Cunninghame House,
Irvine.

7 December 2016

North Ayrshire Licensing Board

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Council Chambers, Cunninghame House, Irvine on **MONDAY 12 DECEMBER 2016** at **10.00 am** to consider the undernoted business.

Yours faithfully

Clerk to the Licensing Board

1. **Minutes**
   Confirm the Minutes of the Board Meeting held on 31 October 2016.

2. **Licences and Applications under the Licensing (Scotland) Act 2005**
   Submit report by the Clerk to the Licensing Board on applications under the Licensing (Scotland) Act 2005 (copy enclosed)

Licensing Board

Sederunt:	Ronnie McNicol (Convenor) Tom Marshall (Vice-Convenor) Robert Barr John Bruce John Easdale Grace McLean Catherine McMillan Alan Munro Donald Reid Robert Steel	Chair: Attending: Apologies: Meeting Ended:

Agenda Item 2

12 December 2016

North Ayrshire Licensing Board

Subject:	**Licences and Applications under the Licensing (Scotland) Act 2005**
Purpose:	To inform the Licensing Board on the background to applications received under the Licensing (Scotland) Act 2005.
Recommendation:	That the Licensing Board determines the applications.

1. Introduction

1.1 The Licensing Board is responsible for determining applications made under the Licensing (Scotland) Act 2005, and for determining questions under that Act.

1.2 The Board has previously approved a Scheme of Delegation whereby certain matters can be delegated.

2. Current Position

2.1 The applications before the Board are set out in the attached appendices. Each appendix contains reports prepared by licensing staff for each individual case before the Board.

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

Clerk to the Licensing Board

Reference : WO'B/MC

For further information please contact William O'Brien , 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.		Ardrossan Winton Rovers Football Club Winton Park Ardrossan KA22 8JG & Kilwinning Rangers Football Club Abbey Park Dovecote Lane Kilwinning KA13 6DU		Junior Football and Occasional Licensing Policy Clerk to Report
2.	887/16	Signature Works (Scotland) Limited 18 Bank Street Irvine KA12 0AD	Pitchers 18 Bank Street Irvine KA12 0AD	Application for Extended Hours - Section 68 Clerk to Report
3.	0487	Horns Bar Limited 28-30 North Street Dalry KA24 5DW	The Tartan Bar 32 North Street Dalry KA24 5DW	Application for Grant of Premises Licence - Section 20
4.	0485	Derek Finnigan 89 Livingstone Terrace Irvine KA12 9DL	Lyrics Live Music Bar 13 Bridgegate Square Irvine KA12 8BJ	Application for Grant of Premises Licence - Section 20
5.	0486	Muhammad Anees 22 Speyburn Place Lawthorn Irvine KA11 2BG	News Buster 1 Ladyha Court Girdle Toll Irvine KA11 1QN	Application for Grant of Provisional Premises Licence - Section 45
6.	0355	Ann-marie Beckett Meikle Auchengree Farm Glengarnock Beith KA14 3BU	Auchengree Farm Shop Meikle Auchangree Farm Glengarnock Beith KA14 3BU	Application for Variation of Premises Licence - Section 29

7.	0238	Angela Watson 43 Thorntree Avenue Beith KA15 2EE	Cafe Bar 47a Main Street Beith KA15 2AD	Premises Licence Review Application - Section 36
8.	0048	Paul McMillan 17 Eglinton Street Beith KA15 1AB	Merchants Yarn 15/17 Eglinton Street Beith KA15 1AB	Premises Licence Review Application - Section 36
9.	0188	Partnership of Stephen Wood & Elizabeth Ann Furness Sannox Bay Hotel Sannox Isle of Arran KA27 8JD	Sannox Bay Hotel Sannox Isle of Arran KA27 8JD	Premises Licence Review Application - Section 36
10.	0342	Paula McDougall 32 Dunlop Road Barrmill Beith KA15 1HN	The Village Shop 2 Dunlop Road Barrmill Beith KA15 1HN	Premises Licence Review Proposal - Section 37

Application for Grant of Premises Licence - Section 20

Applicant	Horns Bar Ltd.
Premises	"The Tartan Bar", 32 North Street, Dalry, KA24 5DW
Ref.	487

Preliminary

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 2 December 2016. No information about any objections or representations is noted here. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.
The Board are entitled, but not obliged, to request a report from the Chief Constable detailing all cases of Antisocial Behaviour, and all complaints or other representations made to Police, which have taken place on, or in the vicinity of, the Premises, in the previous year. (The Board's power is under Section 24A, as added by the Criminal Justice and Licensing (Scotland) Act 2010). *Before proceeding to determine the Application itself, the Board should decide whether or not to request a Report. If they do, they must defer further consideration until the Report is produced.*
The Applicant should lodge the Certificate of Display of Site Notice. Until the Board have it, they cannot determine the Application.

