

Cunninghame House,
Irvine.

27 September 2012

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 **WEDNESDAY 3 OCTOBER 2012** at **10.00 am** to consider the undernoted business.

Yours faithfully

Clerk to the Licensing Board

- 1. 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)
- 2. Consideration of NALB Policy for Festive Period 2012**
Submit report to the Licensing Board regarding Extended Hours during Christmas and New Year period (copy enclosed)
- 3. Chief Constable's report to NALB for period 01/04/2011 - 31/03/2012**
Submit report to the Licensing Board by the Chief Constable of Strathclyde Police (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:

Agenda Item 1

3 October 2012

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/KA

For further information please contact William O'Brien, Licensing Solicitor , 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	0346	Sant Limited 8 Loach Avenue Irvine KA12 0EX	Irvine Snooker Club 53 East Road Irvine KA12 0BT	Review Application - Section 36 Continued from 26/06/12 & 22/08/12
2	NA1115	Mr Ravinder Singh 8 Loach Avenue Irvine KA12 0EX		Personal Licence Review Application - Section 84A Continued from 26/06/12 & 22/08/12
3	0241	Revels Sports Bar and Diner Ltd 53 Main Street Kilwinning KA13 6AN	Revels 53-59 Main Street Kilwinning KA13 6AN	Review Application - Section 36 Continued from 22/08/12
4	0184	Taylors Hotel Scotland Ltd 28-30 North Street Dalry KA24 5DW	Taylors 68-78 Byres Road Kilwinning KA13 6JU	Review Application - Section 36 Continued from 26/06/12 Review Proposal - Section 37
5	NA1199	Graeme Ross Kerr 5 Gullane Place Kilwinning KA13 6TR		Personal Licence Review Application - Section 84A Continued from 26/06/12
6	0080	Greene King Retailing Ltd c/o Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	The Waterside 14 Bath Street Largs KA30 8BL	Review Application - Section 36 Continued from 22/08/12
7	0246	Mr Gurpreet Singh Batth 2a Stanecastle Road Irvine KA11 1AE	The Burns Tavern 34-36 High Street Irvine KA12 0AY	Review Application - Section 36

8	0246	Mr Gurpreet Singh Batth 2a Stanecastle Road Irvine KA11 1AE	The Burns Tavern 34-36 High Street Irvine KA12 0AY	Application for Variation of Premises Licence - Section 29 Continued from 16/04/12, 26/06/12 & 22/08/12
9	0243	Irvine Leisure Limited 18 Bank Street Irvine KA12 0AD	Pitchers 18 Bank Street Irvine KA12 0AD	Application for Variation of Premises Licence - Section 29 Continued from 22/08/12
10	0125	Jagtar Singh Lalli 25 Berry Drive Irvine KA12 0LJ	Keystore 14 Hamilton Street Saltcoats KA21 5DS	Application for Variation of Premises Licence - Section 29
11	0232	P/Ship of Kuldip & Carol Singh 35 The Paddock Perceton Irvine KA11 2AZ	West End Dairy 100 Townfoot Dreghorn Irvine KA11 4EZ	Application for Variation of Premises Licence - Section 29
12	0012	Co-operative Group Food Limited, New Century House Manchester M60 4ES	Co-operative Food Main Street Lamlash Isle of Arran KA27 8LX	Application for Variation of Premises Licence - Section 29
13	0345	William McLaren Lohengrin Lamlash Isle of Arran KA27 8JT	McLaren Hotel Brodict Isle of Arran KA27 8AJ	Application for Variation of Premises Licence - Section 29
14	0267	Beith Masonic Social Club 3-5 Eglinton Street Beith KA15 1AD	Beith Masonic Social Club, 3-5 Eglinton Street Beith KA15 1AD	Application for Variation of Premises Licence - Section 29
15	0434	Jagir Singh 25 Berry Drive Irvine KA12 0LJ	Shop Unit 18 Adams Avenue Saltcoats KA21 6AL	Application for Grant of Premises Licence - Section 20
16	634/12	Lodge 320 Masonic Social Club 1 Harbour Street Ardrossan KA22 8BS	Civic Centre Glasgow Street Ardrossan KA22 8EU	Application for Occasional Licence - Section 56 Clerk to report

17	656/12 Rama Camp Muay Thai c/o Scott Russell 19 Inverleven Place Lawthorn Irvine KA11 2DW	Volunteer Rooms High Street Irvine KA12 0AL	Application for Occasional Licence - Section 56 Clerk to report
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Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"Irvine Snooker Club", 53 East Road, Irvine, KA12 0BT
Premises Licence Holder	Sant Ltd
Ref.	0346

CONTINUED FROM 26/06/12 & 22/08/12

1. Background

By letter of 18 April 2012 the Chief Constable made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

2. Basis of Review

The 'Grounds for Review' are that the operation of the Premises was inconsistent with the following Licensing Objectives:

"(a) preventing crime and disorder"

"(e) protecting children from harm."

3. Licensed Hours

The Premises are Licensed for on-sales only. The operating hours are:

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

4. Capacity etc.

The Premises are subject to the appropriate parts of NALB's Standard Conditions (A,C & F), but with some conditions (as to the position of pool tables) disapplied.

The Premises have a capacity of 150 customers.

Activities other than the sale of alcohol:

(a) Generally: None

(b) Entertainment: Gaming, Indoor/outdoor Sports and Televised Sport.

- (c) The Premises do not have Outdoor Drinking Facilities.
- (d) The Premises do not allow Children under 5.

Under-18s only allowed at the bar to buy soft drinks and snacks, and may not sit at the bar.

Access conditions:

(i) Children (5-9 years)

if accompanied by adult, until 22.00.

(ii) Children and Young People (10-17 years)

No need to be accompanied by adult.

If not accompanied, until 22.00. If accompanied, for whole Core Hours.

5. Procedure

Having received an Application, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the letter from the Police, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

6. Additional Powers of inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5) and (6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;

- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review Application,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

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 (if any) 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;
- (d) Revoke the Licence.

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 (Section 38(5) & (6)).

8. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing. If there is also a decision about a Personal Licence, the holder can appeal to the Sheriff.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.

Personal Licence Review Hearing - Section 84A

Applicant	Ravinder Singh, 8 Loach Ave, Irvine, KA12 0EX (DOB 17/5/80)
Ref.	NA1115

CONTINUED FROM 26/06/12 & 22/08/12

1. Background

By letter of 18 April 2012 the Chief Constable reported certain circumstances relating to 10 March 2012. The Personal Licence Holder was then the Premises Manager of Irvine Snooker Club, 53 East Road, Irvine (NALB ref. 346). On 23 March 2012 a Variation application was lodged seeking the substitution of Baldev Singh (Personal Licence NA 0554, same home address) as Premises Manager with immediate effect. This was granted under delegated powers.

Section 84A entitles the Chief Constable to report to the Board where he considers that any Personal Licence Holder has acted in a manner which is inconsistent with any of the Licensing Objectives.

Copies of the letter will be distributed to Members at the Meeting.

2. Procedure

Under Section 84A(2) the Board must, on receipt of that Report, 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 Report
- (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.

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"Revels", 53-59 Main Street, Kilwinning, KA13 6AN
Premises Licence Holder	Revels Sports Bar and Diner Ltd.
Ref.	0241

CONTINUED FROM 22/08/12

1. Background

By letter of 31 July 2012 the Chief Constable made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

On 4 October 2011 the Board upheld a Review Application submitted by the Chief Constable in relation to the 'preventing crime and disorder' Licensing Objective.

Since then the Licence has been transferred to another Company, where one of the two Connected Persons is the Premises Manager, Steven Boyce. He was the P.M. before the Transfer, and continues to be P.M.

On 4 October 2011 the Board:

- (1) Varied the Premises Licence so that for 2 calendar months the Terminal Hour should be reduced to 24.00 (Saturday) and 23.30 (6 days);
- (2) Suspended the Personal Licence of P.M. Steven Boyce (NA 0782) for a period of 3 calendar months.

Copies of that earlier Application will be distributed to Members at the Meeting.

2. Basis of Review

The 'Grounds for Review' are that the operation of the Premises was inconsistent with the following Licensing Objectives:

"(a) preventing crime and disorder"

"(b) securing public safety"

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

On-sales:

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

4. Capacity etc.

The Premises have a capacity of 105 customers, and an off-sales display capacity of 11.22 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Conference facilities, Restaurant facilities, Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Dance Facilities, Gaming, Indoor/outdoor Sports, Televised Sport, Quiz nights, Charity events, Race nights, Barbeques.
- (c) The Premises have Outdoor Drinking Facilities.
- (d) The Premises allow under-18s of all ages.

