

Cunninghame House,
Irvine.

18 February 2016

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 22 FEBRUARY 2016** 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 11 January 2016 (copy enclosed).

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

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

Licensing Board

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

Chair:

Attending:

Apologies:

Meeting Ended:

**North Ayrshire Licensing Board
11 January 2016**

Irvine, 11 January 2016 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Ian Clarkson, John Bruce, John Easdale, Catherine McMillan, Ronnie McNicol and Donald Reid.

In Attendance

W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer and M Champion, Administration Assistant.

Also In Attendance

Chief Inspector Shaw and Sergeant Griffiths (Police Scotland).

Convenor

Councillor Clarkson

Apologies for Absence

Tom Marshall
Robert Barr
Grace McLean

Declarations of Interest

None.

The Convenor wished everyone a Happy New Year and welcomed members of the Local Licensing Forum to the Licensing Board.

1. Minutes

The Board were asked to confirm the Minutes of the Board meetings held on 14 September 2015 and 9 November 2015. The Convenor proposed that both sets of Minutes be adopted and this was seconded by Councillor Bruce. The Board unanimously agreed to confirm and adopt both sets of 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 Premises Licence 0369 Porthead Tavern, 2-4 High Street, Irvine

The Board considered an application for variations of a Premises Licence made by the Licence Holder, The Portland Arms (Scotland) Limited, for the above premises. The Licence Holder was represented by Alan Brown, Proprietor.

The Licence Holder was requesting the following variations:

1. Change Sunday Opening for both on- and off-sales to 11.00
2. Amend access arrangements for under-18s in restaurant/lounge
3. Amend access arrangements for under-18s in upstairs lounge

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 Brown addressed the Board regarding the application. As the lounge area is now being used as a restaurant, the request to have Sunday morning opening from 11.00 am and the increased access for children and young persons to 10.00 pm would bring the Premises in line with other restaurants. The Convenor commented on the good reports he had heard about the new restaurant.

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

A.2 Premises Licence 0302 Lamlash Golf Club, Lamlash, Isle of Arran

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

The Licence Holder was requesting the following variations:

1. Add 'music' and 'live performances' to Operating Plan
2. Add off-sales facility
3. Add 'gaming' to Operating 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. Grace Cullen, Licensing Standards Officer advised that the club were in fact tidying up their Operating Plan to reflect how they are actually operating.

A representation in support of the application had been made by Arran Community Council and copies of the written submission were given to the Board Members. The Community Council were not represented.

Having considered the terms of the report, and the submissions made, Councillor Bruce moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. Part B (Off-Sales) of the Board's Standard Conditions will now apply.

A.3 Premises Licence 0080 The Waterside, 14 Bath Street, Largs

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

The Licence Holder was requesting the following variations:

1. Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.
2. Add dance facilities to the Operating Plan

In total, 5 objections had been lodged with the Board:

Paul Castelvechi, Flat H, 18 Main Street, Largs
David Findleton, Flat B, 10 Bath Street, Largs
Mr & Mrs J Mulholland, 18D The Moorings, Largs
Margaret Wood, on behalf of Largs Community Council
Maureen MacGlashan, 16G Main Street. Largs

Mr Hunter confirmed that he had seen copies of the objections prior to the Board meeting. Copies of the written objections were given to the Board Members.

For the objectors, Mr. John Mulholland was representing both Mr. Castelvechi and Mr. Findleton, Ms. Gillian Mulholland was representing her recently deceased mother, Mrs. Mulholland, and Ms. Margaret Wood representing Largs Community Council were all present.

Mr. Hunter sought clarification from the Convenor as to the status of Ms. Gillian Mulholland - was she objecting for her own interest, or was she representing her recently deceased mother?

The Convenor noted that Ms. Mulholland was the Executor and Trustee of the recently-deceased occupier. Mr. Hunter said that she could only object if she lived in the house. Ms. Mulholland confirmed that she had often been in her late mother's house and had personal experience of the noise and disturbance. Councillor Reid commented that Ms. Mulholland lived at 18D The Moorings, Largs, which was in the same group of buildings that contained the "Waterside", and that she had signed the objection letter. She confirmed that she was herself a resident.

The Chair confirmed that Ms. Mulholland was a competent party, that Mr. Hunter would be given the opportunity to address the objection, and that the objection could proceed.

The Proposal

The proposal related to an existing Public House in Bath Street, Largs. The Public House was part of a series of buildings, most of which were residential, in the block bounded by Bath Street and on three sides by Fort Street. The Premises were subject to a Premises Licence where the current On-Sales hours were

Monday - Wednesday 8.00 a.m. - 24.00 p.m. (midnight)

Thursday - Saturday 8.00 a.m. - 1.00 a.m.

Sunday 8.00 a.m. - 24.00 p.m. (midnight)

The Licence was subject to the usual Board conditions, but also to a specific condition relating to nuisance.

On 26 June 2012 the Board upheld a Review Application submitted by a neighbour of the Premises, Mr. Paul Castelvechi, Flat H, 18 Main St., Largs in relation to Licensing Objectives:

“(c) preventing public nuisance”

“(d) protecting and improving public health”

The Board varied the Licence by adding a further condition:

“Amplified music or noise will cease at 12.30 a.m. on a Friday and Saturday night and 11.30 p.m. on a Sunday night.”