1. Background

This Report is briefer than the Reports which are usually prepared for Grant Applications, because the current Application is very similar to the Licence which the Premises had (NALB 039).

That Licence was granted to "The Tartan Bar Ltd.", 28-30 North Street, Dalry (Company Registration SC 433884). The Register of Companies records that the Company was dissolved on 22 May 2015.

Under Section 28 of the 2005 Act:

- A Premises Licence ceases to have effect on the occurrence of any of the events mentioned in subsection 28(5).

- One of these events is where the holder "becomes insolvent" (Section 28(5)(d)).

- in the context of a Limited Company, the term "becomes insolvent" is explained by Section 28(7)(b). The appointment of an Administrator, Receiver or Liquidator is a terminating event.

Therefore only way the Licence could be saved would be if it was transferred by the Administrator etc. within 28 days. This did not happen. The operators of the public house continued to operate on the assumption that the Licence remained in force, and the Board only found out about the situation in October 2016.

They advised the operator and the Police. The Premises were closed. At their Meeting on 31 October 2016 the Board considered the situation and authorised the

repeated use of Occasional Licences until the Board considered a full Premises Licence Application at the next available Licensing Board (12 December 2016). The Premises re-opened.

The Board have a discretion to grant or refuse the Application. Subject to the Board's views about Overprovision, it is the Clerk's opinion that there are no statutory reasons to refuse, and there is no breach of Board Policy.

Overprovision is a legitimate consideration according to the Board's Licensing Policy Statement, which includes:

> *"4.7. Subsequent Events*
>
> *It does not follow that, where one Licence ceases to be in force or there is a reduction in capacity, the Board will proceed on the basis that there is now 'surplus' capacity which can be filled without doing harm to the Licensing Objectives or the Overprovision Policy.*
>
> *The Assessment should be regarded as varied as a result of subsequent events:*
>
> > *(a) ...*
> >
> > *(b) If capacity is reduced, as by the closure of Licensed Premises or the variation of an existing Licence; in the same example, if the Capacity in the locality fell [from 1,000] to 900, the Board would approach a new Application on the basis that that the maximum appropriate level was 900 and that the Locality was already at its Overprovision limit."* (LP 2013-18, Annex E, Para. 4.7)

2. Approach to Overprovision

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2018, Annex E). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

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

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

(b) Overprovision would result if the Application was to be granted, and

(c) the Application should be refused.

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

The Board will expect Applicants who are seeking the grant of a new Licence to provide robust and reliable evidence as to why the benefit to each of the Licensing Objectives outweighs the apparent detriment to those Licensing Objectives.

This report to the Board supplies the following information:

(a) the Locality of the Premises

(b) the Function Type of the Premises

(c) any Additional Factors

(a) the Locality of the Premises

The Board have determined that there are 6 'localities' in their area (coinciding with the 6 'Neighbourhood Areas' used by the North Ayrshire Community Planning Partnership). The Subject Premises are in Locality 5 : "Garnock Valley" (Auchentiber, Barmill, Beith, Dalry, Glengarnock, Kilbirnie & Lugton).

(b) the Function Type of the Premises

The Board's Overprovision Policy distinguishes Premises by 'Function Types'. The Subject Premises are in Function Type 3 (On-sales other than entertainment venues, e.g. public houses).

(c) Additional Factors

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

(1) Locality: the Premises are in a Locality where Applications are especially unlikely to be granted (regardless of the Function Type);

(2) Function Type: The presumption of refusal applies to FT 2, 3 & 6 (nightclubs, pubs, and 'Part K' Clubs) - regardless of the Locality;

3. Licence Conditions

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

A (All Premises)

C (On-sale Premises)

F (Entertainment)

These are the same Parts which applied to the previous Licence.

Application for Grant of Premises Licence - Section 20

Applicant	Derek Finnigan
Premises	"Lyrics Live Music Bar"
Ref.	485

Preliminary

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 2 December 2016. No information about any objections or representations is noted here. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.

The Applicant should lodge the following Certificates. Until the Board has all of them, they cannot determine the Application:

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

** The Applicant's Operating Plan includes 'Receptions (including weddings, funerals, birthdays, retirements, etc.)'. If food is to be stored or supplied on the Premises, a Food Hygiene Certificate is needed.*

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

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

1. Summary of Proposal

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

The proposal is for a Music Bar consisting of an open-plan area. On most weekdays the premises will have live music, live comedy, local artists, open mic, etc.. and on Friday and Saturday the Premises will cater for larger events. On Sunday the Premises will show televised sport.