The Premises consist of a Public Bar and Beer Garden on the ground floor and a Restaurant on the first floor. Access conditions:

- (i) Public Bar - all under-18s are allowed until 20.00 for having a meal or attending a function, if accompanied by an adult (but are not allowed in bar area).

- (ii) Beer Garden - all under-18s are allowed during all Core Hours for having a meal or attending a function, if accompanied by an adult
- (iii) Restaurant - as for (ii).

5. Procedure

The Licensing Standards Officer will prepare and submit a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the letter from the Police, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

6. Additional Powers of inquiry

The Board may (but does not require to) do any one or more of these:

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;
- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review Application,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

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 (if any) 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;
- (d) Revoke the Licence.

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 (Section 38(5) & (6)).

8. Personal Licence

Whether or not the Board takes any action in relation to a Premises Licence, the Board may consider that any Personal Licence Holder who is or was working in the Licensed Premises concerned acted in a manner which was inconsistent with any of the Licensing Objectives.

If so, then under Section 84 the Board may review that Personal Licence

If the Licence Holder has had the opportunity to be heard, the Board Meeting which considers the present Premises Licence Review can consider that further Review at the same time as the Hearing relating to the Premises Licence.

The Board may, if it considers it necessary for any of the Licensing Objectives:

- (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 the Licence Holder gets 3 Endorsements in a 5 year period, then the Board would have to consider whether the Licence should be Suspended (for up to 6 months) or Revoked (these are not automatic).

The Board is not obliged to take any of these steps, and may decide to take no action.

9. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing. If there is also a decision about a Personal Licence, the holder can appeal to the Sheriff.

Any Board decision takes effect immediately.

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"Taylor's Hotel", 68 Byres Road, Kilwinning KA13 6JU
Premises Licence Holder	Taylor's Hotel (Scotland) Ltd
Ref.	0184

CONTINUED FROM 26/06/12

1. Background

By letter of 22 May 2012 the Chief Constable made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

2. Basis of Review

The 'Grounds for Review' are that the operation of the Premises was inconsistent with the 'preventing crime and disorder' Licensing Objective.

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales.

The Premises consist of

- (a) a 'sports bar', restaurant and function room
- (b) a lounge bar which operates as a nightclub

On 4 October 2011 the Board granted variations related to a proposed reconstruction of the Premises. That reconstruction has not in fact taken place. The Board varied the Operating Hours as follows. On 29 November 2011 the PLH gave an undertaking that the nightclub would close at 2.00 and not 2.30 as previously licensed.

As varied by the Board, the operating hours are:

On-sales:

- (a) 'sports bar', restaurant and function room

Mon	10.00	24.00
Tue	"	"
Wed	"	"
Thur	10.00	1.00
Fri	"	"
Sat	"	"
Sun	10.00	24.00

(b) lounge bar (nightclub)

Mon	10.00	24.00
Tue	"	"
Wed	"	"
Thur	10.00	2.00
Fri	"	"
Sat	"	"
Sun	10.00	24.00

Off-Sales (parts (a) & (b)):

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	10.00	22.00

4. Procedure

Having received an Application, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the letter from the Police, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, and to any Personal Licence Holder named in this Report, with the date, time and place of the Hearing.

5. Additional Powers of inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5) and (6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;

- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

6. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review Application,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

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 (if any) 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;
- (d) Revoke the Licence.

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 (Section 38(5) & (6)).

7. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing. If there is also a decision about a Personal Licence, the holder can appeal to the Sheriff.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.

Personal Licence Review Hearing - Section 84A

Applicant	Graeme Kerr, 5 Gullane Place, Kilwinning KA13 6TR (D.O.B. 16/9/78)
Ref.	NA1199

CONTINUED FROM 26/06/12

1. Background

The Personal Licence Holder is the Premises Manager of "Taylor's Hotel", 68 Byres Road, Kilwinning (NALB 184).

Section 84A entitles the Chief Constable to report to the Board where he considers that any Personal Licence Holder has acted in a manner which is inconsistent with any of the Licensing Objectives.

By letter of 22 May 2012 the Chief Constable reported certain circumstances relating to the Personal Licence Holder. Copies of the letter will be distributed to Members at the Meeting.

2. Procedure

Under Section 84A(2) the Board must, on receipt of that Report, 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 Report,
- (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.

Review Application - Licensing (Scotland) Act 2005, Section 36

Premises	"The Waterside", 14 Bath Street, Largs
Premises Licence Holder	Greene King Retailing Ltd. (t/a Belhaven Pubs)
Ref.	0080

CONTINUED FROM 22/08/12

1. Background

By letter of 7 August 2012 Paul Brennan, NAC Specialist Environmental Health Officer (Noise) made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

On 26 June 2012 the Board considered and upheld a Review Application made by Paul Castelvechi, Flat H, The Moorings, 18 Main St., Largs. This was based on noise complaints. The Board then Varied the Licence by directing that the playing of amplified music should cease at 00.30 on Friday and Saturday, and at 23.30 on Sunday.

The Board did not then take any action in relation to Personal Licence of the Premises Manager Brian Purdie (NA 1190).

2. Basis of Review

The 'Grounds for Review' are:

1. the operation of the Premises is inconsistent with the "preventing public nuisance" and "protecting and improving public health" Licensing Objectives; and
2. conditions of the Premises Licence have been breached (specified in the Application).

3. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

On-sales:

Mon	8.00	24.00
Tue	"	24.00
Wed	"	24.00
Thur	"	1.00
Fri	"	1.00
Sat	"	1.00
Sun	11.00	24.00

Off-Sales:

Mon	10.00	22.00
Tue	"	"
Wed	"	"
Thur	«	«
Fri	«	«
Sat	«	«
Sun	11.00	22.00

4. Capacity etc.

The Premises have a capacity of 96 customers, and an off-sales display capacity of 11 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Gaming, Indoor/outdoor Sports, Televised Sport, and quiz nights, dominoes and charity nights.
- (c) The Premises do not have Outdoor Drinking Facilities.
- (d) The Premises allow under-18s of all ages if accompanied by adult either:
 - (i) until 21.30, or
 - (ii) until the end of a meal or function.

5. Procedure

Under Sections 36(6)-(8), the Board may reject a Review Application if the Board considers the Application—

- (a) is vexatious or frivolous, or
- (b) does not disclose any matter relevant to any of the statutory "Grounds for Review".

If the Board rejects the Application it must give notice of the decision, and the reasons for it, to the Applicant.

The Board is entitled (but not obliged) to order that the Applicant should pay the Board's expenses. If it does so, it should specify the sum due.

Having received an Application and not rejected it, the Board must hold a Review Hearing (Section 38).

The Licensing Standards Officer must, before the Review Hearing, prepare and submit to the Licensing Board a Report on the Application.

The Hearing, and the supporting papers:

- (a) this Report,
- (b) the communication from the Applicant, and
- (c) the LSO's Report,

have been intimated to the Premises Licence Holder, with the date, time and place of the Hearing.

6. Additional Powers of Inquiry

The Board may (but does not require to) take any one or more of these actions under Section 38(5)-(6):

- (a) it may obtain further information as it thinks fit;
- (b) it may request the attendance at the Review Hearing of any person for the purpose of providing information;
- (c) it may request the production of documents;
- (d) it may consider any possible Ground for Review even though it is not relevant to any circumstances alleged in the original Review Application. If the Board proposes to do this then it should inform the Licence Holder of its intention and consider whether an adjournment is appropriate.

7. Board's Powers on Review

The Board must take account:

- (a) the information contained in the Review,
- (b) any Report from the LSO,
- (c) any additional information obtained by the Board,
- (d) the comments by the Licence Holder.

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 (if any) 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;
- (d) Revoke the Licence.

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 (Section 38(5) & (6)).

8. Personal Licence

Whether or not the Board takes any action in relation to a Premises Licence, the Board may consider that any Personal Licence Holder who is or was working in the Licensed Premises concerned acted in a manner which was inconsistent with any of the Licensing Objectives.

If so, then under Section 84 the Board may review that Personal Licence

If the Licence Holder has had the opportunity to be heard, the Board Meeting which considers the present Premises Licence Review can consider that further Review at the same time as the Hearing relating to the Premises Licence.