The Board subsequently dealt with a second Review Application commenced by the Environmental Health Officer. This was continued on a number of occasions, pending noise-abatement works and monitoring by the EHO. At their Meeting on 18 December 2012 the Board noted that works had been carried out on the Premises with a view to remedying the problem raised by the Application, and that the PLH proposed to cease having live music 30 minutes before the Terminal Hour. In respect that it appeared to the Board that the matters raised by the Applicant had now been resolved, the Board determined to take no further action on the Application.

The Board on 11 January 2016 had a Variation Application proposing to vary the Premises Licence in two ways:

1. Increase on-sale terminal Core Hours on Fridays & Saturdays 2.30 a.m. from 1.00 a.m.
2. Add dance facilities to the Operating Plan

Application 1 was determined that day. The Board continued determination of Application 2 pending a Site Visit by Members.

Mr. Hunter (for the Applicant)

Mr. Hunter advised that his client was requesting to alter the hours at the Premises to allow them to diversify the business and offer customers late night opening following customer demand. At the moment music ended at 00.30 a.m.. The intention was for DJs to provide music and dancing until 2.00 a.m. with the Premises closing at 2.30 a.m. on Friday and Saturdays. This would reflect the Condition placed on the Premises, resulting from a previous Review, to cease the playing of music 30 minutes prior to the close of the Premises.

He noted the Objections but said that these were about dispersal of customers after the Premises closed, and about outside smokers. He said it was important to note that the PLH (Mr. Purdie) was not the Premises Licence Holder at the time of the previous Review. At the time he was only the tenant of Greene King Retailing Ltd., so he did not have the authorisation to make any amendments to the Premises. As a result of the Review £25,000 worth of works had been carried out. NAC Environmental Health and the Licensing Standards Officer said no complaints had been received since 2012.

He said there would be no nuisance caused by the Variation. The intention would be to change the way the Premises are run if the Variation is granted. At 00.30 a.m. the Board's curfew would kick in and a door steward would be at the front of the Premises.

There would be no smoking at the front of the Premises and the PLH would ensure that, after the 00.30 a.m. curfew, only the rear enclosed area would be used for smoking, and that would be limited to 5 patrons at a time. This was the procedure his client had used at New Year. The rear smoking area would be covered by CCTV which would be monitored from the

bar area. The request to vary the hours was a result of customer demand and the customers were "on board" - they would, he said, help ensure that the Premises keep to this proposal.

Mr. Hunter said he was aware of concerns about an outright grant today, and said he was asking only for the Variations for a trial period of 6 months starting from April 2016. He explained that he was not seeking a variation from today (11 January), but rather from April, because the Premises are generally quieter in January and February and usually get busier towards Easter. This was an alternative to the variation following the Review implied in the Report by the Solicitor (Licensing).

At the moment the Premises tend to empty around midnight or 00.15 a.m. when their customers leave to go onto "The Lounge" or "Fiddlers", the Late Opening Premises in Largs. Customers had indicated to the PLH that they would like to remain in the Premises if there were late hours.

Mr. Hunter observed that, if the present Variation Application had not been made, the PLH would not have been aware of concerns regarding the operating of the Premises or the issues when customers leave, as no noise or nuisance complaints had been made to the Police, Environmental Health or the LSO. The situation today was not like the situation in the 2012 Review. He said it was almost impossible for a PLH to answer generalised and unspecific complaints. There were no objections here from the Police, Environmental Health or the LSO.

In conclusion, his client was trying to extend his business. This has been motivated by customers wishing to remain on the Premises. The extra hours would be managed by door stewards and the smoking area will be moved to the back of the Premises.

Mr. Hunter invited the Board to grant the Application on a trial period to allow his client the chance to prove that there will be no difficulties with noise issues. After that 6 months trial the Board could look at any issues which may have been caused. This will give both his client and the objectors a chance to see how the late hours would affect them. He suggested that perhaps the LSO or the Board could visit the Premises during the trial period. He submitted that it would be a proportionate middle ground to allow a trial period.

Objector: Mr. John Mulholland

He referred to Mr. Findleton's letter. Mr. Hunter had said for the PLH that there had been no reported incidents, but the letter said that Mr. Findleton had complained.

Mr. Mulholland said that Mr. Hunter had sought to justify the proposal by "customer demand". There was no "resident demand". The Application would extend the disturbance one-and-a-half hours, to 3.30 a.m..

Following a previous Review sound-proofing had been implemented in the Premises, and this has had an effect, but the main issues in his view were the amount of noise from customers smoking at the front of the building, and also when they leave at the end of the night. According to Mr. Hunter, the neighbours' problems arose from events outside the Premises. Mr. Mulholland asked "are the patrons really going to 'become nice' ?"

The intention to move the smoking area to the back would also cause noise issues. His family had regularly seen drunken customers in the street. They would be shouting and screaming with abusive language, brawling, climbing onto cars, urinating, and other anti-social behaviour. In the past had been reported to the Police with no further action taken. He said there are approximately 100 neighbours who are affected by the noise and disturbance when the Premises close.