The proposed Licensed Area is shown outlined in red on the Layout Plan. The LP covers a large building. On the LP more than half of the building is scored-out in pencil and the remainder is outlined in red. This smaller area is 16 x 17 metres reached from street level down a flight of stairs. This level consists of a guest area, a dance floor, and a bar. The toilets are in the basement below.

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

2. Detailed proposal

(a) Licensed Hours

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

	Proposal	***Policy***
Monday	11.00 - 24.00	OK on all
Tuesday	"	days
Wednesday	"	
Thursday	11.00 - 1.00	
Friday	"	
Saturday	"	
Sunday	11.00 - 24.00	

(b) Capacity

On-Sales (persons)	140
Standing / Seated	100 / 40 (71% / 29%)

(c) Activities other than the sale of alcohol

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

Details of activities outside core licensed hours
Recorded music while the building is occupied. Clubs/meetings to allow for any networking events or similar. Adult Entertainment to allow for Comedy Nights. Live Performances to allow for rehearsals/similar. Dance Facilities to allow for classes/rehearsals. Indoor Sports to allow for darts practice etc.

Other activities
Comedy nights and normal public bar activities / games.

(d) Access for Under-18s

Terms (OP 6(b) & (c))	Must be with adult, and only to attend function/event.
Times (OP 6(d))	Until 10.00 p.m. or the end of a function/event
Parts (OP 6(e))	All parts of Premises (except near bar).

3. Issues

The Board have a discretion to grant or refuse the Application. Subject to the Board's views about Overprovision, it is the Clerk's opinion that there are no statutory reasons to refuse, and there is no breach of Board Policy.

Overprovision

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2018, Annex E). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

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

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

(b) Overprovision would result if the Application was to be granted, and

(c) the Application should be refused.

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

The Board will expect Applicants who are seeking the grant of a new Licence to provide robust and reliable evidence as to why the benefit to each of the Licensing Objectives outweighs the apparent detriment to those Licensing Objectives.

This report to the Board supplies the following information:

(a) the Locality of the Premises

(b) the Function Type of the Premises

(c) any Additional Factors

(a) the Locality of the Premises

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

(b) the Function Type of the Premises

The Board's Overprovision Policy distinguishes Premises by 'Function Types'. The Subject Premises are in Function Type 2 (Entertainment venues, e.g. nightclubs).

(c) Additional Factors

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

(1) Locality: the Premises are in a Locality where Applications are especially unlikely to be granted (regardless of the Function Type);

(2) Function Type: The presumption of refusal applies to FT 2, 3 & 6 (nightclubs, pubs, and 'Part K' Clubs) - regardless of the Locality;

4. Observations

1. What is the 'Adult Entertainment' the Applicant refers to? The statutory definition is:

" 'adult entertainment' means any form of entertainment which–

(a) involves a person performing an act of an erotic or sexually explicit nature; and

(b) is provided wholly or mainly for the sexual gratification or titillation of the audience."

The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, No. 336, Reg. 1(2).

2. The Application states that under-18s of ages 0-17 years are to be allowed. If the Applicant intends 'adult entertainment', would the Board expect an addition to the Operating Plan Q. 6(b):

"When 'adult entertainment' is to happen on the Premises, no person under 18 shall be allowed to enter or remain."

3. Those Regulations apply extra Licence conditions to Premises where, broadly, there are more than 250 people standing, or dancing, or listening to loud music, or watching displays of 'adult entertainment'. As the Premises here have a capacity of 140, these extra conditions do not apply, but if the Premises are to open after 1.00 then (regardless of their capacity) then this mandatory condition applies:

"A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of–

(a) the time at which the premises next close; and

(b) 5:00 am."

4. The hours requested are the Board's 'public house' hours. The Applicant is entitled to ask for these hours, but he would also be entitled to ask for longer hours under the Board's Licensing Policy Statement. The LPS allows a nightclub to request hours Sunday - Wednesday - 11.00 - 1.00 and Thursday - Saturday 11.00 - 2.30. There is a 00.30 curfew condition, and there are extra licence conditions for Premises which open after 1.00. (see LPS, Para. 7.4).

5. Under "seasonal variations" in the Operating Plan (Q. OP4) the Applicant has written:

"Seasonal demand as allowed by North Ayrshire Licensing Board."

The Licence will not permit operation outside the Core Hours specified in Q2/Q3 (i.e. the ordinary trading hours, 7-days-a-week). The Applicant requires to include in OP Q4 the intention to seek extra hours, but this is only an intention.

The way for Premises to obtain extra hours is to apply to the Board for 'Extended Hours' under Section 68 (an Occasional Extension) as and when the hours are wanted. Applications should be lodged at least 28 days in advance (see Statement of Practice in Licensing Policy Statement 2013-18, Annex C - on Board's website). The individual requests are then copied to the Police, who can make representations. The Extension will be granted only if within Board Policy.

