KA30 8SP	
50	Rev & Mrs Coogan	19 Glen Grove	Largs	KA30 8RA	
51	James Shepherd	Caravan 'C20'	Crosbie Towers Caravan Park	West Kilbride	KA23 9PH
52	Catherine Young	53 Strathclyde House	Shore Road	Skelmorlie	PA17 5AN
53	Donna Henney	18A Lindsay Crescent	Largs	KA30 9JR	
54	Gemma Tweedie	41T Gateside Street	Largs	KA30 9LH	
55	Mrs M Brown	5 Haco Street	Largs	KA30 9BE	
56	Cameron Altken	45 Gogosside Road	Largs	KA30 9LX	
57	Miss Alessia Nardini	58 Douglas Street	Largs	KA30 8PT	
58	Elizabeth Rankin	48 Lomond Road	Wemyss Bay	Renfrewshire	PA18 6BD
59	James Scully	28 Seamore Street	Largs	KA30 9AP	
60	Diane Dingwall	13 Eastern Avenue	Largs	KA30 9EG	
61	Mrs Wyanna Cook	86 Waterside Street	Largs	KA30 9LR	
62	Ryan Tweedie	2 Woodcroft Avenue	Largs	KA30 9EW	
63	Alistair McGregor	44A Ashtol Road	Gourock	PA19 1AA	
64	M Watters	8 Taymouth Drive	Gourock	PA19 1HJ	
65	Mrs Elizabeth Cassidy	Croftmohr Cottage	21A Shore Road	Skelmorlie	PA17 5EH
66	Mrs R Saurin	Hill Cottage	Inverkip	PA16 0DA	
67	Alan Parker	25 Taymouth Drive	Gourock	PA19 1HJ	
68	Marion Baird	50 Douglas Street	Largs	KA30 8PT	
69	Jordan McManus	62 Gateside Street	Largs	KA30 9LJ	
70	Mr Brett Burleigh	48A Gallowgate Square	Largs	KA30 8LX	
71	Sean Lamont	22 Waterside Street	Largs	KA30 9LN	
72	Carol Burleigh	27 Charles Street	Largs	KA30 8HL	
73	Mrs Hollie Hodge	53 Kelvin Street	Largs	KA30 9BD	

No.	Name	Address Line 1	Address Line 2	Address Line 3	Address Line 4
74	Mr Ozkan Kavak	39 Greenock Road	Largs	KA30 8PJ	
75	Stewart Penny	3 Netherpark Crescent	Largs	KA30 8QB	
76	Jordan Sharp	7E Kelvin Street	Largs	KA30 8ER	
77	John McKnight	65 Castle Road	Skelmorlie	PA17 5AJ	
78	Andy Duncan	107 Main Street	Largs	KA30 8JJ	
79	Hannah McCallum	50 Woodcroft Avenue	Largs	KA30 9EW	
80	Morgan Reid	20 Greeto Falls	Largs	KA30 9HJ	
81	Brian Gracie	78 Alexander Avenue	Largs	KA30 9EX	
82	Jayne Wentworth	Flat B, 10 Bath Street	Largs	KA30 8BL	
83	Mr Michele Nardini	58 Douglas Street	Largs	KA30 8PT	
84	Lesley Devlin	154 Greenock Road	Largs	KA30 8RX	
85	Mr Michael Hodge	53 Kelvin Street	Largs	KA30 9BD	
86	Mrs Rachel Bowie	22 Bellesdale Avenue	Largs	KA30 9EF	
87	Mr & Mrs P Traynor	22 Woodbank Gardens	Largs	KA30 8NU	
88	Mr Esplin	42 Haco Street	Largs	KA30 9BE	
89	Miss Robyn Taylor	16 Walkerston Avenue	Largs	KA30 8ER	
90	Mr & Mrs Williamson	150 Greenock Road	Largs	KA30 8RS	
91	Tom Ferrier	22 Meadowbank Road	Largs	KA30 8HD	
92	The Wee Craft Shop	64 Main Street	Largs	KA30 8AL	
93	Niven Paterson	Ye Olde Anchor Inn	36 Gallowgate Street	Largs	KA30 8LX
94	Mr J Meeson	21 Kelvin Street	Largs	KA30 9BD	
95	Mr C.J. Summers	17B Gateside Street	Largs	KA30 9LQ	
96	Nicola Lavery	3 G/R Sandringham	41 Bath Street	Largs	KA30 8BS
97	Mrs E Bull	12 Kelburn Court	Largs	KA30 8HN	
98	Mrs Carol Price	9 Kelburn Court	Largs	KA30 8HN	
99	Mrs Audrey MacDonald	15 St Colms Place	School Street	Largs	KA30 8DN
100	Karrie McDonald	48B Gallowgate Street	Largs	KA30 8LX	
101	Mr and Mrs I Dewar	25 Douglas Street	Largs	KA30 8PT	
102	Alister Brown	11 Trigoni Court	Largs	KA30 8EJ	
103	Fiona Shaw	86D Gallowgate Street	Largs	KA30 8LZ	
104	N Young	6 Morris Street	Largs	KA30 9HR	
105	Mr Stephen McDonald	17 John Street	Largs	KA30 8HN	
106	Mrs G McAnespie	60 Linn Avenue	Largs	KA30 9JU	
107	Mrs Ann Balloch	10 Rannoch Road	Wemyss Bay	PA18 6DD	
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117					
118	James Patrick & Muir	Solicitors	44 New Street	Dalry	KA24 5AE
119	Mr Douglas Blair	Chair, Largs Community Coun	5 Kylesview	Largs	KA30 9ET
120	Mr John Law	3 Warren Park Mews	Largs	KA30 8TE	
121	E Kennedy				
122	Laura Ceele				
123	Laura MacPherson				
124	B McIntosh				
125	David Oliveri				
126	Mrs Joan Bacon				
127	J Barclay				
128	Andrew Boyle	56 Douglas Street	Largs	KA30 8PT	
129	Mr R Townley	10 Newhaven Grove	Largs	KA30 8NS	
130	Ms Nancy Black	26 Seamore Street	Largs	KA30 9AP	
131	Mrs Pamela Dunlop	Iona's Tearoom	116 Main Street	Largs	KA30 8JN
132	Mr David & Mrs Janet Lawson	Inshalloch	18 John Street	Largs	KA30 8HY