The Board may, if it considers it necessary for any of the Licensing Objectives:

- (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 the Licence Holder gets 3 Endorsements in a 5 year period, then the Board would have to consider whether the Licence should be Suspended (for up to 6 months) or Revoked (these are not automatic).

The Board is not obliged to take any of these steps, and may decide to take no action.

9. Human Rights

The Board requires to balance competing rights:

- (a) Regularly exposing neighbours to noise and other nuisances may breach neighbours' human rights to respect for private life, family life and home under ECHR Article 8. If the Board was being asked to permit nuisance (by granting or varying a Licence), its decision might be the basis of a claim for compensation by them against the Board (such a claim has been recognised by the European Court of Human Rights - Gomez v Spain [2004] ECHR 633).
- (b) The Licence Holder has a right to free enjoyment of his possessions (the Licensed Premises): ECHR, Protocol 1, Article 1.

Neither right is absolute. There is no precedent for a Board having liability for failing to prevent a nuisance. The Board is obliged to have regard to Licensing Objective (d): 'protecting & improving public health', but the duty is solely to 'have regard' to it. It is not conclusive, and does not oblige the Board to close the Premises or to impose such a substantial variation that the Premises become uneconomic.

Where the Board takes a Review action (e.g. suspension), that decision may be appealed against on the grounds that it is 'disproportionate in all the circumstances', but this appeal ground does not exist if the Board fails to take such action (Section 131(3)(b)).

10. Implications

Both the Premises Licence Holder and the Applicant can appeal to the Sheriff Principal against any decision taken at a Review Hearing.

Any Board decision takes effect immediately, but in the case of Suspension and Revocation of a Premises Licence (not Variation, Written Warning or any decision about a Personal Licence) the Court can be asked to recall the Board's decision pending appeal.



Review Application - Section 36

Premises	"The Burns Tavern", 34-36 High Street, Irvine
Premises Licence Holder	Mr. Gurpreet Singh Bath
Ref.	0246

1. Background

By letter of 29 August 2012 Mr. John Cameron, 21F High Street, Irvine, made a Review Application under Section 36 informing the Board of certain circumstances relating to these Premises. Copies of the letter will be distributed to Members at the Meeting.

The Board Meeting on 3 October 2012 will consider a Variation Application made by the PLH, continued from earlier Meetings. The proposal is to use the upper floor as a nightclub, and extend its hours accordingly. The present Review Applicant has objected to that Application.

The Chief Constable is aware of the Review Application and does not intend to make an Application of his own.

2. Licensed Hours

The Premises are Licensed for both on-sales and off-sales. The operating hours are:

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	12.30	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. Capacity etc.

The Premises have an on-sales capacity of 666 customers, and an off-sales display capacity of 28.4 square metres.

Activities other than the sale of alcohol:

- (a) Generally: Bar Meals, Receptions, Club or other group meetings.
- (b) Entertainment: Recorded Music, Live Performances, Dance Facilities, Gaming, Televised Sport.
- (c) The Premises do not have Outdoor Drinking Facilities.
- (d) The Premises allow Children and Young People of all ages, if accompanied by an adult for the purpose of attending a private function or consuming a meal, until 20.00 or the end of the function. They are permitted in all public areas except directly adjacent to the bar area.

4. Procedure

Under Sections 36(6)-(8), the Board may reject a Review Application if the Board considers the Application—

- (a) is vexatious or frivolous, or
- (b) does not disclose any matter relevant to any of the statutory "Grounds for Review".

If the Board rejects the Application:

- (a) it must give notice of the decision, and the reasons for it, to the Applicant.
- (b) the Board is entitled (but not obliged) to order that the Applicant should pay the Board's expenses. If it does so, it should specify the sum due.

5. Additional Powers of inquiry

The Board may:

- (a) obtain further information as it thinks fit;
- (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.

6. Board's Powers on Review

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

If so, 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 (if any) 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;
- (d) Revoke the Licence.

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.

7. Personal Licence

Whether or not the Board takes any action in relation to a Premises Licence, the Board may consider that any Personal Licence Holder who is or was working in the Licensed Premises concerned (for example, a Premises Manager or a member of staff) acted in a manner which was inconsistent with any of the Licensing Objectives.

If the Licence Holder is working in Licensed Premises in North Ayrshire, and has had the opportunity to be heard, the Board Meeting which considers the present Premises Licence Review can hold that further Hearing at the same time as the Hearing relating to the Premises Licence.

Otherwise, the Board should either:

- (a) continue the case to a later date to allow notice to be given to the Personal Licence Holder, or
- (b) notify the appropriate Licensing Board, and make a recommendation to that Board as to whether the Personal Licence should be Revoked, Suspended or Endorsed. That Board will then hold a Hearing.

At the further Hearing, the Board may, if it considers it necessary for any of the Licensing Objectives:

- (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 the Licence Holder gets 3 Endorsements in a 5 year period, then the Board would have to consider whether the Licence should be Suspended (for up to 6 months) or Revoked (these are not automatic).

The Board is not obliged to take any of these steps, and may decide to take no action.

Application for Variation of Premises Licence - Section 29

Applicant	Gurpreet Singh Batth
Premises Name	The Burns Tavern
Premises Address	34-36 High Street, Irvine
Ref.	0246

CONTINUED FROM 16/04/12, 26/06/2012 & 22/08/12

Documents:

Police	No objection
Community Council	No objection
Fire	No objection
Health Board	No objection
Other Objections or Representations?	None

Summary of Variation request

The proposal is to extend the hours of the second floor function suite, so that on Fridays and Saturdays the premises can be used as a nightclub between 21.00 and 2.30. Otherwise the second-floor would continue to be used as a function suite (already Licensed).

There are already three similar 'nightclub' premises in the locality:

- (a) "King's Arms", 115 High Street (NALB 214): The premises are divided into a nightclub part ("Viva") and a bar/restaurant. The Operating Plan gives different hours for both. The Capacity is 470 for the whole premises.
- (b) "Pitcher's", 18 Bank Street (NALB 243): The premises are divided into a nightclub part (ground floor & mezzanine) and a public bar (first floor). The Operating Plan gives different hours for both. The Capacity is 498 for the whole premises.
- (c) "Descent", 10A Rivergate Centre Sub-basement (NALB 394): "Descent" is the nightclub linked to the "Old Argyle" public house (basement) (NALB 393). The Licences are held by Punch Taverns (Inns) Ltd.. Both are currently closed, but since the Licences remain in force they could re-open at any time. "Descent" has a capacity of 430, in addition to "Old Argyle" which has 216.

Issues

The Board has a discretion to grant the Variation requested, grant it with modifications, or refuse it.

1. The Board should note that the Applicant also proposes activities (Recorded music; Live performances; Dancing) outside Licensed Hours. The Applicant should clarify this, e.g. is it proposed to have music and dancing after 2.30 a.m.?
2. The Board requires to consider whether or not the proposed Variation is consistent with the following Licensing Objectives (Section 30(5)(b)):
 - (a) 'preventing crime and disorder': The Applicant should address the Board on the level of stewarding and CCTV coverage. The proposed closing time (2.30 a.m.) is the same as that for the existing Premises nearby, so there may be an increase in the number of customers in the Town Centre in the early hours, or waiting for taxis at the stance outside "Pitcher's" in Bank Street.
 - (b) 'securing public safety': The capacity of the area is not stated. The whole premises have a capacity of 666. The Board is not obliged to set a maximum capacity on the 'nightclub' during the extended hours, but it is entitled to do so. If the Board proposes to do so, it may wish a report from the Chief Building Standards Officer before determining the Application, or the Applicant may undertake to ask the CBSO to set a figure and to keep to it.
 - (c) 'protecting & improving public health': The Board should consider this L.O. whether or not the Health Board or any other party raises it. The statute expressly states 'improving'. An increase in the ability to sell or consume alcohol cannot be said to improve public health. Opinions may differ as to whether it damages public health, or makes no difference, but it is unlikely to improve it.
3. The Board requires to consider whether or not the proposed Variation would make the Premises unsuitable for the sale of Alcohol. Section 30(5)(c) is "that, having regard to—
 - (i) the nature of the activities carried on or proposed to be carried on in the Subject Premises,
 - (ii) the location, character and condition of the Premises, and
 - (iii) the persons likely to frequent the Premises,
 the Board considers that the Premises are unsuitable for use for the sale of Alcohol in accordance with the proposed Variation"

The Board is not obliged to inspect the Premises before determining the Application, but is entitled to do so (Section 137).