6. The Operating Plan includes 'Theatre'. The Applicant should advise Board what is intended, as the Applicant may require Licences under the Theatres Act 1968. These Licences are granted by the Council's Licensing Committee, not the Licensing Board.

7. The Operating Plan includes 'Gaming'. The provisions of the Gambling Act 2005:

- allowing "Equal Chance Gaming" (such as Poker) without a Permit

- allowing the use of Gaming Machines without a Permit (called "the Automatic

Entitlement")

- allowing the playing of Bingo without a Licence

- Licensed Premises Gaming Machine Permits

only apply during the Core Licensed Hours.

If the Premises are open outside these hours then there must be no gaming and any Gaming Machines should be switched off.

The Applicant should discuss with the Licensing Standards Officer or other Licensing staff what permits will be needed, e.g. the "Authorised Entitlement" does not take effect until the Board are notified.

8. Since the Premises are to admit children under 5, the Mandatory Condition requiring Baby-Changing Facilities accessible by both genders applies (Sch. 3, Para. 12, SC C.3). Since the condition is mandatory by statute, the Board have no power to vary it or dispense with compliance.

The Application does not indicate where these facilities would be.

Applicant should:

(a) state where such facilities will be (e.g. in the 'disabled toilet'), or

(b) amend the Operating Plan to exclude children under 5; or

(c) give Board an undertaking that the Premises will not open until necessary facilities are in.

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

(a) Application is inconsistent with L.O. (d) ("protecting and improving public health");

(b) Application is inconsistent with L.O. (e) ("protecting children from harm");

(c) Premises are unsuitable for use for the sale of alcohol given that their use will involve a breach of a mandatory licence condition.

9. Board should also consider whether it is necessary to attach an additional specially-worded condition to the Licence, e.g. Condition X.1 requiring CCTV:

"(a) The Licence Holder shall install and maintain a CCTV system which shall cover all parts of the Premises and any Outdoor Drinking Area to which the public have access (other than toilets), the entrances and exits, stages and performance areas;

(b) CCTV must be of a high quality to ensure that individuals may be clearly identified;

(c) The Licence Holder shall ensure that at all times a member of staff who is able to operate the system, and to display recordings on request, is on the Premises;

(d) The Licence Holder shall retain recordings for not less than one calendar month, and when specially requested by the Police or Board, for the specified period or until a specified event occurs.

(e) The Licence Holder shall when requested provide facilities for Police or the Board to view the recordings;

(f) The Licence Holder shall provide the recordings for use in proceedings in Court or before the Board."

10. Applicant should resolve the apparent discrepancy between OP 6(b) and 6(d). OP 6(b) indicates that the only reason under-18s would be on the Premises would be to attend a function/event, whereas OP 6(d) indicates that they might be on the Premises during its normal opening. Also, is the Applicant proposing any activity on the Premises which could not be described as a "function/event" ?

OP 6(d) might be reworded:

"Under-18s are permitted on the Premises from the opening time of the Premises until the earlier of 10.00 p.m. or the end of a function/event."

5. Licence Conditions

If the Licence is granted, it will be subject to the following parts of the NALB Standard Conditions (Edition 5, made on 1 September 2009, as read with later amendments of the statutory mandatory conditions) and any additional conditions specially directed by the Board (e.g. X1 on CCTV):

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

If the Operating Plan is amended so that the Premises remain open after 1.00 on at least one day, in addition the Licence will be subject to:

D (Late Opening Premises)

Application for Grant of Provisional Premises Licence - Section 45

Applicant	Muhammed Anees
Premises	"News Buster", 1 Ladyha Court, Irvine, KA11 1QN
Ref.	486

Preliminary

This Report was prepared provisionally before the end of the Site Notice display period, which ends on 2 December 2016. No information about any objections or representations is noted here. If there are any, these will be copied to the Applicant, and all letters will be handed to Members at the Meeting.
The Board are entitled, but not obliged, to request a report from the Chief Constable detailing all cases of Antisocial Behaviour, and all complaints or other representations made to Police, which have taken place on, or in the vicinity of, the Premises, in the previous year. (The Board's power is under Section 24A, as added by the Criminal Justice and Licensing (Scotland) Act 2010). *Before proceeding to determine the Application itself, the Board should decide whether or not to request a Report. If they do, they must defer further consideration until the Report is produced.*
The Applicant should lodge the Certificate of Display of Site Notice. Until the Board have it, they cannot determine the Application.

1. Summary of Proposal

The Applicant has applied for the Grant of a Provisional Premises Licence (PPL). The proposal is for an off-sales capacity of 22.08 square metres within a free-standing convenience store in a residential area. The shop at present sells food, groceries, newspapers, magazines, sweets, tobacco and soft drinks, but no alcohol.