He referred to Mr. Castelvechhi's letter. Numerous complaints were made back in 2012 to the Licensing Standards Officer and to NAC Environmental Health. Although additional works were carried out, background noise is still heard although this is now tolerated. Mr. Castelvechhi had witnessed shouting, swearing and mayhem in the street after the pub closes. He would not be able to bear this if the proposed late hours were granted.

Mr. Mulholland pointed out that the word used by Mr. Castelvechhi was "tolerated". It was not a satisfactory level.

Objector: Ms. Mulholland

Since the smoking ban was implemented, the smoking area at the back of the Premises had been used. This area was just over 10 yards her bedroom. Neighbours were subjected to noise whenever the Premises' door opened and closed, as this made sound-proofing ineffective. Noise of talking and drinking in the outside area became louder as the night went on. The outside area cannot be sound-proofed due to smoking shelter laws. Extending the trading hours would increase noise disturbance.

The close leading to the rear entrance to the Premises had a substantial iron gate. Closing this reverberated in the buildings, so the neighbours would hear the gate after 2.30 a.m..

There was also the noise of empty bottles being discarded in the early hours. She said that at the moment the noise was tolerated, but the late hours would not be acceptable to residents.

Objector: Ms. Wood (Largs Community Council)

She said that most of the points the Community Council wished to raise had been covered by the other Objectors. She said this was a residential area with old people and young people. There was a noise nuisance, and the proposal to extend hours would only make things worse. The Community Council believe that the late hours were not good for the Largs area. To her knowledge the Premises were not big enough to have dancing. Largs did not need another late opening Premises.

Questions

The Convenor asked Mr. Hunter if he had any questions for the Objectors? He said he did not, although he would have comments later.

The Convenor directed the same question to the Objectors. They had no questions.

Further comments for Applicant

Mr. Hunter said that he was not saying that the Objectors' accounts were not true, but he asked how could the PLH respond if the complainer does not say when the incident happened, or when was the PLH told?

He commented that if there was indeed the "mayhem" that Mr. Castelvechhi said, the Board would be hearing about it from the Police or LSO, not objectors. He said all a PLH can do with the 'smoking ban' is to manage it. There was a limit to what a responsible operator could do. The smoking issue has been going on for almost 10 years and his client is trying to manage noise from this area. His intention was to stop customers smoking at the front of the Premises, and to limit the number of people in the rear smoking area after the 00.30 a.m.

curfew to 5 persons. The Applicant could not stop noise from the door as he could not stop customers from going out to smoke.

Mr. Hunter suggested the Application might be granted for a trial period of 6 months to allow the Applicant the chance to prove that the Premises could be operated successfully and responsibly without complaints.

He said the Community Council raised the question of need for extra hours. He said that actually the PLH was responding to his customers by seeking extra hours. The question for the Board was not whether it would be a benefit to Largs, but rather whether it was inconsistent with a Licensing Objective.

Further Comments

The Convenor asked the Objectors to sum up.

Objector: Mr. Mulholland

He noted that the PLH was not aware of issues of patrons leaving the Premises. He said that even if a trial period was granted this would impinge on neighbours. The proposal would just move a problem from the front of the Premises to the back.

Objector: Ms. Mulholland

She said that moving the smoking area from the front to the back would increase the opening and closing of doors.

Objector: Ms. Wood (Community Council)

She advised that this would interfere with the way of life for the neighbours and, although noise is contained within the Premises, it is not being contained when customers leave and this is disturbing old people and children.

Questions from Members

Councillor Easdale

He asked the LSO if there had been any neighbour complaints since the Board last dealt with at the Premises?

She confirmed that there had been no complaints received by Licensing or Environmental Health since the improvement works had been completed.

Chief Inspector Shaw also confirmed that the Police had not received complaints regarding the Premises.

The Councillor asked the Objectors for their thoughts on the suggestion of a trial period of 6 months.

Mr. Mulholland confirmed that Mr. Castelvechi at the moment just tolerates the noise, but the proposal was to extend what is tolerable to 2.30 a.m.. This was unacceptable.

The Councillor put to Mr. Mulholland that the Applicant should have one chance to remedy matters, and asked if he would not expect the same courtesy?

Mr. Mulholland replied: look at the history. It took Mr. Castelvechi a lot just to get the situation to a tolerable level. Mr. Mulholland said that he himself personally heard all that noise.

Ms. Mulholland also advised that this would be totally unacceptable as she herself had experienced the noise when she was staying with her late mother in the last months of her life. She herself had been surprised at how much she could hear.

Councillor McNicol

The Councillor commented to the PLH that his Premises were not big. He asked the PLH if the size of the Premises was increasing to allow for the dance-floor. The PLH said that he already had a dance-floor and that there was to be no extension to the Premises.

The Councillor commented to the Objectors that in December 2015 the Board had conducted a site visit to "Fiddlers" [a nightclub in Largs], and at the same time had visited other Premises in Largs, and did not witness any noise issues from the street containing the "Waterside". He said that Largs was a "ghost town" after 00.45 a.m..

Mr. Mulholland pointed out that Mr. Castelvechi had said that Largs was a quiet town. He said that the Premises were not suitable to be operated as a nightclub.