Supplementary Report

Licence Holder	Lanes at Largs Ltd.
Transferee	J. D. Wetherspoon (Scot) Ltd.
Premises	Currently "Lanes", proposed "Wetherspoon's", 1 The Promenade, Largs, KA30 8BG
Ref.	224

This note has been prepared for the Board's information and seeks to address some of the issues raised by objectors.

1. "Entertainment Licence"

Several of the objections refer to the "Entertainment Licence" originally granted to the Premises under the Licensing (Scotland) Act 1976 (objections based on objection no. 18: 12 - 17, 19 - 24, 29, 31, 38 - 41, 44-46, 48-53, 55, 58-61, 63-67, 72, 77-78, 84, 88, 90, 94, 95, 97-99, 104, 106, 107).

As explained in the principal Report, a feature of the 1976 Act was that licensed Premises had to fit into rigid types, described in Schedule 1 to that Act. These types included:

"Entertainment Licence" :

"places of public entertainment such as cinemas, theatres, dance halls and proprietary Clubs, which authorises [on-sales] as an ancillary to the entertainment provided, subject to such Conditions as the Licensing Board may determine to ensure that such sale or supply is ancillary to the entertainment provided."

"Public House Licence" :

"a Licence granted in respect of a public house specified therein which authorises the holder thereof to sell by retail alcoholic liquor for consumption on or off the premises." (the term "public house" was itself defined in Section 139(1): "includes an inn, ale-house, victualling house or other Premises in which alcoholic liquor is sold by retail for consumption either on or off the Premises".

The 1976 Act also included the "Refreshment Licence" and the "Restaurant Licence". One of the requirements of these two was that they did not contain a "bar" counter (defined as including any place exclusively or mainly used for the sale and consumption of alcoholic liquor, but excluding counters used for the consumption of meals or the dispensing of liquor.

"Entertainment Licence" Premises had to have the provision of entertainment, not the consumption of alcohol, as their principal use, whereas the other types of Premises did not have this requirement. The 1976 Act did not cater well for 'hybrid' Premises, which might have features of more than one type. The 2005 Act replaced the 1976 Act with a new system, so the fact that at one time the Licence granted to one operator was in form an "Entertainment Licence" is not relevant to the Board's consideration, in 2015, of the position of another operator.

2. "Grandfather Rights"

The new system based on the 2005 Act commenced on 1 September 2009. This was preceded by a 19-month Transitional Period. During this period, many Premises in North Ayrshire and across Scotland applied to Boards for Licences under the new system.

Existing businesses were given advantages over new applications by legislation ("The Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 No. 454"). This was commonly called 'like-for-like'. Provided that the 'new' Licence was to cover Premises whose size, capacity, and general nature (including any entertainment) were to be substantially the same as under the 'old' Licence, certain rules which would otherwise have applied were relaxed. One rule related to Overprovision: so long as the Premises were to remain substantially the same as before, the Board was not entitled to refuse due to Overprovision.

3. Crime and disorder, nuisance, and other Licensing Objectives

(a) The Police are always told of a Variation application. If the Chief Constable believes that the proposed operation of Licensed Premises is likely to be inconsistent with any of the Licensing Objectives, he can object. He has not done so.

(b) Ayrshire and Arran Health Board are also always told of Variation applications, but have made no representation here.

(c) As indicated in the Principal Report, the Board is entitled, but not obliged, to request an Antisocial Behaviour Report from the Chief Constable.

(d) The Licence would be subject to the Mandatory Conditions set by statute, and the Standard Conditions applied by the Board. Any person is entitled to make representations to the Board saying that any Licence should contain special conditions directed at the circumstances and location of the Premises.

(e) Representations might also be directed at the activities which may be carried on, in which parts of the Premises, and at what times (e.g. concerns about under-18s being on the Premises).