4. The Board requires to consider whether or not the Application should be refused due to Overprovision. Section 30(5)(d)) is:

"that, having regard to the number and capacity of—

(i) Licensed Premises, or

(ii) Licensed Premises of the same or similar description as the Subject Premises (taking account of the proposed Variation),

in the locality in which the Subject Premises are situated, the Board considers that, if the Application were to be granted, there would, as a result, be Overprovision of Licensed Premises, or Licensed Premises of that description, in the locality."

Comparision with other 'nightclub' Premises in the locality

- (a) Nightclub capacity:

Burns	Viva	Pitchers	Descent
666	470	498	430

- (b) Nightclub hours:

	Burns Request	Viva	Pitchers	Descent
Mon	-	10.00 - 24.00	-	11.00 - 1.00
Tue	-	"	-	"
Wed	-	"	-	"
Thu	-	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Fri	10.00 - 2.30	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Sat	10.00 - 2.30	10.00 - 2.30	11.00 - 2.30	11.00 - 2.00
Sun	-	10.00 - 2.00	11.00 - 2.00	12.30 - 1.00

- (c) Non-nightclub Hours:

	Burns	Kings	Pitchers	Old Argyle
Mon	10.00 - 24.00	10.00 - 24.00	12.00 - 24.00	10.00 - 24.00
Tue	"	"	11.00 - 24.00	"
Wed	"	"	"	"
Thu	10.00 - 1.00	10.00 - 1.00	11.00 - 1.00	10.00 - 1.00
Fri	"	"	"	"
Sat	"	"	"	"
Sun	10.00 - 24.00	"	12.30 - 24.00	12.30 - 24.00

Licence Conditions etc.

If the Variation is granted:

- (a) the Licence Conditions should be amended to include the relevant parts of the NALB Standard Conditions: Parts D, E and X.1 (CCTV), which already apply to the existing 'nightclubs' in the locality: (Section 30(6)).
- (b) the licence documentation will be amended to distinguish the hours (and capacity, if the Board so directs) for the nightclub part (second floor) from the remainder of the building.

Application for Variation of Premises Licence - Section 29

Applicant	Irvine Leisure Ltd
Premises	"Pitcher's", 18 Bank Street, Irvine
Ref.	0243

CONTINUED FROM 22/08/12

Preliminary

This Report has been prepared provisionally before the Applicant has lodged the Certificate confirming public display of a Site Notice. Until the Board has a Certificate of Display, it cannot determine the Application.

1. Objections and Representations

Police	No objection
Community Council	No response yet
Fire	No objection
Health Board	No response yet
Other Objections or Representations?	None

2. Summary of Variation Request(s)

No.	Variation
1	<i>Extend nightclub opening to 1.00 a.m. Mon-Wed in Festive Period</i>
2	<i>Extend first floor bar hours to 1.00 on all Sundays in year</i>
3	<i>Allow boxing</i>

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: Extend nightclub opening to 1.00 a.m. Mon-Wed in Festive Period

Discretionary refusal

Notes:

The Board may consider that the Application is not consistent with Licensing Objective (a): 'preventing crime and disorder', in that it prevents the Police from commenting on what would otherwise be a specific Extended Hours Application.

This proposal is contrary to Board practice. The 2005 Act, Section 67 already permits a Board to grant a general extension to all Premises in its area "in connection with a special event of local or national significance", without the individual Premises requiring to apply for a specific grant of Extended Hours as and when they wish them. Section 67 has never been used in North Ayrshire, and the Board has always received specific Applications under Section 68. Those Applications are copied, at the time, to the Police and LSO, who can comment before the Applications are determined. The proposal, like a Section 67 determination, bypasses such consultation.

No other Premises in North Ayrshire have such a permanent grant of 'festive hours', and it would disadvantage competitors who would continue to have to pay for Extended Hours.

Variation 2: Extend first floor bar hours to 1.00 on all Sundays in year

Discretionary refusal

Notes:

The Application is not consistent with Licensing Objectives (a) and (c): 'preventing crime and disorder' and 'preventing public nuisance', or with the Board's Policy.

The Policy was adopted many years ago and takes into account representations from the Police. It operates throughout North Ayrshire. In general, the 'public bar' part of Premises only opens till 24.00 midnight (Sun-Wed). The Subject Premises are in the centre of Irvine. There are several Premises nearby which have policy hours. If the Board was to depart from its Policy here, it might receive similar requests from those Premises, if not all over NA.

By limiting opening hours it is more likely that the patrons will disperse, particularly if all Premises locally have the same hours. If the Subject Premises open to 1.00 a.m. and the rest close at 24.00, then inebriated patrons may leave other Premises at midnight and try to enter.

If the Variation is granted, Board should consider whether or not to apply the 00.30 curfew condition, under Section 30(6):

"No customer shall be permitted entry (on payment or not) after 00.30 a.m.."

Variation 3: Allow boxing

Discretionary refusal

Notes:

Details of Proposal

The proposal is to conduct what are described as 'charity boxing matches' in the ground-floor nightclub part of the Premises. The individual events are to be on dates covered by Extended Hours Applications. The events will be held on these conditions:

1. the maximum number of spectators will be 200 (the original proposal was 400, but the Applicant has since discussed this with Building Standards and capacity has been reduced),
2. there will be a charge for admission to the event,
3. no more than 3 events a year will be held,
4. 7 appropriately qualified security staff will be in attendance,
5. The minimum age of the spectators will be 18,
6. The first-floor public bar will be closed during the event.

Procedure

The Board would have to be satisfied that the proposals were not inconsistent with any of the Licensing Objectives.

The Board may wish to inspect the Premises or have a LSO report before determining this Application.

The Applicant should advise the Board:

- what provision is to be made for medical checks and treatment of participants before, during, and after the bouts
- whether the bouts would be conducted according to the rules and standards set by an established sporting association
- what arrangements are proposed to ensure that spectators are not injured (e.g. will the bouts be held in a traditional roped-off ring)
- will the spectators be seated or standing
- what form of boxing is intended
- who would organise these events
- who the participants would be

- whether they would be under 18
- what charity would benefit
- whether the entire admission charges would be paid to the charity or whether any proceeds would be retained by the Premises Licence Holder or bout organiser

Licensing Objectives

It may be thought that these L.O.s are engaged:

L.O. (b): 'securing public safety'

The Board is entitled to enquire as to the arrangements for medically checking and treating participants and as to the arrangements for the boxing ring to avoid spectators being injured.

L.O. (d): 'protecting & improving public health'

The L.O. expressly states 'improving'. Allowing boxing on Licensed Premises cannot be said to improve public health. Opinions may differ as to whether it damages public health, or makes no difference, but it is unlikely to improve it.

L.O. (e): 'protecting Children from harm'

This L.O. relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17). If neither participants nor spectators will be under 16, the Board may disregard this L.O..

Policy

The Board does not have a Policy on boxing in Licensed Premises.

This is the first time that a Board Meeting has required to consider such a proposal, but in the past other parties have obtained Occasional Licences (for venues such as Community Centres) for 'charity nights' where boxing was involved.

The Board may wish to set a Policy and indicate whether boxing on Licensed Premises is something which should influence whether or not Delegated Powers should be used on future Applications for Occasional Licences or Extended Hours, or whether such Applications should be referred to a Board Meeting.

Licence Conditions

Since the Board has not previously been asked to Vary a Premises Licence to allow boxing, it has not had occasion to review its Standard Licence Conditions. It is suggested that, if the Variation proposed is granted, the Conditions should be

amended under Section 30(6) so as to include the draft conditions set out at the end of this Report - Part L of the S.L.C.s (which would also apply to Occasional Licences).

Information for Applicant

The Premises may require other Consents or Permissions, and Variation of the Premises Licence would not remove the need for these. These are not issues for the Licensing Board and should not be taken into account in making a decision about the proposal. They are only mentioned here for the Applicant's information:

1. The boxing ring will need a 'Raised Structure Consent' under Section 89 of the Civic Government (Scotland) Act 1982. The Applicant should contact the NAC Chief Building Standards Officer.
2. The Development Management Section advise that the present proposal, of no more than 3 boxing matches a year, would not require Planning Permission, but that an increased frequency might do so.