Councillor Reid

He asked the Solicitor (Licensing) for clarification on the Premises' Core Hours and the Licence Conditions relating to the smoking area.

Mr. O'Brien advised that the Premises can open at 8.00 a.m., since the Board allowed a departure from the 11.00 a.m. Policy years ago. Councillor Reid noted that if the Application were to be granted then these Premises would have the longest hours in North Ayrshire, as they currently have trading hours from 8.00 a.m..

Mr. O'Brien confirmed that there were no Conditions relating to the smoking area, but there was a Condition prohibiting the emptying of bottles or other waste from the Premises between 10.00 p.m. and 7.00 a.m..

The Convenor

Referring to the Layout Plan, he asked for clarification on where the proposed dancing would take place.

Mr. Hunter suggested that a site visit by the Board to the Premises, as this area was not drawn on the existing layout plan. He said the area is mainly the wooden floor area with a capacity for approximately 40 persons, and that the total capacity of the Premises was 96. He confirmed that the dance area was within the area marked "lounge bar" on the Layout Plan.

He repeated that his client was unable to deal with complaints if no complaints had been received.

Deliberation

The Board retired to Members Lounge to deliberate in private, accompanied by the Solicitor (Licensing), and later returned to the public meeting.

The Convenor enquired if there were any Motions.

Councillor McNicol moved that the Board:

1. refuse Variation 1 (Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.) on the basis that this was inconsistent with the "Preventing Public Nuisance" Licensing Objective, and
2. defer the decision on Variation 2 (Add dance facilities to the Operating Plan) until a site visit was made to the Premises, at which time the Board would also look at the smoking area.

Councillor Bruce seconded this Motion.

The Convenor enquired if there was any other Motion. There was no other Motion, and no expression of abstention or dissent.

The Motion was held carried unanimously: "qui tacet consentire videtur".

Variation 1 was refused. Variation 2 was deferred and would appear on the Agenda for a later Meeting.

Mr. Hunter requested a Direction under Section 32 (so as to permit a further Application within one year without the need for a material change of circumstances). Under the Scheme of Delegations approved by the Board on 3 March 2014 this decision was delegated to the Convenor, who granted the request."

A.4 Premises Licence 0043 The Village Inn, 46 Bay Street, Fairlie

The Board considered an application for Transfer of a Premises Licence, under Section 33, for the above premises. The applicant was not represented.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the background to the application and summarised the issues arising. The Clerk confirmed that although the information provided had been considered at a previous Board meeting following the application for a Provisional Premises Licence, the Police are required to provide information on convictions on receipt of Transfer applications. The applicant had been advised not to attend.

Having considered the terms of the report, and the submission made, the Convenor moved that the Board note the conviction and grant the transfer application. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Transfer.

A.5 Winston Tifferson (Application Ref NA 2039)

The Board considered an application for a Personal Licence made by the above Applicant. Mr Tifferson was personally present.

The Board considered the terms of a report by the Solicitor (Licensing) which referred to the Chief Constable's Notice under Section 73(3)(b) of the 2005 Act and summarised issues arising. Copies of the Police letter were given to the Board Members.

Councillor McNicol asked if this was the only conviction Mr Tifferson had, how long he had lived in his present address and does he have previous bar experience. Mr Tifferson

confirmed that he had lived there since 2012, he also had previous driving convictions and that he had worked in hotels and bars since he was 18. Mr Tifferson confirmed that he is a Trainee Manager now therefore he requires a Personal Licence.

The Convenor asked the Police if they were aware of other convictions, Chief Inspector Shaw confirmed that there were driving offences in 2012 and 2013 under S143 for no insurance. The Clerk advised that these were not 'Relevant Convictions' as defined by Regulations. Mr Tifferson confirmed that he has been banned from driving and is just about to get his driving licence back, he was young at the time and has now matured and is more responsible. He is currently employed with Simpsinns at Si, Irvine.

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

A.6 Occasional Licences 1058/15-1061/15 The Red Squirrel & Lodge, Ashenyards Park, Stevenston

The Board considered applications for Occasional Licences for The Red Squirrel & Lodge, Ashenyards Park, Stevenston.

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. The Board also had regard to a report by Grace Cullen, Licensing Standards Officer.

Mr O'Brien explained the background to the applications, the premises do have a Provisional Premises Licence and intend applying for Confirmation. He also confirmed that the applicant had agreed to amend the commencement hour to 11.00am not 10.00am as this was an oversight on the application.

Having considered the terms of the report, and the submissions made, the Convenor moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Occasional Licences from 11.00am.

3. Consideration of the Board's draft Statement of Principles 2016-2019 (Gambling Act 2005, Section 349).

The Board considered a report by the Solicitor (Licensing) regarding the requirement, under the Gambling Act 2005, for the Board to adopt and publish a Statement of Principles for the period 2016-2019 by 31 January 2016. Mr O'Brien confirmed that the draft proposal was based on the same principles as those accepted 3 years ago. It has also been updated following guidance from the Gambling Commission and the Board's recent refusal of a Gaming Machine Permit within the Irvine Mall. No objections have been received from the Police or the Health Board. The draft Statement of Principles has also been intimated to all parties including the trade and no objections have been received.