(f) If the Board authorises the proposed operation of the Licensed Premises, and it is later alleged that the operation is likely to be inconsistent with any of the Licensing Objectives, any person can make a Review Application. If that Review is upheld, the Board has a range of options, including revocation or suspension of the Licence or variation (e.g. to apply special conditions as in (d), or to modify the Operating Plan and Layout Plan as in (e)).

4. Overprovision Policy

Several of the objections seem to treat the Board's Licensing Policy Statement as expressing a rule - "no more pubs, no more capacity in current licences" (objections 8, 9, 43, 68, 82, 83, 89 and 102). There is no rule. The LPS expresses a policy. The Board are obliged to deal with cases on their individual merits, and are entitled to treat cases as exceptions to the policy. There is a presumption of refusal, but it can

be rebutted. The Board's Overprovision policy distinguishes Premises by "Function Type". The policy is particularly strong in certain geographical areas and in certain FTs, but it is never possible to say in advance of the Board hearing that any application is certain to be refused.

5. Pricing Policy

Several of the objections refer to drinks being discounted (objections 1, 3, 8, 9, 10, 11, 12, 13-23, 29, 31, 36-53, 55, 57-61, 63-68, 71, 72, 74, 77, 78, 80, 82-92, 94-101, 103-107).

The legislation already controls "irresponsible drinks promotions". A promotion which does not breach the mandatory conditions is lawful, and the Board have no power to prevent it.

Objections 4, 25, 33 and 120 refer to a successful alcohol strategy having two parts:

- (a) limiting price promotion
- (b) limiting availability

The Board's legal powers relate only to (b). Issue (a) is for the Scottish Parliament.

6. Previous decisions

- (a) Restaurant 17-19 Aitken St., Largs (NALB ref. 468): Provisional Premises Licence granted on 2 March 2015. The Premises were "Function Type 4";
- (b) FT1 (Off-Sales), 23 Aitken St., Largs, (467), PPL refused on 2 March 2015;
- (c) FT1 (Off-Sales), "Co-op", 19 Cardiff Street, Millport, Isle of Cumbrae, (466) PPL refused on 2 March 2015;
- (d) FT1 (Off-Sales), "Tesco Express", 6 Aitken Street, Largs (411); Proposal to increase display capacity from 23.5 sq.m. to 36.0 sq.m.. Refused on 28 April 2014.

Premises Licence Review Proposal (Second Stage) - Section 37

Premises	"Crown Inn", 162 High St., Irvine KA12 8AN
Premises Licence Holder	Hawthorn Leisure Ltd.
Ref.	341

1. Background

At the Meeting on 25 March 2015 the Board considered an Application made by the Chief Constable concerning the Personal Licence of the Premises Manager, Helen Deadman (Personal Licence NA1349). Copies of that letter will be given to Members.

The Board heard from the Chief Constable's representative and from Ms. Deadman, and after considering in private decided:

- (i) to revoke the Personal Licence;
- (ii) to make a Review Proposal on the same Grounds for Review as stated by the Chief Constable: i.e. that the conduct of the Premises was inconsistent with the Licensing Objectives:
 - (a) preventing crime and disorder;
 - (b) securing public safety.

On 1 April 2015 the PLH applied for a Variation so as to appoint a new person as Premises Manager (Joan Houston, Personal Licence EA 498/09). This appointment had immediate effect due to Section 31. Since the appointment of the new Premises Manager occurred within the six-week 'period of grace' allowed by Section 54, the Premises did not require to close in the interim.

2. Capacity etc.

The Premises are Licensed for both on-sales and off-sales, and have a capacity of 216 customers, and an off-sales display capacity of 18.0 square metres.

Activities other than the sale of alcohol:

	<i>Permitted (x)</i>
Accommodation	
Conference facilities	
Restaurant facilities	
Bar meals	x
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	x
Adult entertainment	

Other activities permitted

Access by Children and Young Persons:

Children (under 16) and Young People (aged 16 - 17) are allowed if accompanied by adult either:

- (i) 10.00 - 16.00 (or 11.00 - 16.00 on Sunday), or
- (ii) if earlier, until the end of a function.

if in the conservatory or the back lounge seated area.

Operating hours:

On-sales:

Mon	10.00	24.00
Tue	10.00	24.00
Wed	10.00	24.00
Thur	10.00	1.00
Fri	10.00	1.00
Sat	10.00	1.00
Sun	11.00	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	12.30	22.00

3. Additional Powers of inquiry

The Board is entitled by Section 38(5) to

- (a) obtain further information from such persons, and in such manner, as the Board thinks fit, and
- (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.

4. Board's Powers on Review

The Board must hear the Licence Holder, and decide whether or not a Ground for Review is established.

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 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.

If the Board imposes a Suspension, then it should not have immediate effect unless this is considered necessary in the public interest; most Suspensions should be postponed to give the PLH the opportunity to appeal to the Sheriff Court. Any Board order takes effect immediately, and is not postponed by an appeal, but if appealing the PLH can ask the Sheriff to recall the Suspension pending appeal. The postponement is in the Board's discretion, but 7 days would be reasonable.