4. Licence Conditions

If Variation 2 is granted, the curfew Condition described above should be added

If Variation 3 is granted, the Conditions attached below should be added
--

Part L - Contact Sports

L.11.1. Where Premises subject to a Premises Licence or Occasional Licence are to be used for a contact sport (such as boxing or other martial arts), the Conditions in Part L of the Board's Standard Conditions apply.

L.11.2. No Child (a person aged under 16) shall participate in a contact sport without the written consent of someone holding Parental Rights over him.

L.11.3. Except where the whole proceeds of the event are paid to a charity, the Licence-Holder shall hold an insurance policy or bond indemnifying him against any claims which might be made by the public or any third party arising from the death of or injury to any person, to the extent of £500,000 per claim.

L.11.4. Either

- (a) a Medical Practitioner, or
- (b) a person trained to the satisfaction of the Licensing Board in administering first aid,

must

- (a) ascertain by checks before, during and after bouts that all participants are medically fit to participate; and
- (b) be present on the Premises throughout the period from the start of the first bout until the end of the period of Licensed Hours.

L.11.5. The Licence-Holder shall follow the instructions of any officer of the Board or North Ayrshire Council as to any of the arrangements for the event or the location of any structure, furniture or seating in connection with—

- (a) the sale of Alcohol on the Premises, or
- (b) any other activity carried on in such Premises.

Those instructions may be given at any time or times, before and during the period that the Licence has effect.

Use by the public of the Premises shall not take place until such instructions are complied with (and if that use has begun, it shall cease if the officer determines that this is necessary to safeguard the public).

L.11.6. Where contact sports are conducted on Premises which are subject to a Premises Licence, the Licence-Holder shall produce:

- (a) the written consent as to a Child's participation (required by L.11.2);
- (b) if claiming exemption from the Indemnity, documentary evidence of the proceeds and their payment to the charity (required by L.11.3);
- (c) either a statement of the name and address of the Medical Practitioner, or the First Aider's Qualification Certificate (required by L.11.4),

if requested by an officer of the Board within 48 hours of the request.

L.11.7. Where contact sports are conducted on Premises which are subject to an Occasional Licence, the Licence-Holder shall deliver the documents described in L.11.6 (a) and (c) to the Clerk at least 72 hours before the Occasional Licence has effect. Notwithstanding signature and delivery of the Licence, it shall be of no effect until the Clerk has confirmed both:

- (a) that this Condition has been fully complied with, and
- (b) that he is satisfied both with the extent of any indemnity and the qualifications of the First Aider.

Application for Variation of Premises Licence - Section 29

Applicant	Jagtar Singh Lalli
Premises	Keystore, 14 Hamilton St, Saltcoats
Ref.	0125

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012:

- Until the Board has a Certificate of Display, it cannot determine the Application.*
- no details of comments from third parties are given here. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request

No.	Variation
1	Reconstruction of shop, increasing capacity

2. 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: Reconstruction of shop, increasing capacity
Discretionary refusal
<p>Notes:</p> <p>The Premises are a convenience store with an off-sales facility. The current licensed capacity is 6.26 sq.m.. The Applicant seeks the Board's agreement to increase the capacity to 22.65 sq.m.. Apart from the inaccessible area behind the counter, alcohol can only be displayed in a publicly-accessible area which the Board agrees to. The Board should consider whether such a major increase in capacity is consistent with two possible reasons for refusal, set out below as (a) and (b).</p> <p>As a rough guideline, the Board has in the past frequently allowed off-sales in shops where the alcohol area does not exceed 10% of the floor area.</p> <p><u>(a) Licensing Objective</u></p> <p>The Board may consider that the Application is not consistent with L.O. (d): 'protecting & improving public health':</p>

The L.O. expressly states 'improving'. An increase in the ability to sell alcohol cannot be said to improve public health. Opinions may differ as to whether it damages public health, or makes no difference, but it is unlikely to improve it. It may be claimed that the increase simply increases consumer choice, and will not lead to an overall increase in consumption. This argument has been disapproved by the Scottish Parliament, which has limited off-sale displays and alcohol advertisements.

(b) The Variation may create Overprovision

There is a presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement.

If the Board is minded to refuse for this reason, it should continue consideration of the Application to a later Meeting, when a detailed statement of the Board's policy, with information as to the population and capacity of similar Premises in the locality, will be prepared.

3. Licence Conditions

The Licence was granted subject to Edition 2 of the Board's Standard Conditions - before the most recent revision. The existing Conditions should be replaced by the current Edition 5.

Application for Variation of Premises Licence - Section 29

Applicant	Partnership of Kuldip & Carol Singh
Premises	"West End Dairy", 100 Townfoot, Dreghorn
Ref.	0232

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012:

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. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	Increase Core Hours

2. 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: Increase Core Hours
Grant (no statutory reason to refuse, and no breach of Board policy)
Notes:
Currently the Premises have Core Hours:
10.00 - 18.00 (Mon, Tue)
10.00 - 20.00 (Wed - Sat)
12.30 - 14.00 (Sun).
They request the maximum permitted by the legislation and NALB Policy: 10.00 - 22.00 (7 days).

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	Co-operative Group Food Ltd
Premises	"Co-operative Food", Main St, Lamlash, Isle of Arran
Ref.	0012

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012:

- 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. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	Increase Core Hours

2. 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: Increase Core Hours
Grant (no statutory reason to refuse, and no breach of Board policy)
Notes: Currently the Premises have Core Hours 10.00 - 20.00 (Mon - Sat) and 10.00 - 18.00 (Sun). They request the maximum permitted by the legislation and NALB Policy: 10.00 - 22.00 (7 days).

3. Licence Conditions

No variation of the Conditions is appropriate.

Application for Variation of Premises Licence - Section 29

Applicant	William McLaren
Premises	"McLaren Hotel", Brodick, Isle of Arran
Ref.	0345

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012:

- 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. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Request(s)

No.	Variation
1	<i>Amend Licence conditions to permit under-16s in area where pool and darts are played</i>

2. 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: Amend Licence conditions to permit under-16s in area where pool and darts are played
Discretionary refusal
<p>Notes:</p> <p>L.O. (e): 'protecting Children from harm' relates to Children aged 0-15 years, and not to older 'Young Persons' (aged 16-17).</p> <p>The Licence is subject to NALB Standard Conditions, including:</p> <p>"C.10.3 In the area(s) of the Premises to which Children are admitted: ...</p> <p>(d) The playing of darts, pool, snooker or any other game is prohibited;</p> <p>(e) There shall be no dartboard, pool table or other facilities for such activities in those area(s);"</p>

The Board may consider that the proposal to allow Children in the same place as darts, pool etc. is not consistent with this L.O..

'Young Persons' can already use eating areas 11.00 - 22.00.

3. Licence Conditions

The Licence was granted subject to Edition 4 of the Board's Standard Conditions - before the most recent revision. The existing Conditions should be replaced by the current Edition 5.

If Variation 1 is granted, the Conditions quoted should be removed.

Application for Variation of Premises Licence - Section 29

Applicant	Beith Masonic Social Club
Premises	3-5 Eglinton St, Beith
Ref.	0267

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012:

- 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. The Board will be told at the Meeting if there are any, and letter(s) will be handed to Members.*

1. Summary of Variation Requests

No.	Variation
1	<i>Surrender Special Status as a 'Club'</i>
2	<i>Designate a Premises Manager</i>
3	<i>Amend under-18 access</i>
4	<i>Extend Sunday opening from 12.30 p.m. to 11.00 a.m.</i>

2. 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: Surrender Special Status as a 'Club'
Discretionary refusal
Notes:
<u>General Description</u>
Variation 2 follows from Variation 1: if Variation 1 is refused, Variation 2 will be unnecessary, but if Variation 1 is granted, Variation 2 is essential.
At present, the Club has the Special Status given to Clubs by Section 125 of the Act. This Special Status means that the Club has lower Licensing fees, does not require to have either a Premises Manager or Baby-Changing Facilities, and the Club is not taken into account in any consideration of Overprovision.
The Consequence of having the Special Status is that the Club can have no more than 12 Occasional Licences per year.