Having considered the report and the draft Statement, the Chair proposed that the Board accept the recommendation and adopt the draft Statement as their Statement of Principles for the period 2016-2019. There were no counter proposals and the Board unanimously agreed without dissent or abstention to adopt the draft Statement as their Statement of Principles for the period 2016-2019.

4. Annual Meeting with Local Licensing Forum

The Convenor welcomed the Members of the Licensing Forum to the Board. The Forum members present were Colin Sinclair, Christopher Donohue, Sgt Gareth Griffiths, Grace Cullen, LSO and Gemma Kellas providing admin support.

The Forum had the following items on their agenda:

1. Junior Football Teams
2. Exemption from the 3 Guest Rule

1. Junior Football Teams

Mr Sinclair, Chair of the Local Licensing Forum, addressed the Board on the issue of the junior football teams. Whilst the Forum would wish to support these clubs the junior football teams should not be seen to be cutting corners especially as there seems to be lots of trouble in the town of Beith when big derby matches are on. Mr Sinclair proposed that there are discussions between representatives of the football teams, Licensing and the Police to establish how many licences are required in a season and the time limits in applying for Occasional Licences. Sergeant Griffiths had advised that this is not just an issue in North Ayrshire.

Councillor McMillan enjoys junior football and is aware that some clubs do apply for Occasional Licences.

Grace Cullen confirmed that at times junior football clubs submitted Occasional Licence applications with less than 7 days' notice, and asked should the Board allow this special treatment?

Mr O'Brien explained that he has contacted the administrative body for the Junior Football Clubs who have provided a list of all the local junior teams. The intention is to contact these clubs, the Police and the Licensing Forum to gather their views in order that this can be considered at a future Licensing Board. Issues the Board may consider are the timescales when submitting Occasional Licence applications, should the times be restricted to 1 hour before and 1 hour after the game and should children be allowed access.

Councillor McMillan also noted that at some games maybe the Police would object to there being an Occasional Licence. Chief Inspector Shaw confirmed that this could be the case as in the past there has been more trouble at junior football games than there has been at professional games and advised that there was a serious incident last year where supporters took alcohol into a junior football game. The impact of Occasional Licences at junior football games could affect all over Scotland not just North Ayrshire therefore it may be Police Headquarters who would consider this issue. It could be the case that junior clubs will require to contribute to the cost of extra policing at games as is the case with senior clubs.

Grace Cullen confirmed to Councillor McNicol's question that Irvine Meadow were the only junior club to have a Premises Licence. There are clubs who use portacabins and would not obtain the relevant permissions in order to apply for a Premises Licence and there are clubs who only provide hospitality so there is no sale of alcohol. Therefore, there may not be that many clubs who will be affected by this.

2. Exemption from the 3 Guest Rule

Mr Sinclair, then addressed the Board with the Forum's concern regarding the exemption from the 3 guest rule for clubs. They were surprised to see that the Board had recently

permitted a club to sign in 8 guests per member. As he is also a licensee this seemed unreasonable to him and other Premises Licence Holders especially when the process for clubs is much easier than that for other licensed premises.

The Convenor asked the Clerk to explain the Board's policy in relation to the 3 guest rule. Mr O'Brien advised that clubs, except sporting club, could only have 3 guests per member. Sporting Clubs are able to have unlimited guests per member and clubs can on request to the Board ask to vary this Condition. The Licensing Board do make discretionary decisions on these cases. The Convenor clarified that decisions to these Variations are made on the day the application calls at the Licensing Board on a case by case basis.

Councillor Bruce referred to a recent application where a club only had one member present and was signing in numerous guests, this was brought to the Board's attention and the Board had permitted them to sign in 8 guests and asked that the club make changes to its Constitution. Mr Sinclair advised that this club were known to be signing in lots of non-members.

Mr Sinclair advised Councillor McMillan that he thought the club was being run like a pub.

Grace Cullen explained the background to the application from the club and that she had encouraged the variation application. She has received reports that the club are acting like a pub but requires proof that this is the case. Other clubs have been able to deal with the issue of non-members signing in by offering Associate Membership for a small fee.

Chief Inspector Shaw advised that the police had no issues on specific clubs.

Councillor McNicol asked Chief Inspector Shaw if it was still the case that the police required to be invited into clubs. Chief Inspector Shaw advised that clubs could not refuse the police entry. Councillor McNicol had heard that this club was not doing very well and that on occasions only 3 people were in the club during a weekend.

Mr Sinclair advised that over the last few years on a Friday night that this club was the place to go and other pubs in the town have been quiet.

Councillor Reid asked for the crime statistics over the Festive period in North Ayrshire. Chief Inspector Shaw advised that serious violence monitoring was actually very good over the Festive period. There were 2 serious assaults, not related to licensed premises and 2 robberies. There was a slight increase in the number of common assaults in the New Year week but these were not predominately linked to licensed premises.

The Convenor asked the Forum what in their mind was the way forward on the 3 guest rule.

Grace Cullen proposed that, with the exceptions of

- (a) the Masonic Club with 8 guests, and
- (b) sporting clubs,

there should be a limit on the number of guests.

