

**North Ayrshire Licensing Board
30 May 2013**

Irvine, 30 May 2013 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Ruth Maguire, Alan Munro and Donald Reid.

In Attendance

W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer, C Pollock, Licensing Administration Officer.

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Alex McLean.

1. 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 China Palace, 132 Main Street, Kilwinning

The Board considered an application for grant of a Premises Licence made by Ms Jing Luo for the above premises. The Applicant was not present or represented.

Mr O'Brien informed the Board that the Applicant did not yet have a Section 50 Building Standards Certificate, and as such consideration of the application would have to be continued to a future Meeting.

A.2 Premises Licence 0388 Jack's Corner, 2-4 Young Street, Ardrossan

The Board considered an application for variations of a Premises Licence made by Ronald McConnachie for the above premises. Mr McConnachie was present.

The Licence Holder was requesting the following variations:

1. Vary Sunday on-sales opening from 12.30 pm to 11.00 am.

2. Vary Sunday off-sales opening from 12.30 pm to 11.00 am
3. Vary Monday on-sales closing from 24.00 pm to 1.00 am.

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.

In total, 7 objections had been lodged with the Licensing Section in relation to the application. Copies of the written objections were given to the Board Members. No objectors were present.

Thereafter Mr McConnachie addressed the Board on the issues arising and he responded to questions from Councillors Reid and Clarkson. Mr McConnachie explained that the earlier opening hours on a Sunday were being sought in order to cater for football supporters who travel on a bus, from the pub, to attend Rangers matches. At present, if the match has an earlier kick off time on a Sunday, these people have to stand around the street prior to getting on the bus. If the earlier hours were granted, this would allow the supporters to access the premises for a short time before the bus leaves. With reference to the request for later hours on a Monday evening, Mr McConnachie explained that this was to cater for darts tournaments which take place at the premises on a Monday night. There are 2 teams who use the premises for their home games, and Mr McConnachie added that there are other premises in the area that have 1.00 am closing on a Monday night.

In response to questions from Councillors Barr and Munro, Mr O'Brien clarified that the request for 1.00 am on a Monday night is out with the Board's current Policy, although another local premises, Charlie's Bar, do have this permission. Mr O'Brien also clarified that Mr McConnachie had withdrawn a request for an outdoor drinking area so the application relates only to the 3 variation requests noted in the report.

The Board adjourned at 10.12 am and re-convened at 10.19 am.

Having considered the terms of the report, and the submissions made, Councillor Munro moved that all 3 variations should be granted. The Chair seconded the motion. Councillor Marshall moved as an amendment that variations 1 and 2 should be granted, but variation 3 should be refused. Councillor Bruce seconded the amendment.

There was then a roll-call vote. There were no abstentions. Councillors McNicol and Munro voted for the motion. Councillors Bruce, Clarkson, Maguire, Reid, Barr and Marshall voted for the amendment.

The amendment was accordingly carried. Variations 1 and 2 were granted, and variation 3 was refused.

A.3 Lochranza Youth Hostel, Lochranza, Isle of Arran

Councillor Reid declared that he was a current member of the Scottish Youth Hostel Association. Councillor Bruce declared that he was a lapsed member of the Scottish Youth Hostel Association. The Chair noted both declarations.

The Board considered an application for grant of a Premises Licence made by S.Y.H.A. (Trading) Ltd for the above premises. The Applicant was represented by

AGENDA ITEM 1

Caroline Loudon, Solicitor, and she was accompanied by Margo Paterson from the Premises.

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.

In total, 22 objections had been lodged with the Licensing Section in relation to the application. Copies of the written objections were given to the Board Members. No objectors were present.

Thereafter Ms Loudon addressed the Board on the issues arising and she responded to questions from the Chair and Councillors Barr, Bruce, Clarkson, and Marshall. Ms Loudon explained that the proposal would involve the provision of a small fridge facility, to be located behind and below the counter at the front reception. The fridge would not be visible to patrons and would store small bottles of wine and beer, for sale to guests who are resident on a self-catering basis at the premises, or to people who are attending a pre-booked function at the premises. Although the facility is primarily for residents, Ms Loudon explained that in the winter months, in order to 'bridge the gap' between seasons, the Hostel is rented out for exclusive use. Such applications tend to be for family celebrations and are mostly repeat bookings. Applications are scrutinised in relation to strict criteria, and applications are not entertained for things like stag or hen parties. Ms Loudon added that there are 2 permanent members of staff, who reside at the premises, and the Manager already has a Personal Licence.

Ms Loudon then handed out a pack to Board Members which contained information, including photographs, about the Youth Hostel and a £800,000 refurbishment which has recently been undertaken at the premises. Referring to the large number of objections, Ms Loudon said that it was her understanding that an objection was read out at the local church, and the situation 'blew up' from there. She explained that her client wanted the Youth Hostel to be a benefit to the local community. She added that this was communicated to local residents at a recent meeting, during which it was emphasised that there was no intention that the Youth Hostel was going to become, or be operated as a pub.

Ms Loudon then addressed the points raised by Mr O'Brien in the Board report. She clarified that the outdoor drinking area is the hatched area shown on the 1:100 layout plan, and the Board's conditions relating to outdoor areas are acceptable to her client. In terms of 'Theatre' and 'Films', there would only be educational films or small scale theatre productions, certainly no activity that would require a licence under the Theatres Act 1968 or the Cinemas Act 1985. Definitely no alcohol would be sold during auctions, and Ms Loudon also gave an undertaking that adequate baby changing facilities would be installed as required by the Mandatory Condition.

In response to Mr O'Brien's written comments regarding the extent of the licence, Ms Loudon said that the initial paragraph of the suggested, additional wording for the licence would be acceptable to her client except that, in its present form, it does not include people who are attending a pre-booked function at the premises.

The Board adjourned at 10.52 am and re-convened at 10.58 am.

Having considered the terms of the report, and the submissions made, Councillor Maguire 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. The Licence is granted subject to Standard Conditions (Edition 5) Parts A, B, C and F.

2. NALB Model Publication Scheme 2013

Mr O'Brien informed the Board that there was a further item of business, in addition to the scheduled business detailed in the agenda. He explained that The Freedom of Information act (Scotland) Act 2002 required the Board to produce and maintain a publication scheme. This legal obligation applies to all Scottish Public authorities. Mr O'Brien informed the Board that the Scottish Information Commissioner had produced and approved a Model Publication Scheme, and it was his recommendation that the Board adopt the Model Publication Scheme in its entirety, without amendment. If the Board decide to adopt the Model Publication Scheme then there is a commitment to produce a Guide to Information in relation to the information that is published through the Scheme. Mr O'Brien said that a Guide to Information had been drafted by the Licensing Department and was available for Board Members to read. If the Board decide to proceed in accordance with the recommendation, then the Guide to Information will be published on the Board's section of the North Ayrshire Council website, and the Licensing Department will notify the Scottish Information Commissioner of the Board's intention to adopt the Model Publication Scheme, and this will be done prior to the 31 May 2013, which is the deadline for responses to the Scottish Information Commissioner.

Having considered Mr O'Brien's verbal report, the Board agreed to proceed in accordance with his recommendation and adopt the Model Publication Scheme in its entirety, without amendment. It was noted that the Licensing Department will complete and forward the appropriate Notification form to the Scottish Information Commissioner prior to the 31 May 2013.

The meeting ended at 11.01 am.