

Cunninghame House,
Irvine.

14 November 2013

North Ayrshire Licensing Board

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Council Chambers, 3rd Floor, Cunninghame House, Irvine on **TUESDAY 19 NOVEMBER 2013** at **10.00 am** to consider the undernoted business.

Yours faithfully

Clerk to the Licensing Board

1. Minutes

Confirm the Minutes of the Board Meetings held on 21 August 2013 and 30 September 2013.

2. Draft Licensing Policy Statement 2013-2016

Consideration of the final draft Licensing Policy Statement (LPS document including Overprovision assessment documents are available on our website:
<http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/licensing-board.aspx>)

3. Chief Constable's Annual Report - Licensing (Scotland) Act 2005, Section 12A for year to 31 March 2013

Submit report to the Licensing Board by the Chief Constable of Police Scotland (copy enclosed).

4. 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: Ronnie McNicol (Chair)
 Tom Marshall (Vice-Chair)
 Robert Barr
 John Bruce
 Ian Clarkson
 Ruth Maguire
 Alex McLean
 Alan Munro
 Donald Reid
 Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Report

to

North Ayrshire Licensing
Board

by

Solicitor (Licensing)

Subject:	Licensing Policy Statement (LPS) 2013 - 2016.
Purpose:	To present a further draft LPS.
Recommendation:	That the Board adopt a final version of the LPS.

1. Background

All Boards in Scotland must have a Licensing Policy Statement (LPS) setting out the Board's Policy with respect to the exercise of its functions under the 2005 Act. The North Ayrshire Board adopted a LPS in 2007. By Law, the LPS must be revised every three years, on 30 November 2013, 2016 and so on. The current LPS was adopted by the Board on 16 November 2010.

2. Current Position

A draft LPS 2013-2016 was prepared and discussed by Members at a Special Meeting on 21 October 2013. A number of suggestions for revisal were then made by the Board. Accordingly, a further draft, incorporating those suggestions, has been prepared and is now placed before the Board.

The draft now prepared is complete, and comprises all the material which the Board has previously considered, including Annexes D (Consultation) and E (Overprovision).

3. Recommendation

The Board is invited to discuss, amend if necessary, and adopt a final version.

Report

to

North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject:	Chief Constable's Annual Report - Licensing (Scotland) Act 2005, Section 12A for year to 31 March 2013
Recommendation:	That the Board note the Report

Under Section 12A of the 2005 Act (as inserted by the Alcohol etc. (Scotland) Act 2010) every Chief Constable must, as soon as practicable after the end of each financial year, send a report to the Board setting out—

(a) the Chief Constable's views about matters relating to policing in connection with the operation of the 2005 Act in the Board's area during that year and the following year, and

(b) any steps the Chief Constable—

(i) has taken during that year,

(ii) intends to take in the following year,

to prevent the sale or supply of alcohol to 'Children' or 'Young People' in that area.

The Chief Constable must also send a copy of the report to the Local Licensing Forum.

The Chief Constable of Police Scotland has therefore submitted the attached Report. If the Board so requests, the Chief Constable (or other constable nominated by the Chief Constable) must attend a meeting of the Board to discuss the Report.

The Board is not required to take any action. It will remain the case that if the Police have complaints about particular Licensed Premises, these will be raised using the Review procedures in Sections 36 (Premises Licence) and Sections 84 and 84A (Personal Licence).

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**POLICE
SCOTLAND**
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
NORTH Ayrshire LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31st March 2013**

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NORTH AYRSHIRE LICENSING BOARD AREA

Police Service of Scotland Priorities

The national priorities for the Police Service of Scotland for 2013-2014 are:

- Reduce violence, disorder and antisocial behaviour
- Protect the public
- Increase road safety and reduce road crime
- Tackle serious organised crime and terrorism
- Effectively police major events and threats
- Maintain high levels of public confidence in policing
- Deliver our equality and diversity outcomes

Ayrshire Policing Priorities

Following our public consultation process, the policing priorities for North Ayrshire, as set out in our Local Policing Plan are as follows;

- Drug use and Drug Dealing
- Drunk and Disorderly Behaviour
- Assault and Violent Crime
- Housebreaking and Other Theft

Senior Officers

The senior officers who hold responsibility for licensing within the North Ayrshire area are as follows;

Chief Superintendent	John Thomson	Divisional Commander
Chief Inspector	John Hogg	Area Commander(s)
Inspector	Andrew McInnes	Divisional Coordination Unit
Sergeant	Donald McIntosh	Divisional Licensing

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

The effects of alcohol related violence and disorder in North Ayrshire is prevalent and officers continue to exploit all opportunities to reduce criminality surrounding licensed premises.

Increasing awareness of Challenge 25 legislation and refreshing the bottle marking initiative contributed to decreasing public reported incidents of street drinking by 41%. An intelligence led response to under age drinking has seen test purchase operations undertaken at specific and problematic off sales premises. As a result, three premises were subject of a report to the Procurator Fiscal and later re tested when two premises failed for a second time.

Police Scotland continues to act on information and develop partnerships with external agencies and local licensees in support of the licensing objectives. Close working and information sharing with the UK Border Agency identified premises licensed under the act allegedly employing illegal workers. During March 2013, a joint operation resulted in 7 illegal workers being arrested with Scottish Power identifying one off sales premise concerned in the theft of electricity. This resulted in the immediate closure of the premise causing disruption to their ability to trade.

In addition, Operation MYRIAD and Operation IMPACT were implemented within the Sub Division where focus was shifted to targeting problematic licensed premises and those connected with Organised Crime Groups. These Operations involved partnership working with North Ayrshire Licensing, Scottish Power and Environmental Health being involved in what proved to be successful Operations.

Effectively dealing with violence within and surrounding licensed premises continues to be a local priority. When such incidents have occurred License holders and staff are visited and reminded of their responsibilities in respect of the act and how their actions can impact upon the licensing objectives. Further visits are made by local officers at peak times to ensure compliance and any breach of legislation dealt with robustly.

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The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

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Agenda Item 4

19 November 2013

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 Strathclyde Police 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.	0067	Marian Small 50 Chapelhill Mount Ardrossan KA22 7LU	Latrobes 69/71 Princes Street Ardrossan KA22 8DG	Application for Transfer of Premises Licence - Section 34
2.	0448	Dalry Shopsmart Limited Registered Office 3/7 New Street Dalry KA24 5EH	Alpine Stores 2 Dalry Road Ardrossan KA22 8LQ	Application for Grant of Premises Licence - Section 20
3.	0433	Davinder Summel 10 Piersland Place Girdle Toll Irvine KA11 1QF	Le Raj Restaurant 32A Bank Street Irvine KA12 0AD	Application for Variation of Premises Licence - Section 29
4.	0308	Millport Golf Club Golf Road Millport KA28 0HB	Millport Golf Club Golf Road Millport KA28 0HB	Application for Variation of Premises Licence - Section 29
5.	0177	Torranyard Tandoori Limited c/o Carrick Kerr 54 Cowgate Kirkintilloch G66 1HN	Torranyard Tandoori Torranyard Kilwinning KA13 7RD	Application for Variation of Premises Licence - Section 29