The Convenor confirmed that this was not a straight forward situation. From licence holders point of view, Grace Cullen noted that all premises are struggling and if clubs are letting lots of people in this is unfair and the Board should relook at this. The Convenor confirmed that the Board would relook at this issue.

AGENDA ITEM 1

The Convenor asked the Forum if they would allow the Licensing Department some time to carry out the spade work required in order for the Board to consider this matter. Grace Cullen confirmed this on behalf of the Forum.

The Convenor thanked the members of the Forum for bringing these issues to the Board. The Board were considering these issues but will now look into these as a priority and will consult back to the Forum with the outcomes.

The meeting ended at 11.52 am

Agenda Item 2

22 February 2016

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.	0475	Muhammad Anees 22 Speyburn Place Lawthorn Irvine KA11 2BQ	News Buster 1 Ladyha Court Girdle Toll Irvine KA11 1QN	Application for Grant of Provisional Premises Licence - Section 45
2.	0476	Fongs Property Limited 9 Royal Crescent Glasgow G3 7SP	The Royal Blossom 44-46 Townhead Irvine KA12 0BE	Application for Grant of Provisional Premises Licence - Section 45
3.	0298	Irvine Water Sports Club 66 Harbour Street Irvine KA12 8PZ	Irvine Water Sports Club 66 Harbour Street Irvine KA12 8PZ	Premises Licence Review Proposal - Section 37
4.	0080	Hillend Enterprises Limited 37 Greenock Road Largs KA30 8PJ	The Waterside 14 Bath Street Largs KA30 8BL	Application for Variation of Premises Licence - Section 29 (Continued from 11/01/16)

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Muhammed Anees
Premises	"News Buster", 1 Ladyha Court, Irvine, KA11 1QN
Ref.	475

Preliminary

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 12 February 2016.

No information about any objections or representations is noted here. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.

The Board have requested 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, Section 183(2) and SSI 2010-413).

If the Report is not available the Board must defer further consideration until the Report is produced: Section 24A(3).

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

1. Summary of Proposal

The Applicant has applied for the Grant of a Provisional Premises Licence (PPL). The proposal is for an off-sales capacity of 22.08 square metres within a convenience store.

This is the third Application by the same Applicant for the same Premises:

- (a) On 10 July 2014 the Board refused a PPL Application where the capacity requested was 24.6 sq.m. (NALB 456)
- (b) On 17 November 2014 the Board refused a PPL Application where the capacity requested was 18.32 sq.m. (NALB 463)

The Board carried out a Site Visit on 9 July 2014, immediately before the first decision.

Part of the Applicant's submissions in relation to these Applications was that there was likely to be a housing development nearby of 200 houses. In the week ending 10 October 2014 NAC granted a Building Warrant (14/00289/BW) for the erection of 48 dwelling-houses on a site to the north-east of The Grange, Perceton, Irvine.

The PPL relates to Premises which are to be 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 requirement to lodge a Food Hygiene Certificate depends on whether or not there is a 'Food Business' within the Food Safety Act 1990. A FHC is needed even for a shop which sells tinned or packaged food, as well as for a restaurant or any Premises serving prepared food.

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 off-sales only. The request is for 10.00 - 22.00, 7 days a week. This is the maximum permitted by the legislation and is within NALB Policy.

(b) Capacity

Off-Sales (sq. mtr.s)	22.08 square meters
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3. Issues

The Board has a discretion to grant or refuse the Application.

In all Applications, whether or not there are third-party objections, the Board must consider whether or not the Application is inconsistent with any of the Licensing Objectives.

The Board may consider that two grounds for refusal exist:

(a) The Application appears to be inconsistent with one of the Licensing Objectives: L.O. (d): 'protecting & improving public health'.

(b) Overprovision may result if the Application is granted

If the Board are satisfied that either or both reasons exist, the Board must refuse. If none apply, the Board must grant: Section 23(4)-(5).

However, the Board is obliged to grant the Application if the Applicant accepts a suitable modification to the Operating Plan or Layout Plan (or both), where that

modification deals with the potential ground for refusal: Section 23(7).

(a) Licensing Objectives

The L.O. expressly states 'improving'. The creation of a new facility to sell alcohol cannot be said to improve public health. Opinions may differ as to whether:

- (i) it damages public health, or
- (ii) makes no difference (e.g. it might be said that adding a facility here does not increase the overall amount of alcohol consumed in society, but all that will happen is that the free market will operate so as to take business away from existing outlets);

but it is unlikely to improve it.

The present Subject Premises are not far from the B.P. Girdle Toll petrol filling station at Littlestone Row, Long Drive, Irvine KA11 2DJ.

On 21 August 2013 the Board refused a PPL Application by B.P. Oil UK Ltd. for a proposal to include in an existing 'Connect' an off-sales display area of 5.04 sq.m..

The Board's reasons for refusal were:

- (a) Inconsistency with Public Health Licensing Objective (here "PHLO") (Section 23(5)(c))
- (b) Overprovision would result (Section 23(5)(e))

The Board issued a Statement of Reasons which included:

"[The Applicant's Solicitor] had been specifically asked to say what he thought "improving" in the Licensing Objective "protecting and improving public health" meant and had replied that it meant "makes no difference". The Board did not agree. The Scottish Parliament is not to be supposed to have used the words "protecting" and "improving" for no purpose. While the Board did not subscribe to the view that new Licences could never be granted, it was not sufficient to treat customer choice as the sole criterion. The words of the statute acted as a direction to the Board to consider Public Health information and to form an opinion as to whether or not a proposal for new Licensed premises would be likely to promote the goals of "protecting" and "improving" public health."