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.

This is the fourth Application by the same Applicant for the same Premises. The last refusal was on 22 February 2016. The Convenor made a Direction under Section 25 so that a further Application within one year could be made.

The previous cases were:

(a) On 10 July 2014 the Board refused a PPL Application where the capacity requested was 24.6 sq.m. (NALB 456);

(b) On 17 November 2014 the Board refused a PPL Application where the capacity requested was 18.32 sq.m. (NALB 463);

(c) On 22 February 2016 the Board refused a PPL Application where the capacity requested was 4.6 sq.m. (NALB 475). The initial request was for 22.08 sq.m. but the proposed capacity was reduced to 4.6 sq.m. during the submissions to the Board by the Applicant's agent; this was to be only the area behind the counter, as opposed to a publicly-accessible area in the body of the shop;

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

Part of the Applicant's submissions in relation to these Applications was that there was likely to be a housing development nearby of 185 to 200 houses.

The submissions made to the Board in relation to decision (c) are noted in the Statement of Reasons which was issued to the Applicant shortly afterwards. The Board on 12 December 2016 will have a copy of that Statement of Reasons.

2. Effect of a Provisional Premises Licence

The PPL relates to Premises which are to be converted for use as Licensed Premises, and is valid for a period of four years. During this period, the Applicant can request the Board to Confirm the PPL, or to extend the period.

The Premises cannot sell alcohol until the PPL is Confirmed. The Licence-Holder will apply to the Board for Confirmation once the construction or conversion is complete, and after Certificates as to Building Control (and if appropriate Food Hygiene) are issued. Confirmation is usually done by the Clerk or other officers under the Scheme of Delegations.

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

The Board decision on the PPL relates only to licensing legislation, and does not act as permission or certification under other legislation, such as Planning or Building Control. If the PPL is granted, the Premises cannot operate until all other legislative requirements are met.

3. Issues

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

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

The Board may consider that two grounds for refusal exist:

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

(b) Overprovision may result if the Application is granted

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

However, the Board is obliged to grant the Application if the Applicant accepts a suitable modification to the Operating Plan or Layout Plan (or both), where that modification deals with the potential ground for refusal: Section 23(7).

(a) Licensing Objectives

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

(i) it damages public health, or

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

but it is unlikely to improve it.

The present Subject Premises are not far from the B.P. Girdle Toll petrol filling station at Littlestane Row, Long Drive, Irvine KA11 2DJ. On 21 August 2013 the Board refused a PPL Application by B.P. Oil UK Ltd. for a proposal to include in an existing 'Connect' an off-sales display area of 5.04 sq.m..

The Board's reasons for refusal were:

(a) Inconsistency with Public Health Licensing Objective (here "PHLO") (Section 23(5)(c))

(b) Overprovision would result (Section 23(5)(e))

The Board issued a Statement of Reasons which included:

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

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

(b) Overprovision may result if the Application is granted

There is a rebuttable presumption of refusal due to Scottish Government guidance and the Board's own Licensing Policy Statement (LPS 2013-2018, Annex E). It is not necessary, for the presumption of refusal to apply, for there to be any objection made by a third party.

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

(i) the existing number and capacities of Premises in that Locality and in that Function Type is already sufficient,

(ii) Overprovision would result if the Application was to be granted, and

(iii) the Application should be refused.

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

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

This report to the Board supplies the following information:

(i) the Locality of the Premises

(ii) the Function Type of the Premises

(iii) any Additional Factors

(iv) other similar premises in the Locality

(i) the Locality of the Premises

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

(ii) the Function Type of the Premises

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

(iii) Additional Factors

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

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

(2) Function Type: any Application for Premises in FT 1 (Off-sales) is especially unlikely to be granted (regardless of the Locality).

(iv) Other similar premises in the Locality

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

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

The three existing shops are:

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

"FT" = "Function Type"

The information about those other shops was confirmed from Board records on 30 November 2016, and is the same as that before the Board on 17 November 2014 (decision (b)) and 22 February 2016 (decision (c)).

4. Licence Conditions

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

A (All Premises)

B (Off-Sales)

Application for Variation of Premises Licence - Section 29

Applicant	Mrs. Ann-Marie Beckett
Premises	Auchengree Farm Shop, Meikle Auchengree Farm, near Glengarnock KA14 3BU
Ref.	355

Preliminary

This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 2 December 2016:

1. Until the Board have a Certificate of Display, they cannot determine the Application.

2. no details of comments from third parties are given here. If there any, the Applicant will be advised and copies will be handed to Members.