The purpose of the present Variation is to surrender the Special Status. This will mean that the Club will be licensed like any commercial Premises (such as a Public House or a Restaurant) although, by applying special Licence Conditions known as 'Part K of the Board's Standard Conditions', the character of the Club will be preserved, e.g. it will continue to restrict the use of its facilities to Members and their guests. As 'ordinary' Premises, the Club will no longer have to be concerned with getting Occasional Licences, as catering for functions will be dealt with as part of its Operating Plan.

The Board requires to decide whether the proposed Variation is desirable, in that it introduces into the locality another Licensed Premises which are subject to any Overprovision Assessment.

If the Special Status is removed, the Annual Fee will be higher, and based on Rateable Value (as fees for commercial Premises are).

Possible reasons for refusal

Licensing Objective

Once the Premises lose the Special Status, they become responsible for the Mandatory Condition requiring Baby-Changing Facilities accessible to persons of both genders.

The Premises currently admit Children under 5. Board should be satisfied that the Premises comply with that Condition. If not, the access should be limited to 5 years and older: L.O. (e): 'protecting Children from harm'

Overprovision

- (a) The Application is not consistent with the Board's Policy on Overprovision. This applies to Variation Applications (Section 30(5)). This Policy is included in the Board's Licensing Policy Statement 2010-13 (see Part 11 and Annex E, and the related spreadsheets). The provisions are consistent with Scottish Government Guidance concerning the formulation of an Overprovision Assessment and its application.
- (b) The Board should approach the Application with the presumption that it should be refused. It is not necessary, for the presumption to apply, for there to be any objection made by a third party. It would be for the Applicant to satisfy the Board that an exception to that Policy should be made.
- (c) The Board is not entitled to refuse the Application automatically, but instead is required to raise the issue of Overprovision with the Applicant and invite the Applicant to satisfy the Board that the Application should be granted despite the Policy.

Variation 2: *Appoint a Premises Manager*

Mandatory Grant: The request is for a 'Minor Variation'

Notes: the proposed Premises Manager Marlene McAughtrie has a Personal Licence (NA 0964).

Variation 3: Amend under-18 access
Discretionary refusal
<p>Notes:</p> <p>This change relates to Variation 1. At present, access is allowed to all under-18s for 'weddings etc.'. It is proposed to amend this to 'bona fide pre-booked functions', with access for the duration of the functions.</p> <p>The access age may require to be changed from 0-17 to 5-17: see Variation 1.</p>

Variation 4: Extend Sunday opening from 12.30 p.m. to 11.00 a.m.
Grant (no statutory reason to refuse, and no breach of Board policy)
<p>Note:</p> <p>Premises currently have 'Club' Policy hours, closing at 1.00 a.m. 7 days. These hours are longer than the Policy for 'Public Houses' (which are 24.00 Sun-Wed, and 1.00 Thu-Sat). If the Board is satisfied that the character of a Club is being maintained, there is no issue, but if the Premises are to operate as a 'public house' then there may be a policy issue. The Board may wish a representation from the Police.</p>

3. Licence Conditions

If Variation 1 is granted, the Conditions for Clubs under Section 125 (Part I) should be replaced by Part K.
--

Application for Grant of Premises Licence - Section 20

Applicant	Mr. Jagir Singh
Premises	Shop, 18 Adams Avenue, Saltcoats
Ref.	0434

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 21 September 2012.

The Applicant should lodge the following Certificate(s). Until the Board has all these document(s), it cannot determine the Application:

1. *Display of Site Notice*
2. *Planning*
3. *Building Control*
4. *Food Hygiene*

1. Summary of Proposal

The Applicant has applied for the Grant of a Premises Licence.

The proposal is to open a convenience store including an off-sales facility in a site at the corner of Adams Avenue and Links Road

The Board decision on the Licence relates only to licensing legislation, and does not indicate permission or certification under other legislation, such as Planning or Building Control.

2. Detailed proposal**(a) Licensed Hours**

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

On-Sales (persons)	n/a
Off-Sales (sq. mtr.s)	16.0

3. Objections

Name	Address	Date Received	Late or OK
Mrs. Margaret Fraser	2 Links Road	3 Sept 12	OK
E. Weir	16 Adams Avenue	4 Sept 12	OK
Mr Robin Crilley (Saltcoats Community Council)	43 Jacks Road	17 Sept 12	OK
Mrs F Holmes	1 McKillop Place	18 Sept 12	OK
Mr James Adams	19 Adams Avenue	20 Sept 12	OK

4. Issues**(a) Board Policy**

The Application is not consistent with the Board's Licensing Policy Statement re Overprovision.

There is a similar licensed convenience store at 6 Adams Avenue, at the corner of Adams Avenue and McKillop Place, about 26 metres from the Subject Premises: Premises Licence 149, also held by the present Applicant Jagir Singh.

Having regard to the description of the Subject Premises, there is a presumption of refusal due to:

- (a) Scottish Government guidance, and
- (b) the Board's own Licensing Policy Statement.

If the Board is minded to refuse for this reason, it should continue consideration of the Application to a later Meeting.

In the interval, a detailed statement of the Policy will be prepared and copied to the Applicant, containing information as to the population of the locality, and the number and capacity of similar Premises in the locality.

It will then be for the Applicant to persuade the future Board Meeting that Overprovision would not result if the Application was granted.

(b) Licensing Objectives

The proposal appears to be inconsistent with several L.O.s:

L.O. (a): 'preventing crime and disorder'

The Board will have a Report from the Police about ASB.

L.O. (c): 'preventing public nuisance'

The Board has objections from local residents.

L.O. (d): 'protecting & improving public health'

The L.O. expressly states 'improving'. An increase in the ability to sell alcohol cannot be said to improve public health. Opinions may differ as to whether it damages public health, or makes no difference, but it is unlikely to improve it.

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.

In addition, the Board must consider two other potential grounds of refusal:

- (a) unsuitable premises, and
- (b) overprovision,

and decide whether or not these apply.

The Board should consider all the potential grounds of refusal set out above. The Board may wish to inspect the Premises or have a LSO report before determining this Application. 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 the potential ground for refusal: Section 23(7).

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)

Report to North Ayrshire Licensing Board

Prepared by Chris Pollock, Licensing
Assistant, on behalf of

William O'Brien, Solicitor (Licensing)

Subject:	Extended Hours – Festive Period 2012
Purpose:	To advise the Board about previous and current Policy, procedure and consultation
Recommendation:	That the Board determine Policy

1. Background

The Board is entitled to grant Extended Hours Applications under Section 68 of the Licensing (Scotland) Act 2005.

Last year, the Board Policy for the Festive Period was:

- (a) in the period 1 to 15 December, each premises could apply for Extended Hours covering four days;
- (b) in the period 16 December to 2 January, each premises could apply for Extended Hours covering seven days.

Extended Hours applications were administered with reference to, and in accordance with the Board's Festive Extension Policy Hours (contained at Section 9.14 of the NALB Licensing Policy Statement, and detailed at Section 8 of this Report).

It is important to note that, in the majority of cases, an extension granted to the maximum Festive Extension Policy Hour will be an extension of 1 hour beyond normal core hours. However, this is not always the case and depending on the normal core hours that are in place at a premises, such an extension may be more than 1 hour beyond normal core hours.

The Board's Standard Conditions required all Premises (regardless of type) open after 1.00 am to have a First Aider and to observe a 00.30 am curfew (NALB Conditions C.17, D.1 and D.4).

2. Special Arrangements: 2012

In previous years, the festive period has been split 1st December – 15th December, and 16th December – 2nd January. Given that 15th December 2012 is the third Saturday in the month, the Board may wish to consider changing the split this year to 1st December – 14th December, and 15th December – 2nd January. Assuming that the Board continue the practice of previous years and permit 4 applications in the first period, and 7 applications in the second period, this would allow greater flexibility for Licence Holders.

It is generally regarded by Licence Holders that Christmas Eve and Hogmanay are the most popular nights of the year with their customers. This year Christmas Eve and Hogmanay will fall on a Monday. The Board may wish to consider whether these

dates should be regarded as if they are Saturdays (in terms of the Festive Extension Policy Hours).

3. Procedure

For the convenience of Licensees, the Board accepts a single application form covering several different days, although these are individual applications. The prescribed fee per application is £10, so an application covering 4 days would cost £40.

Applications are sent to the Police and Licensing Standards Officer (LSO) for Report. They are not publicised. The Police can only object if they consider it necessary to do so for the purposes of the Crime and Disorder Licensing Objective. The LSO can report on any of the Licensing Objectives.