Since that decision, the Board has carried out the statutory three-yearly review of its Licensing Policy Statement. On 19 November 2013 the Board adopted a LPS which, in relation to Licensing Objective (d) ('protecting & improving public health') and the question of Overprovision, is generally more restrictive than the 2010 LPS considered in the B.P. case.

(b) Overprovision may result if the Application is granted

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:

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

- (i) the Locality of the Premises
- (ii) the Function Type of the Premises
- (iii) any Additional Factors
- (iv) other similar premises in the Locality

(i) 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).

(ii) 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).

(iii) 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).

(iv) Other similar premises in the Locality

The Overprovision Policy covers the whole of the "Irvine and Area " Locality, but within the "KA11" PostCode area alone there are three existing off-sales shops in this residential area, detailed below.

After visiting the site previously and examining of a map, the Board was satisfied that all three Premises were within ten minutes' walk of the Subject Premises, and that the locality was already overprovided with places where alcohol could be bought.

The three existing shops are:

Lic. No.	Premises Name	Premises Address	FT	Off-Sales (sq.m.)
204	Spar Convenience Store	2/3 Cardow Crescent KA11 2DH	1	29.34
6	Keystore	89 Burns Crescent KA11 1AQ	1	62.6
389	Premier / Girdle Toll Post Office	83 Burns Crescent KA11 1AQ	1	8.94

"FT" = "Function Type"

4. Licence Conditions

If the Licence is granted, it will be subject to the following parts of the NALB Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions):

- A (All Premises)
- B (Off-Sales)

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Mrs. Kam Yin Fong
Premises	"The Royal Blossom", 44-46 Townhead, Irvine KA12 0BE
Ref.	476

Preliminary

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 12 February 2016.

No information about any objections or representations is noted here. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.

The Board have requested 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, Section 183(2) and SSI 2010-413).

If the Report is not available the Board must defer further consideration until the Report is produced: Section 24A(3).

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

1. Summary of Proposal

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

The Premises were licensed under the 1976 Act and after Transition under the 2005 Act until 19 January 2015 (NALB Premises Licence no. 141). On that date the Licence was revoked after a Review Proposal under Section 37, following the failure of the PLH to pay the Annual Fee required by a Licence Condition (NALB Standard Condition A.7, which repeats one of the Mandatory Conditions: 2005 Act, Schedule 3, Paragraph 10).

The proposal is to license the Premises as a restaurant.

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 requirement to lodge a Food Hygiene Certificate depends on whether or not there is a 'Food Business' within the Food Safety Act 1990. A FHC is needed even

for a shop which sells tinned or packaged food, as well as for a restaurant or any Premises serving prepared food.

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 on-sales only. The proposal is shown in the table below. Either the proposal is within NALB Policy on licensed hours, and is shown 'OK', or the Policy is shown.

	<i>Proposal</i>	<i>Policy</i>
Monday	12.00 - 23.00	
Tuesday	"	
Wednesday	"	OK on all
Thursday	"	7 days
Friday	12.00 - 24.00	
Saturday	"	
Sunday	16.00 - 23.00	

(b) Capacity

On-Sales (persons)	68
Standing / Seated	all seated

(c) Activities other than the sale of alcohol

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

Outdoor Drinking	
Adult entertainment	

	Other activities
Proposed	none

(d) Access for Under-18s

Terms and Ages (OP 6(b) & (c))	Must be with adult if under 12. May be unaccompanied if older.
Times (OP 6(d))	All opening hours (i.e. to 23.00 or 24.00)
Parts (OP 6(e))	All public parts of Premises.

3. Issues

The Board have a discretion to grant or refuse the Application. It is the Clerk's opinion, apart from the issue of Overprovision outlined below, there are no statutory reasons to refuse, and there is no breach of Board Policy.

Given the type of operation proposed here, the present Report does not contain the usual detail that a Report on a proposal to Grant a new Licence would contain.

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.

However the Subject Premises are in "Function Type" 4 (On-Sales Premises whose principal function is the provision of accommodation, meals or non-alcoholic refreshment), so the Board are entitled to refuse the Application, but not bound to do so.

If the Board wish to consider this matter further, they may choose to continue this case until a later Hearing, pending production of a further Report. It would then be for the Applicant to explain to the Board why the Application should be granted, notwithstanding the Board's Policy.

4. Observations

1. Applicant should confirm that OP6(e) is to be amended by adding:

"no-one under the age of 18 will be permitted to be within one metre of the bar"

(a) such an exclusion has often been thought appropriate by the Board, given the 'preventing crime' Licensing Objective;

(b) The Scottish Parliament has passed the Air Weapons and Licensing (Scotland) Act 2015. Section 41 of that Act extends the existing 'Protecting Children' Licensing Objectives (meaning 'children under 16' to cover 'young persons' (meaning 'under 18'))

2. No off-sales Licence is requested. The Applicant should confirm that either there will be no food take-away or home delivery facility, or (if there is) that no alcohol will be sold for consumption off the Premises (see the NALB Licensing Policy Statement (2013-16), Para. 2.23).