1. Summary of Variation Requests

No.	***Variation***
1	*Add on-sales*
2	*Add outdoor drinking area*
3	*Vary C.5.2 to allow non-alcoholic breakfast drinks from 10.00 a.m.*
4	*Vary C.5.2 to allow outdoor drinking after 10.00 p.m. at private functions*
5	*Remove C.8 requiring monitoring of Occupancy Capacity*
6	*Remove C.12 requiring inspection of Premises*
7	*Rename Premises as "Auchengree Farm Shop & Tearoom"*
8	*Change off-sales hours*

The Premises currently operate as a shop selling food. The proposal is to add an on-sales facility with a capacity 94 people (all seated) with both an indoor seated area and an outdoor seating area on the north side. The Premises will offer:

restaurant facilities
receptions including weddings, funerals, birthdays, retirements etc.
club meetings
recorded music
live performances
dance facilities
charity events, i.e. bingo
quiz nights
karaoke

As the Premises are now to offer on-sales, the Operating Plan has to state the Applicant's proposals for access by under-18s:

(a) "Children" (under 16): Allowed for the whole Core Hours. Must be accompanied by adults, either when consuming meals or during private functions.

(b) "Young People" (16 or 17): Allowed for the whole Core Hours. No need to be accompanied by adults.

The Premises have a servery rather than a bar, so it is not necessary for the Board to require the Operating Plan to state at OP 6(e) (Parts of Premises where under-18s may be) "not near the bar".

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 have a discretion whether to grant or refuse the request. Possible issues with L.O.s or Board Policy are highlighted.

Variation 1: Add on-sales
Discretionary refusal
Notes: Overprovision may apply. The Premises are: (a) in Function Type 4 (On-sales Premises whose principal function is the provision of accommodation, meals or non-alcoholic refreshment and the supply of alcohol for consumption is only ancillary to that purpose; 'meal' means a substantial meal eaten at a table, counter or other structure which serves the purpose of a table. Snacks and crisps are not considered to constitute 'meals'.); (b) in a Locality ("Garnock Valley") where Applications are especially unlikely to be granted (regardless of the Function Type); The creation of a new on-sales facility raises the presumption of refusal, particularly since the Premises are in the "Garnock Valley" Locality. However, since the Premises will be in Function Type 4 the Board are entitled not to regard Overprovision as a reason for refusal. The Board may wish to defer a decision on this variation to await any objection or representation from the Health Board. The proposed hours are within Board Policy: Monday 11.00 - 24.00 Tuesday ditto Wednesday ditto Thursday 11.00 - 1.00 Friday ditto Saturday ditto Sunday 11.00 - 24.00

Variation 2: Add outdoor drinking area
Discretionary refusal
Notes:

The new layout includes an Outdoor Drinking Area. The proposal is to allow the use of this area outside Licensed Hours for hot beverages, food and non-alcoholic drinks.

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

> *"C.5.2 No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 a.m. and later than 10.00 pm.."*

The reason that the phrase "alcoholic or not" is used is that the Board are unlikely to know that a container contained Alcohol, e.g. if the Board received a complaint, all that the complainer might be able to say was "I saw a customer drinking from a container" - without being able to say that there was Alcohol in it.

However, the Applicant invites the Board to vary this condition in two respects:

(a) to allow non-alcoholic breakfast drinks from 10.00 a.m.

(b) to allow outdoor drinking after 10.00 p.m. at private functions.

Variation (a):

This has often been allowed by the Board elsewhere, by adding to the condition "except that the consumption of tea, coffee and other non-alcoholic drinks is permitted from 10.00 a.m.."

Variation (b)

The Applicant proposes to cater for weddings and other functions using a marquee, and invites the Board to vary the Operating Plan so as to permit "Live Performances" and "Recorded Music". There are no neighbours nearby. Environmental Services have no objections but they have spoken to the Applicant and advised that such activities have the potential to cause noise nuisance to neighbours. The Applicant's proposals are inconsistent with Condition C.5.1:

> *"C.5.1 No loudspeakers, televisions, radios or other devices for amplifying sound shall be positioned at any time in Outdoor Drinking Areas."*

The Board have not permitted outdoor drinking after 10.00 p.m. before.

Variation 3: Vary C.5.2 to allow non-alcoholic breakfast drinks from 10.00 a.m.
Discretionary refusal
Notes: See V.2.

Variation 4: Vary C.5.2 to allow outdoor drinking after 10.00 p.m. at private functions

Discretionary refusal
Notes: See V.2.