- (d) Revoke the Licence. Similar considerations apply to the question of whether or not the Revocation should have immediate effect.

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.

5. Further Action

If the Board decides to Vary or Suspend the Licence, the Board is later entitled to revoke its order if the Holder requests this and the Board is satisfied that, by reason of a change of circumstances, the Variation or Suspension is no longer necessary. A decision to issue a Written Warning or to Revoke a Licence cannot later be revoked.

Personal Licence Review Hearing - Section 83(7)

Licence Holder	Shahid Ramzan, 48 Hillcrest Drive, Stevenston (DOB 17/06/1965)
Ref.	NA 0546

1. Background

The Board has received confirmation from the Chief Constable that the Personal Licence Holder has been convicted of a 'relevant or foreign offence'. Copies of the letter will be distributed to Members at the Meeting.

The information was also supplied by the Holder within one month after the date of the conviction, as required by statute.

The Chief Constable is entitled to make a recommendation that the Personal Licence should be Revoked, Suspended or Endorsed, but has not done so.

2. Procedure

Under Section 83(7) the Board must, on receipt of that confirmation, 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 conviction
- (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.

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Arran Brew Ltd.
Premises	Brewery, 96 Main Street, Dreghorn, KA11 4AB
Ref.	470

Preliminary

The Board are entitled, but not obliged, to request a report from the Chief Constable detailing all cases of Antisocial Behaviour, and all complaints or other representations made to Police which have taken place on, or in the vicinity of, the Premises, in the previous year. (The Board's power is under Section 24A, as added by the Criminal Justice and Licensing (Scotland) Act 2010).

Before proceeding to determine the Application itself, the Board should decide whether or not to request a Report. If they do, they must defer further consideration until the Report is produced.

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 8 May 2015. To date, no objections had been received. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.

The Applicant should lodge the following Certificate. Until the Board have it, they cannot determine the Application: Display of Site Notice.

1. Summary of Proposal

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

The proposal is for a bottling plant and distribution centre in the grounds of the former Dreghorn primary school. The Premises are to have an off-sales facility but a capacity of zero, as the Premises will supply to order rather than by retail to the general public. The public and tourists may have access to the Premises as part of a tour or even related to brewing. The request is for 10.00 - 22.00, 7 days a week. This is within the legislation and is within NALB Policy.

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. Issues

The Board has a discretion to grant or refuse the Application. It is the Clerk's opinion that,

(a) provided that the Board are satisfied on the issues raised below (see 'Clarification required' below), and

(b) apart from the issue of Overprovision (see below),

there are no statutory reasons to refuse, and there is no breach of Board Policy.

The Board should consider all the potential Grounds for Refusal. 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 all potential Grounds for Refusal: Section 23(7).

Clarification required

1. As the Premises are to sell only off-sale, it was not necessary to complete question OP 6(a), which asks if under-18s will be allowed entry during licensed Hours, but the Applicant has answered that question, and said 'no'. Are under-18s to be excluded from the proposed tours?

2. Will these tours involve the consumption of alcohol, e.g. are the Premises to give tours a sample of the product? There would be no requirement for an on-sales Licence if the alcohol was supplied free-of-charge, but if there is payment then:

(a) the Licence should cover on-sales, and

(b) the Premises would have to comply with the mandatory condition requiring that on-sales Premises which admit children under 5 should have baby-changing facilities.

3. If the Premises are to supply orders remotely, dispatching goods to customers. What precautions are being taken to prevent people under 18 being able to buy alcohol, or take delivery of alcohol?

The NALB Licensing Policy Statement (2013-16) states:

"Home Delivery

2.23. *Where alcohol (whether with or without food or any other goods or services) is supplied by delivery away from Licensed Premises (e.g. if a customer orders it by telephone) then: ...*

(c) *the Board is likely to regard a delivery operation as being inconsistent with both the 'crime and disorder' and 'protecting children from harm' Licensing Objectives if alcohol is supplied unless:*

(i) the supplier on arrival at the delivery address first carries out the same checks about the recipient's age as would be appropriate to a sale (see Section 102);

(ii) the supplier refuses delivery unless and until such evidence of age is produced."

The Applicant should describe the arrangements.

Overprovision

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2016, Annex E). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

The Board should consider any submissions made by the Applicant and any interested party, and take into account those submissions and the following presumptions:

- (a) the existing number and capacities of Premises in that Locality and in that Function Type is already sufficient,
- (b) Overprovision would result if the Application was to be granted, and
- (c) the Application should be refused.

The Policy is only a guideline and does not set rigid quotas. It would always be open to the particular Applicant to seek to persuade the Board that the Application should be granted.

The Board will expect Applicants who are seeking the grant of a new Premises licence or a Variation which increases the capacity under an existing Licence to provide robust and reliable evidence as to why the benefit to each of the Licensing Objectives outweighs the apparent detriment to those Licensing Objectives. The Board will expect to be addressed on the way the promotion of each Licensing Objective will be achieved by granting the Application.