4. Delegation

Most applications attract no adverse comment from Police or LSO, and are granted under delegated powers. In previous years the Board delegated authority:

- (a) to the Clerk and the Senior Solicitor to grant Extended Hours if within Policy and if there was no adverse comment from Police or LSO;
- (b) to the Chairman, and whom failing the Vice-Chairman, and whom failing any Member of the Board, to determine all applications for extensions outside the delegation granted to officers, provided that the applicant has been given an opportunity to comment on any such adverse comment (see 'Section 70(3) Procedure' below).

5. Section 70(3) Procedure

In a few cases, there may be adverse comment. The Board does not require to hold a Hearing in this situation, and this may not be practicable in the time available. Under Section 70(3) it must, before determining the Application, ensure that the applicant is given an opportunity to comment on any Police Notices or LSO reports.

Accordingly, in 2010, the Board approved the following procedure:

Where there are adverse Police Notices and/or LSO Reports:

- (a) the applicant should be sent copies or advised orally or by email of their contents;
- (b) the applicant should be invited to lodge written or email comments within 3 days;
- (c) the Chairman, and whom failing the Vice-Chairman, and whom failing any Member of the Board, may determine the Application, and may add to or vary the Conditions of the Premises Licence.

If time permits, individual applications may call at a scheduled Board Meeting, but it is likely that most cases will be dealt with under these delegations.

6. Consultation

The Police and Health Board have been invited to comment on the Board's Policy in relation to Extended Hours for the Festive Period 2012.

All comments / representations will be made available to Board Members prior to the Board Meeting on 3 October 2012. During consideration of the Policy, the Board may take into account any information or views submitted as a result of the consultation process.

7. Conclusion

The Board are invited to consider the following:

It is suggested that the 2012 Policy might be:

- (a) The festive period be split 1st December – 14th December (period 1), and 15th December – 2 January (period 2), and that 4 extensions are permitted in period 1 and 7 extensions are permitted in period 2.
- (b) Extended Hours are applied for and authorised in accordance with the Board's Festive Extension Policy Hours (detailed at Section 9.14 of the NALB Licensing Policy Statement and noted at Section 8 below).
- (c) Christmas Eve and Hogmanay (both Mondays in 2012) should be regarded as if they are Saturdays (in terms of the Board's Festive Extension Policy Hours).
- (d) A 00.30 am curfew shall apply to all premises (throughout the whole of North Ayrshire) open after 1.00 am, regardless of the nature of the Licence or permission which authorises opening after 1.00 a.m.

The Policy may be adopted as suggested or amended at the Board's discretion.

8. North Ayrshire Licensing Board - Festive Extension Policy Hours

1. Restaurants and premises offering no significant entertainment (e.g. Public Houses)

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
1.00am	1.00am	1.00am	2.00am	2.00am	2.00am	1.00am

2. Premises offering significant entertainment (e.g. Nightclubs)

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
2.00am	2.00am	2.00am	3.00am	3.00am	3.00am	2.00am

3. Members' Clubs

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
2.00am	2.00am	2.00am	2.00am	2.00am	2.00am	2.00am

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

Report

to

North Ayrshire Licensing Board

by

Senior Solicitor (Licensing)

Subject:	Licensing (Scotland) Act 2005, Section 12A - Chief Constable's Annual Report
Recommendation:	That the Board note the Chief Constable's Annual 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.

These duties operated from 1st April 2012. The Chief Constable of Strathclyde Police 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.



STRATHCLYDE
POLICE

14 August 2012

Your Ref:

Our Ref: JT/UM/KC/LIC

CHIEF CONSTABLE
Stephen House QPM

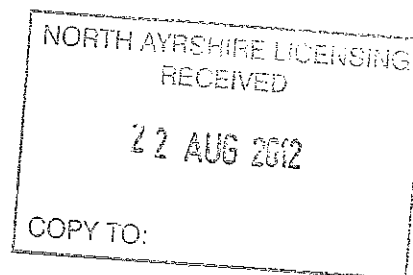
The Licensing Section
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North Ayrshire Sub Division
Ayrshire Division
Licensing Department
10 St Marnock Street
KILMARNOCK
KA1 1TJ

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TEL NO: 01563 505032

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Dear Sir

**CHIEF CONSTABLE'S REPORT TO:
NORTH AYRSHIRE LICENSING BOARD
FOR THE PERIOD 01/04/2011 – 31/03/2012**

INTRODUCTION

This report has been produced for the information of North Ayrshire Licensing Board and North Ayrshire Licensing Forum in accordance with Section 12A of the Licensing (Scotland) Act 2005.

The report relates to police performance and activities undertaken in the financial year April 2011 to March 2012 and is in two distinct parts:

Part 1: contains the Chief Constable's views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year. It also looks forward and identifies areas he intends to address or focus on in the coming year.

Part 2: highlights the steps that officers have taken, or intend to take, to prevent the sale or supply of alcohol to children or young people in the Board's area.

BOARD AREA – POLICING RESPONSIBILITY

DIVISIONAL BOUNDARIES

Ayrshire covers an area of 1,321 square miles and has a population of 368,290. This encompasses 3 separate police sub divisions whose boundaries reflect the three Local Authority areas, North, South and East Ayrshire, all of which have their own Licensing Board.

North Ayrshire sub division serves the main towns of Irvine, Kilwinning, Kilbirnie, Saltcoats, Stevenston, Ardrossan, Largs and many surrounding villages. It also encompasses the islands of Arran and Cumbrae. North Ayrshire has 279 on/off sales premises and 120 solely off sale premises.

Strathclyde Police Priorities

Our priorities for 2010-2013 are:

- Serious crime and terrorism
- Violence, disorder and anti-social behaviour
- Public protection

North Ayrshire Community Policing Teams carried out consultation exercises in their areas and found the local priorities for 2011/2012 to be as follows:

Local Priorities - Arran

Drug use and drug dealing
Speeding motorists
Drunk / disorderly behaviour

Local Priorities - Ardrossan

Drunk / disorderly behaviour
Drug use and drug dealing
Assault and violent crime

Local Priorities - Dalry and West Kilbride

Violence and drunk and disorderly behaviour
Drug use and drug dealing
Speeding motorists

Local Priorities - Irvine East

Drunk / disorderly behaviour
Assault and violent crime
Drug use and drug dealing

Local Priorities - Irvine West

Drunk/disorderly behaviour

Drug use and dealing

Assault and violent crime

Local Priorities - Kilbirnie and Beith

Drug use and drug dealing

Drunk / disorderly behaviour (including vandalism and graffiti)

Assault and violent crime

Housebreaking and other thefts

Local Priorities - Kilwinning

Drunk / disorderly behaviour

Drug use and drug dealing

Assault and Violent crime

Local Priorities- North Coast and Cumbrae

Drug use and drug dealing

Housebreaking and other thefts

Drunk / disorderly behaviour (including vandalism and graffiti)

Assault and violent crime

Local Priorities -Saltcoats and Stevenston

Assault and violent crime

Drunk / disorderly behaviour

Housebreakings and other thefts

Senior Officers

John Thomson	Chief Superintendent	Divisional Commander - Ayrshire
Helen Swann	Superintendent	Crime and Performance - Ayrshire
Peter Blair	Superintendent	Operations and Partnership - Ayrshire
Gary Ritchie	Chief Inspector	Area Commander – North Ayrshire

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Officers within Ayrshire Division have a role to play in ensuring the provisions of the above legislation are adhered to. Alcohol abuse and its resultant disorder can have a major bearing on our community and research of police data coupled with the views of the general public has shown a definite link between the consumption of alcohol, public disorder and general acts of anti-social behaviour. In particular the Licensing Department and the Community Policing teams regularly carry out inspections of licensed premises to ensure that they are operating as per their operating plan, and within the provisions of the legislation.

Any issues raised as a result of premises inspections, or incidents reported at premises, will result in staff from the Divisional Licensing department meeting those responsible for the premises. These meetings will address the issues raised and where required, a formal intervention will be completed. Depending on the individual circumstances, an application for review of the premises or personal licence for those involved may be submitted to the Board for their consideration.

What happens when incidents of disorder are reported to Divisional Licensing?

Details of the incident are reported to the Licensing Department who will then carry out more detailed enquiry with the officers involved to ascertain the full circumstances. Once this is known a decision will be made on what course of action to take.