3. Since the Premises are to admit children under 5, the Mandatory Condition requiring Baby-Changing Facilities accessible by both genders applies (Sch. 3, Para. 12, SC C.3). The Application does not indicate where these facilities would be.

Applicant should:

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

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

- (a) Application is inconsistent with L.O. (d) ("protecting and improving public health");
- (b) Application is inconsistent with L.O. (e) ("protecting children from harm");
- (c) Premises are unsuitable for use for the sale of alcohol.

5. Licence Conditions

- A (All Premises)
- C (On-sale Premises)

Premises Licence Review Proposal - Section 37

Premises	Irvine Water Sports Club, 66 Harbour St., Irvine KA12 8PZ
Premises Licence Holder	Irvine Water Sports Club
NALB ref.	298

1. Background

The Board have received a "Notice of Conviction" from the Chief Constable reporting that a Connected Person has been convicted of an offence under Road Traffic Act 1988, Section 5(1)(a) (driving over the alcohol limit).

This is a "Relevant Offence" (as prescribed by The Licensing (Relevant Offences) (Scotland) Regulations 2007 No. 513).

A copy of the Notice of Conviction will be given to Members. Under Section 44 the Board must, on receipt of the Notice of Conviction, make a Review Proposal under Section 37 (Review of Premises Licence on Licensing Board's initiative).

2. Action

If the Board are satisfied that the conviction does not relate to the operation of Licensed Premises the Board may wish to conclude the Review by taking no action. If the Board consider that Revocation or the other steps otherwise available may be appropriate, and wishes to be addressed by the Licence Holder, the case should be continued to a later meeting.

Application for Variation of Premises Licence - Section 29

Premises	"The Waterside", 14 Bath St., Largs
Premises Licence Holder	Hillend Enterprises Ltd.
Ref.	080

CONTINUED FROM 11 JANUARY 2016

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 25 December 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. There have already been some, but since the period has not expired and there might be others, these are not detailed here. The Applicant will be advised and copies will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	<i>Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.</i>
2	<i>Add dance facilities to the Operating Plan</i>

2. Issues**Variation 1: Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.**

Discretionary refusal

Notes:

The current On-Sales hours are:

Mon - Wed 8.00 - 24.00

Thur - Sat 8.00 - 1.00

Sun 8.00 - 24.00

i.e. the terminal hours are Board Policy hours.

The Licence is subject to the usual Board conditions but also to a specific condition relating to nuisance. On 26 June 2012 the Board upheld a Review Application submitted by a neighbour of the Premises, Mr. Paul Castelvechi, Flat H, 18 Main St., Largs in relation to Licensing Objectives:

"(c) preventing public nuisance"

“(d) protecting and improving public health”

The Board varied the Licence by adding a further condition:

“Amplified music or noise will cease as 12.30 a.m. on a Friday and Saturday night and 11.30 p.m. on a Sunday night.”

The Board subsequently dealt with a second Review Application commenced by the Environmental Health Officer. This was continued on a number of occasions, pending noise-abatement works and monitoring by the EHO. At their Meeting on 18 December 2012 the Board noted that works had been carried out on the Premises with a view to remedying the problem raised by the Application, and that the PLH proposed to cease having live music 30 minutes before the Terminal Hour. In respect that it appeared to the Board that the matters raised by the Applicant had now been resolved, the Board determined to take no further action on the Application.

The Board should be aware of the potential relevance of the European Convention on Human Rights. Article 8(1) is:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

This right has been held to be relevant in noise-nuisance cases, e.g. in Moreno Gomez v Spain [2004] ECHR 633 a Spanish Council had designated the area where the complainer lived as an “acoustically saturated zones” but nevertheless granted a Licence to a disco-club. The European Court of Human Rights held that there had been a violation of Article 8 and awarded compensation against the Government.

The Board would have to consider:

- (a) whether or not the proposed variation was consistent with the Licensing Objectives, and
- (b) whether or not the proposed variation involves a disproportionate interference with the complainers' Human Rights;
- (c) can the problem suffered by any complainer be adequately mitigated, e.g. by sound-proofing.

If granting the hours requested, the Board may wish to limit the activities permitted on the Premises. The Board may also oblige the Applicants to give complainers prior notice of events after a specified time, and to notify the EHO so that these might be monitored.

If the Board allow the variation, and are later satisfied that this is inconsistent with any L.O. or that any Licence condition has been breached, they have the right to Vary the Licence so as to limit or remove the permission.

Variation 2: Add dance facilities to the Operating Plan

Discretionary refusal

Notes:

The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives, and in particular L.O. (c): 'preventing public nuisance'.

The considerations are similar to those for V1.

3. Licence Conditions

If either Variation is granted, the Board should consider what variation, if any, should be made to the Conditions. Possible conditions might:

- (a) limit the activities permitted on the Premises.
- (b) oblige the Applicants to give complainers prior notice of events after a specified time
- (c) oblige the Applicants and to notify the EHO so that these might be monitored.