This report to the Board supplies the following information:

- (a) the Locality of the Premises
- (b) the Function Type of the Premises
- (c) any Additional Factors
- (d) other similar premises in the Locality

(a) the Locality of the Premises

The Board has determined that there are 6 'localities' in its area (coinciding with the 6 'Neighbourhood Areas' used by the North Ayrshire Community Planning Partnership). The Subject Premises are in Locality 4 ("Irvine and Area" - Irvine, Bourtreehill, Cunninghamhead, Dreghorn, Gateside, Girdle Toll, Springside & Torranyard).

(b) the Function Type of the Premises

The Board's Overprovision Policy distinguishes Premises by 'Function Types'. The Subject Premises are in Function Type 1 (Off-sales).

(c) Additional Factors

The likelihood that the Application will be granted or refused will be influenced by the Locality and the Function Type:

- (1) Locality: the Premises are in one of 4 Localities where Applications are especially unlikely to be granted (regardless of the Function Type) - "Three Towns"; "Kilwinning"; "Irvine etc."; or "Garnock Valley";
- (2) Function Type: any Application for Premises in FT 1 (Off-sales) is especially unlikely to be granted (regardless of the Locality);

(d) other similar premises in the Locality

An Overprovision Assessment Report describing other similar Premises in the Locality is with the Agenda.

3. 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)

Overprovision Assessment Report

Premises: Dreghorn Brewery (Dispatch Sales) (NALB ref. 470)

A. The OA divides:

North Ayrshire into 6 'Localities', and
Premises into 6 'Function Types'.

B. The 'Localities' are:

1. North Coast
2. Three Towns
3. Kilwinning
4. Irvine and area
5. Garnock Valley
6. Arran

C. The 'Function Types' are:

1. Off-sales Premises
2. On-sales Premises principally providing entertainment (e.g. nightclubs)
3. Other on-sales Premises (e.g. public houses)
4. On-sales Premises (accommodation/meals/non-alcoholic refreshment)
5. Members' Clubs with Special Treatment (excluded from Overprovision)
6. Members' Clubs without Special Treatment ('Part K Clubs')

D. The Subject Premises are:

in 'Locality' : 4 (Irvine and area)
in 'Function Type' : 1 (Off-sales Premises)

E. Description of THIS Locality (Irvine and area):

People in this Locality: 37,738

ALL alcohol outlets in this Locality : 114 (or 3.0 per 1,000 people)
(of ALL FTs, except FT5 - Clubs)

Total ON-SALES capacity: 14,490 customers (or 383 per 1,000 people)

Total OFF-SALES capacity: 1,719 sq.m. (or 45.5 per 1,000 people)

F. Premises of THIS Function Type in THIS Locality:

The number of Premises of the same Locality/Function Type : 37

These are:

		sq.m.
1. Keystore	KA11 1AQ	62.6
2. Premier / Girdle Toll Post Office	KA11 1AQ	8.9
3. Towerlands Stores	KA11 1HA	1.6
4. Broomlands Supermarket	KA11 1HB	13
5. Village Store	KA11 1ND	25.7
6. Day Today	KA11 1PQ	29
7. Spar Convenience Store	KA11 2DH	29.3
8. J & A Quinn	KA11 3AW	6.7
9. Spar Convenience Store	KA11 3AX	13.5
10. Springside Stores	KA11 3BG	12
11. Keystore	KA11 4AQ	6.3
12. Dreghorn Discount Food Store	KA11 4AW	15.7

13. Co-operative Food	KA11 4ES	27.4
14. West End Dairy	KA11 4EZ	13.2
15. Booker Cash and Carry	KA11 5AU	377
16. Aldi	KA12 0AA	34.1
17. Irvine Late Shop	KA12 0AD	9.7
18. Iceland Foods Limited	KA12 0AX	8.8
19. Townhead Stores	KA12 0EH	11.8
20. Thornhouse Stores	KA12 0LU	33.7
21. Max Stores	KA12 0NU	25.8
22. The Kiosk	KA12 0PZ	16.7
23. Premier Store	KA12 0RF	25.6
24. Co-operative Food	KA12 0RF	24.7
25. Costcutters	KA12 0UL	5.2
26. Bobby's Bargain	KA12 0XE	19.6
27. Marks and Spencer Simply Food	KA12 8AG	48.5
28. Home Bargains	KA12 8AG	25.4
29. Spar Convenience Store	KA12 8AH	39
30. Tesco Extra	KA12 8AY	255.2
31. Fullarton Street Newsagents	KA12 8DG	2.6
32. Asda Store	KA12 8EH	255.1
33. Sainsbury's Supermarket	KA12 8HG	170.7
34. Annes Store	KA12 8RP	17.4
35. Redburn Stores	KA12 9BG	21.6
36. Scotfresh (fka Nisa Local)	KA12 9HD	22.2
37. Premier	KA12 9LP	3.1

These figures disregard:

1. Clubs which are entitled to special treatment under section 125 (FT=5)
2. Gantries in on-sales premises

Sources:

1. Licensing Policy Statement (2013-16) Annex E)
2. Population from 'Scottish Neighbourhood Statistics' (SNS) 2011
3. NALB Premises Licences data as at 20 Apr 2015
(off-sales capacity rounded down to next 0.1 sq.m.)