Variation 5: Remove C.8 requiring monitoring of Occupancy Capacity
Discretionary refusal
Notes: This condition is applied to on-sales Premises: *"C.8.1 The Applicant shall have monitoring arrangements in place to verify the number of persons present to ensure that the occupancy capacity set by the Board is not exceeded;* *C.8.2 Monitoring shall take place at regular intervals and shall particularly focus on peak trading times."*

Variation 6: Remove C.12 requiring inspection of Premises
Discretionary refusal
Notes: This condition is applied to on-sales Premises: *"C.12.1 The Premises, both internally and externally, shall be maintained in a clean and tidy condition;* *C.12.2 Toilets and washing facilities must be maintained clean and tidy, and should be inspected by staff regularly;* *C.12.3 A written record of such inspections should be kept and displayed in the toilets (Condition A.16.1 (Records) shall not apply);* *C.12.4 Toilet doors must be lockable from the inside."*

Variation 7: Rename Premises as "Auchengree Farm Shop & Tearoom"
Mandatory Grant : The request is for a 'Minor Variation'

Variation 8: Change off-sales hours
No reason to refuse and no breach of Board Policy.
Notes: The present Off-sales Licence permits sale Monday - Saturday 10.00 - 17.00 and Sunday 11.00 - 16.30. The proposal is for 10.00 - 22.00, seven days. This is within the Licensing (Scotland) Act 2005, Section 65 and Board Policy.

3. Licence Conditions

If V.1 is granted, Part C (on-sales) of the Board's Standard Conditions will apply.
If V.3 is granted and V.4 refused, Condition C.5.2 should be varied to read: *C.5.2 No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 a.m. and later than 10.00 pm., except that the consumption of tea, coffee and other non-alcoholic drinks is permitted from 10.00 a.m.."*
If both V.3 and V.4 are granted, Condition C.5.2 should be varied to read: *C.5.2 No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 11.00 a.m. and later than 10.00 pm., except that* *(a) the consumption of tea, coffee and other non-alcoholic drinks is permitted from 10.00 a.m.., and* *(b) the consumption of alcohol at private functions after 10.00 p.m. is permitted.*
If V.5 or V.6 are granted the Conditions should be amended appropriately (Condition B.5 - requiring CCTV in off-sales - has already been disapplied).

Premises Licence Review Application - Section 36

Premises	"Café Bar", 47A Main Street, Beith, KA15 2AD
Premises Licence Holder	Angela Watson
Ref.	238

1. Background

By letter of 22 November 2016 the Licensing Standards Officer 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. Ground(s) for Review

The LSO stated that the Annual Fee due by the Premises remained unpaid, despite a reminder warning of Review Procedure and the later service of a Breach of Condition Notice under Section 14.

The 'Grounds for Review' are that the following Licence Condition has been breached:

"Any annual or other recurring fee must be paid if required by the regulations."

(NALB Standard Condition A.7, which repeats one of the Mandatory Conditions: 2005 Act, Schedule 3, Paragraph 10).

3. 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 they consider 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. While the Licence is suspended, Annual Fees continue to be charged.

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

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

The Board are not obliged to take any of these steps, and even if a Ground for Review is established, the Board may decide that no further action is required, or that a decision on what steps should be taken should be deferred.

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.

4. Further Action

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

The Board may wish to delegate authority to the Clerk to make a later Revocation decision, where the arrears of Annual Fee (including any Fees falling due after the Board's decision) are paid in full. Otherwise, the Application for Revocation would have to call at a Board Meeting.

Annual Fee Schedule

Premises	Café Bar, 47A Main Street, Beith
Premises Licence Holder	Angela Watson
Ref.	0238

Fee	£220
Due on	3 October 2016
Letter giving advance notice of fee	23 August 2016
Letter reminding that the fee had not been paid	7 October 2016
LSO's "Breach of Condition Notice"	24 October 2016

The PLH has previously breached the Fee condition:

Due on	**Paid on**
Monday 1 October 2012	23 October 2012
Tuesday 1 October 2013	13 November 2013
Wednesday 1 October 2014	12 November 2014
Thursday 1 October 2015	5 November 2015

Premises Licence Review Application - Section 36

Premises	"Merchants Yarn", 15/17 Eglinton Street, Beith, KA15 1AB
Premises Licence Holder	Paul McMillan
Ref.	48

1. Background

By letter of 22 November 2016 the Licensing Standards Officer 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. Ground(s) for Review

The LSO stated that the Annual Fee due by the Premises remained unpaid, despite a reminder warning of Review Procedure and the later service of a Breach of Condition Notice under Section 14.

The 'Grounds for Review' are that the following Licence Condition has been breached:

"Any annual or other recurring fee must be paid if required by the regulations."

(NALB Standard Condition A.7, which repeats one of the Mandatory Conditions: 2005 Act, Schedule 3, Paragraph 10).

3. 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 they consider 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. While the Licence is suspended, Annual Fees continue to be charged.

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

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

The Board are not obliged to take any of these steps, and even if a Ground for Review is established, the Board may decide that no further action is required, or that a decision on what steps should be taken should be deferred.