Divisional Licensing staff will contact or meet with the Licence holder and / or the Designated Premises Manager to discuss the incident and provide advice and guidance. An overview of the ongoing premises management will also be considered along with previous incidents involving the premises. This will then form the basis of how Divisional Licensing will proceed.

Options will range from a telephone call to the licence holder for trivial matters to a meeting as described above. This will inevitably involve some form of advice and warning to the parties involved with a formal intervention being carried out where appropriate. In addition where circumstances merit, a review application will be submitted to the Licensing Board for consideration.

Introduction - what is an intervention?

An intervention is a formal agreement entered into between the Licensing Department and premises licence holder/DPM, designed to assist the divisional licensing department when dealing with the management of alcohol fuelled violence and other serious incidents of note which are directly linked to licensed premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations being agreed with the licence holder.

This is recorded on the intervention form, which is kept in the Divisional Licensing premises file for future reference.

If further incidents of note occur within the premises and the licence holder has not implemented what was agreed in the intervention, then they can expect that they will be reported to the Licensing Board in the form of a premises review.

The intervention system is ultimately designed to assist the licence holder prior to a premises review being sought, although as has been previously stated some incidents will merit an immediate review application.

a). Summary of policing in connection with the operation of the Act in the Board's area during the reporting year:

Table 1: Premises and personal licences

Applications for Reviews of Licences		Total
Premises Licences (Section 36)	Off-sale only (shop premises):	0
	On-sale (all others):	8
Personal Licences (Section 84A)	Off-sale only (shop premises):	0
	On-sale (all others):	0
Interventions		
Total number of Intervention Meetings carried out:		
Stage 1: Discussion		17
Stage 2: Intervention Meeting		17
Stage 3: Pre-review Warning		8
Off-sale only (shop premises):		
Stage 1: Discussion		0
Stage 2: Intervention Meeting		0
Stage 3: Pre-review Warning		0
On-sale (all others):		
Stage 1: Discussion		17
Stage 2: Intervention Meeting		17
Stage 3: Pre-review Warning		8

Working in Partnership:

Table 2: Initiatives with Partners

Activity Details
<p>Bottle marking scheme has been in place for many years throughout North Ayrshire. This allowed police who detect street drinking to trace where the alcohol was purchased and advise the licence holders of this, as well as identifying possible premises selling alcohol to under age persons.</p> <p>Test Purchasing has been carried out in all areas of North Ayrshire predominantly on off sales premises, targeting those premises responsible for the sale of alcohol to children. Some of these initiatives were run in conjunction with trading standards.</p> <p>Joint initiative with Scottish Power involving joint visits and inspections of specific North Ayrshire Premises in attempt to detect illegal tampering of electricity meters and theft of electricity in on and off sales premises.</p> <p>Pub Watch scheme has been introduced through dialogue with Divisional Licensing staff, Community Police Officers, LSO's and various on sales premises in the Saltcoats area . This scheme encourages premises to communicate with each other and with the support of local police they can take their own action against problematic customers.</p> <p>Regular discussions with LSO's, sharing information on any issues or identifying areas of poor practice in North Ayrshire Premises. Agreement is then reached as to what action is to be taken whether jointly or as individual organisations to tackle these concerns.</p> <p>Local Action Plans - Various action plans have been carried out throughout the North Ayrshire area, targeting local concerns such as youth disorder, anti-social behaviour, street drinking and underage drinking. Many of these action plans involved joint working with our partner agencies, such as housing organisations and community / youth groups. Specific areas to be targeted were, Kilbirnie, Saltcoats, Beith and the Castlepark area of Irvine.</p>

Training and Development (Internal):

Throughout Ayrshire Division it was identified that there was a need for officer training, in order that they were conversant with the Licensing Scotland Act 2005 and the new terms and terminology contained within.

It has also been identified that there has been on occasions a need to liaise with premises managers and staff, in order that they too are aware of the requirements of the new Act.

Table 3: Training and Development Carried Out

Training details
Divisional Licensing staff delivered training inputs to all Response and Community Police Officers throughout Ayrshire Division.
Probationary Officers within the Division attend the Licensing Department for a brief insight into Liquor Licensing to assist them in their duties and responsibilities in relation to the new Act.

Table 4: National Policing Activity**National Policing Activity**

The Violence Reduction Unit co-ordinates the Scottish Government / ACPOS led Anti-Violence Campaign, which runs annually in forces across Scotland.

The two phases of this year's campaign will be:

Weapons Related Violence / Alcohol Fuelled Violence and Domestic Abuse

In line with the VRU's core belief that violence is not just a justice issue, the campaign will also focus on efforts by police to engage with a range of agencies in order to raise awareness of certain issues and develop preventative initiatives.

Weapons Related Violence / Alcohol Fuelled Violence:

The aims of this phase are:

to reduce weapons carrying in Scotland

to reduce harmful consumption of alcohol

to reduce alcohol fuelled violence

Campaign Against Violence Days**Operation Fleet**

Operations Fleet is a high profile operation designed to promote public reassurance whilst detecting offences across a spectrum of criminality by working with partners and focusing on identified areas with high levels of violent crime, disorder and anti-social behaviour. These operations take place on a rolling basis across the Strathclyde Force area as directed by strategic analysis and the tasking and co-ordination process, and were carried out on the following dates.

3 June 2011 – Operation CAV day

26 August 2011 – Operation CAV day

16 September 2011 – Operation Fleet

30 September 2011 – Operation CAV day

16 December 2011 – Operation CAV day

2 March 2012 – Operation CAV day

16 March 2012 – Operation Fleet

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

With certain provisions of the Act changing during the previous year, it is clear that there were, and still are, premises where these changes have not yet taken effect. This has resulted in the associated challenge to ensure that education and enforcement are continuous and ongoing. That said, it has also been clear that there were still premises in the Board's area, deliberately operating outwith the provisions of the Act. By maintaining robust enforcement and bringing these premises before the Board, this has sent a clear message to all concerned that this type of poor management will not be tolerated.

c) Looking ahead (2012-2013) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Policing will continue in the same vein as the previous year with problem premises and those persons responsible for them being proactively targeted. It is anticipated that additional training and development will be implemented on a rolling basis officers new to their role, or unsure as to the provisions of the Act, are confident in the policing of licensed premises.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

This section concentrates on the prevention of sale or supply of alcohol to children and young persons.

Test purchase operations are carried out based on intelligence received about premises that may be selling alcohol to under age persons, or to target areas where under age street drinking and disorder are prevalent.

We would also carry out a test purchase operation to 'spot check' premises to ensure that they are fully compliant with the Licensing Act.

a) Activity carried out to prevent the sale or supply of alcohol to children

Table 5: Test Purchase Operations

Number of Test Purchases carried out	33
Number of first failures	0
Number of second failures	0
Number of Premises Licence review applications in relation to Test Purchase failures	0
Number of Section 84A Personal Licence review applications in relation to Test Purchase failures	0

Table 6: Offences relating to children and young persons

Number of persons charged under sections 102 to 109 of the Act (Could further categorise as DPM's or Personal Licence holders if information readily available)	5
Number of interventions/warnings carried out relating to underage sales	*
Success (if measurable) of such interventions, or provide details of any noteworthy successes	**

* A premises review letter was submitted for any premises that committed the offence of selling alcohol to under age persons.

** Premises reviews that were submitted to the Licensing Boards were dealt with by written warning or suspension of their alcohol licence.

b) Proposed activity to be carried out to prevent the sale or supply of alcohol to children during next reporting period:

Test purchasing operations

Intelligence gathering

CAV (Campaign Against Violence) activity

Community policing visits

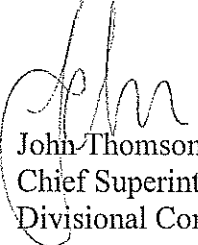
Licensing department visits and ongoing liaison with licence holders

CONCLUSION

All areas of North Ayrshire will continue to be policed robustly in ensuring that the provisions of the Licensing (Scotland) Act 2005 are adhered to. As can be seen in this report the link between alcohol, anti social behaviour, disorder and the obtaining and consumption of alcohol by children, has been targeted. This proactive approach has led to greater awareness on the part of licence holders, and has reiterated that problem persons or premises will not be tolerated.

The forthcoming year will see a continued proactive and dedicated approach to enforcing the provisions of the legislation, with the Licensing Board playing a key part in the education and discipline of those failing.

Yours faithfully



John Thomson
Chief Superintendent
Divisional Commander