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Application for Grant of Provisional Premises Licence - Section 45

Applicant	Arran Brew Ltd.
Premises	"The Weavers" Public House, 11-13 Bridge Street, Kilbirnie KA25 7BL
Ref.	469

Preliminary

The Board are entitled, but not obliged, to request a report from the Chief Constable detailing all cases of Antisocial Behaviour, and all complaints or other representations made to Police which have taken place on, or in the vicinity of, the Premises, in the previous year. (The Board's power is under Section 24A, as added by the Criminal Justice and Licensing (Scotland) Act 2010).

Before proceeding to determine the Application itself, the Board should decide whether or not to request a Report. If they do, they must defer further consideration until the Report is produced.

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 8 May 2015. To date, no objections had been received. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.

The Applicant should lodge the following Certificate. Until the Board have it, they cannot determine the Application: Display of Site Notice.

1. Summary of Proposal

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

The proposal is for a bar/diner with a micro-brewery in the public house building formerly known as the "The King's Arms" or "The Bowery". The Premises will have both on-sales and off-sales. The building is part of a terrace, and has other buildings on either side. The Premises include an enclosed Outdoor Drinking Area to the rear.

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**

The Premises sell both on-sales & off-sales.

On-Sales

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

Off-sales

The request is for 11.00 - 22.00, 7 days a week. This is within the legislation and is within NALB Policy.

(b) Capacity

On-Sales (persons)	133
Standing / Seated	not stated
Off-Sales (sq. mtr.s)	3.85 sq.m.

(c) Activities other than the sale of alcohol

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

	Other activities
Proposed	Charity, art, community and cultural events may occur from time to time. Food-related activities and events such as master-classes, tasting, launches and so on may be catered for. Micro-brewery which may include tours and tastings.

(d) Access for Under-18s

Terms (OP 6(b))	Must be with adult. No requirement for meals.
Times (OP 6(d))	Under-18s of all ages allowed at all Licensed Hours.
Parts (OP 6(e))	All parts of Premises.

3. Issues

The Board has a discretion to grant or refuse the Application. It is the Clerk's opinion that,

(a) provided that the Board are satisfied on the issues raised below (see 'Clarification required' below), and

(b) apart from the issue of Overprovision (see below),

there are no statutory reasons to refuse, and there is no breach of Board Policy.

The Board should consider all the potential Grounds for Refusal. 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 all potential Grounds for Refusal: Section 23(7).

Clarification required

(a) The statutory form has a single category 'indoor/outdoor sports', so Applicant should state what is intended, where and when it will happen, and whether any outdoor activities are intended. The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives.

(b) The Operating Plan does not state an exclusion area for under-18s. The Board may wish the Operating Plan to be modified to include a statement, e.g.

"No under-18s shall be allowed within 1.0 metres of the bar except to be supplied with a non-alcoholic drink served:

(1) in a sealed container, or

(2) in a container which was unsealed immediately before the supply, or

(3) in a glass to which the contents of such a container have just been decanted."

(c) The proposal includes an enclosed Outdoor Drinking Area at the rear of the

Premises. The Premises are bounded on both sides, and at the rear, by other buildings. The Board would have to consider the 'preventing public nuisance' Licensing Objective. The Licence would in any case be subject to the Board's Standard Conditions, including:

"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 considers it necessary, either at the point of granting the PPL or if later upholding a Review, they may vary those conditions.

(d) 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:

- (i) state where such facilities will be, or
- (ii) amend OP to exclude children under 5; or
- (iii) 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, the Board may consider that reasons to refuse exist:

- (i) Application is inconsistent with L.O. (d) ("protecting and improving public health");
- (ii) Application is inconsistent with L.O. (e) ("protecting children from harm");
- (iii) Premises may be unsuitable for use for the sale of alcohol.

Overprovision

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2016, Annex E). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

The Board should consider any submissions made by the Applicant and any interested party, and take into account those submissions and the following presumptions:

- (a) the existing number and capacities of Premises in that Locality and in that Function Type is already sufficient,
- (b) Overprovision would result if the Application was to be granted, and

- (c) the Application should be refused.

The Policy is only a guideline and does not set rigid quotas. It would always be open to the particular Applicant to seek to persuade the Board that the Application should be granted.

The Board will expect Applicants who are seeking the grant of a new Premises licence or a Variation which increases the capacity under an existing Licence to provide robust and reliable evidence as to why the benefit to each of the Licensing Objectives outweighs the apparent detriment to those Licensing Objectives. The Board will expect to be addressed on the way the promotion of each Licensing Objective will be achieved by granting the Application.