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.

4. Further Action

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

The Board may wish to delegate authority to the Clerk to make a later Revocation decision, where the arrears of Annual Fee (including any Fees falling due after the Board's decision) are paid in full. Otherwise, the Application for Revocation would have to call at a Board Meeting.

Annual Fee Schedule

Premises	Merchants Yarn, 15/17 Eglinton Street, Beith KA15 1AB
Premises Licence Holder	Paul McMillan
Ref.	0048

Fee	£280
Due on	3 October 2016
Letter giving advance notice of fee	23 August 2016
Letter reminding that the fee had not been paid	7 October 2016
LSO's "Breach of Condition Notice"	24 October 2016

The PLH has previously breached the Fee condition:

Due on	Paid on
Tuesday 1 October 2013	25 October 2013
Thursday 1 October 2015	3 November 2015

Premises Licence Review Application - Section 36

Premises	"Sannox Bay Hotel", Sannox, Isle of Arran, KA27 8JD
Premises Licence Holder	Partnership of Stephen Wood & Elizabeth Ann Furness
Ref.	188

1. Background

By letter of 22 November 2016 the Licensing Standards Officer 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. Ground(s) for Review

The LSO stated that the Annual Fee due by the Premises remained unpaid, despite a reminder warning of Review Procedure and the later service of a Breach of Condition Notice under Section 14.

The 'Grounds for Review' are that the following Licence Condition has been breached:

"Any annual or other recurring fee must be paid if required by the regulations."

(NALB Standard Condition A.7, which repeats one of the Mandatory Conditions: 2005 Act, Schedule 3, Paragraph 10).

3. 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 they consider 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. While the Licence is suspended, Annual Fees continue to be charged.

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

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

The Board are not obliged to take any of these steps, and even if a Ground for Review is established, the Board may decide that no further action is required, or that a decision on what steps should be taken should be deferred.

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.

4. Further Action

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

The Board may wish to delegate authority to the Clerk to make a later Revocation decision, where the arrears of Annual Fee (including any Fees falling due after the Board's decision) are paid in full. Otherwise, the Application for Revocation would have to call at a Board Meeting.

Annual Fee Schedule

Premises	Sannox Bay Hotel, Sannox, Isle of Arran KA27 8JD
Premises Licence Holder	P/Ship of Stephen Wood & Elizabeth Ann Furness
Ref.	0188

Fee	£220
Due on	3 October 2016
Letter giving advance notice of fee	23 August 2016
Letter reminding that the fee had not been paid	7 October 2016
LSO's "Breach of Condition Notice"	24 October 2016

The PLH has previously breached the Fee condition:

Due on	**Paid on**
Thursday 1 October 2015	8 October 2015

Report to North Ayrshire Licensing Board

by

Solicitor (Licensing)

Subject	**"The Village Shop", 2 Dunlop Road, Barrmill, Beith (NALB 342) - Premises Licence Review Proposal (First Stage) - Licensing (Scotland) Act 2005, Section 37**
Purpose	**To update Members on the current position.**
Recommendation	**That the Board note the position.**

1. Background

1.1. The case is calling on 12 December 2016 to allow the Board to consider the circumstances. The Board are entitled (but not obliged) to make a "Premises Licence Review Proposal".

If they do so, the case should be continued to a Review Hearing on a later date. On Review the Board may take action which they consider is necessary or appropriate for the purposes of any of the "Licensing Objectives". The Board may:

(a) Revoke
(b) Suspend
(c) Vary
(d) Issue a written warning

1.2. It is a condition of all Premises Licences that the Holder ("PLH") should pay an Annual Fee in early October - in 2016, on 3 October 2016.

1.3. Failure to pay may lead to Review proceedings. The 'Ground for Review' is that the following Licence Condition has been breached:

"Any annual or other recurring fee must be paid if required by the regulations."

(NALB Standard Condition A.7, which repeats one of the Mandatory Conditions: 2005 Act, Schedule 3, Paragraph 10).

2. The present circumstances

2.1. Despite three communications the Annual Fee was not paid until 1 November 2016:

(a) The Board sent the PLH advance notice of the Annual Fee by letter of 23 August 2016. The letter explained that if the Annual Fee was not paid, the Board would be entitled to review the Licence, and might suspend or revoke it;

(b) When the due date passed without payment, the Board sent a reminder on 7 October 2016. This letter repeated the advice about the Board's powers on review;

(c) On 24 October 2016 the Licensing Standards Officer served a Breach of Condition Notice.

3. Procedure

The Board should consider whether or not to make a Review Proposal. If they do, the case is to be continued to a Review Hearing.

If they do not, there is no further action but the circumstances may be again reconsidered if there is a future default in paying the Annual Fee.