This report to the Board supplies the following information:

- (a) the Locality of the Premises
- (b) the Function Type of the Premises
- (c) any Additional Factors
- (d) other similar premises in the Locality

(a) the Locality of the Premises

The Board has determined that there are 6 'localities' in its area (coinciding with the 6 'Neighbourhood Areas' used by the North Ayrshire Community Planning Partnership).

The Subject Premises are in Locality 5: "Garnock Valley" (Auchentiber, Barmill, Beith, Dalry, Glengarnock, Kilbirnie & Lugton).

(b) the Function Type of the Premises

The Board's Overprovision Policy distinguishes Premises by 'Function Types'.

The Subject Premises are in Function Type 3 (On-sales other than entertainment venues, e.g. public houses).

(c) Additional Factors

The likelihood that the Application will be granted or refused will be influenced by the Locality and the Function Type:

- (1) Locality: the Premises are in one of 4 Localities where Applications are especially unlikely to be granted (regardless of the Function Type) - "Three Towns"; "Kilwinning"; "Irvine etc."; or "Garnock Valley";
- (2) Function Type: The presumption of refusal applies to FT 2, 3 & 6 (nightclubs, pubs, and 'Part K' Clubs) regardless of the Locality;

(d) other similar premises in the Locality

An Overprovision Assessment Report describing other similar Premises in the Locality is with the Agenda.

4. Observations

(a) There is no Location Plan as required by NALB Guidance, so it is not clear what other properties are in the vicinity, particularly residential property and schools.

(b) OP includes 'Films'. This is not a matter for the Board, but Applicant may require Licences under the Cinema Act 1985.

(c) The provisions of the Gambling Act 2005:

- allowing "Equal Chance Gaming" (such as Poker) without a Permit
- allowing the use of Gaming Machines without a Permit (called "the Automatic Entitlement")
- allowing the playing of Bingo without a Licence
- Licensed Premises Gaming Machine Permits

only apply during the Core Licensed Hours. If the Premises are open outside these hours then there must be no gaming and any Gaming Machines should be switched off. The Premises are to open from 8.00 a.m. to sell breakfasts etc..

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)
- F (Entertainment)

Overprovision Assessment Report

Premises: Arran Brew (Public House, Kilbirnie) (NALB ref. 469)

A. The OA divides:

North Ayrshire into 6 'Localities', and
Premises into 6 'Function Types'.

B. The 'Localities' are:

1. North Coast
2. Three Towns
3. Kilwinning
4. Irvine and area
5. Garnock Valley
6. Arran

C. The 'Function Types' are:

1. Off-sales Premises
2. On-sales Premises principally providing entertainment (e.g. nightclubs)
3. Other on-sales Premises (e.g. public houses)
4. On-sales Premises (accommodation/meals/non-alcoholic refreshment)
5. Members' Clubs with Special Treatment (excluded from Overprovision)
6. Members' Clubs without Special Treatment ('Part K Clubs')

D. The Subject Premises are:

in 'Locality' : 5 (Garnock Valley)
in 'Function Type' : 3 (Other on-sales Premises (e.g. public houses))

E. Description of THIS Locality (Garnock Valley):

People in this Locality: 20,059
ALL alcohol outlets in this Locality : 60 (or 2.9 per 1,000 people)
(of ALL FTs, except FT5 - Clubs)
Total ON-SALES capacity: 4,585 customers (or 228 per 1,000 people)
Total OFF-SALES capacity: 1,059 sq.m. (or 52.8 per 1,000 people)

F. Premises of THIS Function Type in THIS Locality:

The number of Premises of the same Locality/Function Type : 23

These are:

		cust.
1. Canny Man Restaurant and Bar	KA03 4ED	190
2. The Blair Inn	KA13 7RR	116
3. Glendale Arms	KA14 3AT	119
4. Caledonian Inn (ex Peebie Broon's)	KA15 1AB	176
5. Anderson Hotel	KA15 1AD	245
6. Saracen Head Hotel	KA15 1AQ	116
7. Eglinton Inn	KA15 1AQ	300
8. Station Inn	KA15 1HP	100
9. Burnhouse Manor Hotel	KA15 1LJ	385
10. Masonic Arms	KA15 2AD	66
11. Smugglers Tavern	KA15 2AD	149
12. Gateside Inn	KA15 2LF	102

13. Black Bull Inn	KA24 4AF	143
14. Dalry Multifunction Centre	KA24 5AB	250
15. The Royal	KA24 5AQ	129
16. The Turf Inn	KA24 5BN	151
17. Greenbank Inn	KA24 5BY	97
18. Masonic & Volunteer Arms	KA24 5DH	115
19. Enigma	KA24 5DP	130
20. Tartan Bar	KA24 5DW	154
21. Ramages Bar	KA25 6HN	40
22. The Commercial (ex Garnock Community SC)	KA25 7AA	100
23. Moorpark House Hotel	KA25 7LD	325

These figures disregard:

1. Clubs which are entitled to special treatment under section 125 (FT=5)
2. Gantries in on-sales premises

Sources:

1. Licensing Policy Statement (2013-16) Annex E)
2. Population from 'Scottish Neighbourhood Statistics' (SNS) 2011
3. NALB Premises Licences data as at 20 Apr 2015
(off-sales capacity rounded down to next 0.1 sq.m.)

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Application for Variation of Premises Licence - Section 29

Applicant	Ailie Duncan
Premises	Little Rock Café, Shore Road, Brodick, Isle of Arran
Ref.	413

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 8th May 2015:

- 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. If there any, the Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

The Premises were formerly known as "Arran on a Plate". The Licence was transferred to the present PLH. The Premises are a bar-restaurant with Outdoor Drinking Area, licensed for on-sales only 12.00 to 24.00 7 days.

No.	Variation
1	<i>Allow under-18s unaccompanied access to the premises</i>
2	<i>Permit use of outdoor drinking area from 9.00 am</i>
3	<i>Dis-apply NALB Standard Conditions relating to capacity and toilet checks</i>

2. Changes**Variation of Access terms for Under-18s**

	Current	Proposed
Terms (OP 6(b))	"Children" (0-15 years) permitted when accompanied by an adult "Young Persons" (16-17) permitted to dine unaccompanied	Under-18s to be permitted unaccompanied by an adult
Times (OP 6(d))	Under-18s at all times when accompanied by an adult "Young Persons" unaccompanied by an adult are permitted only for the duration of their meal	Under-18s permitted at all times
Parts (OP 6(e))	Restaurant, outside terrace, and toilets	No change

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.

Variation 1: Allow under-18s unaccompanied access to the premises

Discretionary Refusal

Permitting "Children" access to the premises unaccompanied by an adult may be inconsistent with Licensing Objective (e): "protecting Children from harm". This L.O. only applies to "Children", and not to "Young Persons".

Variation 2: Permit use of outdoor drinking area from 9.00 am

Discretionary Refusal

The proposal is to allow the Outdoor Drinking Area identified on the layout plan to be in use from 9.00 a.m. for the service of tea, coffee, hot drinks etc.. Alcohol will not be served out with the permitted licensed hours.

The Board have previously, on a case-by-case basis, allowed variations of this nature. The Board has to consider whether or not the proposal is inconsistent with any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'. The Premises are not near residential accommodation.

Standard Condition C.5.2 applies to the Outdoor Drinking Area:

"No drinks (alcohol or not) shall be taken into or consumed in such areas earlier than 11.00am and later than 10.00pm"

The Board might amend the Condition by adding at the end:

"except that tea, coffee and other soft drinks may be served from 9.00 a.m.."

Variation 3: Dis-apply NALB Standard Conditions relating to capacity and toilet checks

Discretionary Refusal

The proposal is to dis-apply Standard Conditions C.8, C.12.2 and C.12.3, which relate to the requirements to carry out and record regular capacity and toilet checks.

These Conditions are commonly applied to on-sales Premises, on the view that they are a means to ensure that the operation of the Premises is consistent with various Licensing Objectives:

(b) securing public safety,

(c) preventing public nuisance,

(d) protecting and improving public health, and

However, the Board have previously removed these requirements on a case-by-case basis, considering the nature of the operation and the likely customer base.

4. Licence Conditions

If Variation 2 is granted Standard Condition C.5.2 will be amended as suggested.

If Variation 3 is granted then Conditions C.8, C.12.2 and C.12.3 should be removed from the Licence.

Application for Variation of Premises Licence - Section 29

Applicant	John Mather McBride
Premises	The Harbour Lights, 15 Stuart Street, Millport, Isle of Cumbrae
Ref.	0464

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 8th May 2015:

- 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. If there any, the Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	Variation of hours: amend daily core hours to 11.00 - 23.00
2	Variation of activities: include receptions for weddings, funerals, birthdays etc.
3	Variation of access for Under 18s: permit access during core hours

2. Changes

Variation of Hours - On-Sales

	Current	Proposed
All 7 days	11.00 – 14.00 and 17.00 – 23.00	11.00 – 23.00

Variation of Activities

The proposal is to add Receptions for weddings, funerals, birthdays etc., i.e. to amend OP 5(b) to 'yes'.

Variation of Access terms for Under-18s

	Current	Proposed
Terms (OP 6(b))	Under-18s allowed entry if accompanied by an adult	No change
Times (OP 6(d))	Children (0-15 years): until 20.00. Young Persons (16 and 17 years): until 20.30.	Under-18s allowed during core hours (i.e. till 23.00)

Parts (OP 6(e))	All public areas	No change
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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.

Variation 1: Hours
Grant (no statutory reason to refuse, and no breach of Board policy)
The previous core hours reflected the operating hours of the premises, which ceased trading in the afternoon. The variation has been sought to enable the premises to trade continuously between the hours of 11am – 11pm.

Variation 2: Activities
Grant (no statutory reason to refuse, and no breach of Board policy)

Variation 3: Access for Under-18s
Grant (no statutory reason to refuse, and no breach of Board policy)
The variation will allow Under-18s of any age access for the whole Core Hours, i.e. to 23.00. They will still require to be accompanied by an adult.

3. Licence Conditions

No variation of the Conditions is appropriate.
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