

Cunninghame House,  
Irvine.

4 August 2015

### **North Ayrshire Licensing Board**

You are requested to attend a meeting of the North Ayrshire Licensing Board to be held in the Seamill Hydro Hotel, 39 Ardrossan Road, Seamill, West Kilbride KA23 9ND on **FRIDAY 7 AUGUST 2015** at **1.00 pm** 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 application under the Licensing (Scotland) Act 2005 (copy enclosed)



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## Licensing Board

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

Chair:

Attending:

Apologies:

Meeting Ended:



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## **Agenda Item 1**

**7 August 2015**

### **North Ayrshire Licensing Board**

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**Subject:** **Licences and Applications under the Licensing (Scotland) Act 2005**

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**Purpose:** To inform the Licensing Board on the background to applications received under the Licensing (Scotland) Act 2005.

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**Recommendation:** That the Licensing Board determines the applications.

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#### **1. Introduction**

- 1.1 The Licensing Board is responsible for determining applications made under the Licensing (Scotland) Act 2005, and for determining questions under that Act.
- 1.2 The Board has previously approved a Scheme of Delegation whereby certain matters can be delegated.

#### **2. Current Position**

- 2.1 The applications before the Board are set out in the attached appendices. Each appendix contains reports prepared by licensing staff for each individual case before the Board.
- 2.2 Appropriate consultation has taken place with Police Scotland and with the Council's Building Standards and Planning Sections. Where relevant the reports have been copied to the applicants and any persons making objections or representations. Any objections or representations have been copied to the applicants, so that a response might be made at the Board Hearing.

Clerk to the Licensing Board

Reference : WO'B/MC

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



## APPENDIX A

### Premises Licence Application or any other Application requiring a Hearing

Case No.	Licence No.	Applicant/Licence Holder	Premises	Comments
1.	0174	Hydro Services (Seamill) Ltd Seamill Hydro Hotel 39 Ardrossan Road Seamill West Kilbride KA23 9ND	Seamill Hydro Hotel 39 Ardrossan Road Seamill West Kilbride KA23 9ND	Application for Variation of Premises Licence - Section 29





**Application for Variation of Premises Licence - Section 29**

Applicant	Hydro Services (Seamill) Ltd.
Premises	Seamill Hydro, 39 Ardrossan Road, Seamill, West Kilbride, KA23 9ND
Ref.	174

**Preliminary**

*This Report has been prepared provisionally before the end of the Site Notice display period, which ends on 17 July 2015:*

1. *Until the Board has a Certificate of Display, it cannot determine the Application.*
2. *no details of comments from third parties are given here. If there any, the Applicant will be advised and copies will be handed to Members.*

**1. Summary of Variation Requests**

The background to the proposals is a plan to alter the layout of the Premises, retaining their general character but replacing the current Brisbane marriage suite with a new purpose-built building (the 'Firth Pavilion'). There are also some relatively minor alterations to the Licence. There is no change to:

- (a) the capacity of the Premises or
- (b) the hours for the sale of alcohol (except for a slight change to Sunday hours - Variation 2)

Assuming that the Board initially grant authority for the present variations, there will be further Variation Applications as the project proceeds. These are likely to be only "Minor Variations" (as defined by the Act), but since these variations are likely to be limited to updating the Layout Plan, they will be covered by delegated powers (this will be done so that at any time the layout corresponds with the Plan).

<b>No.</b>	<b>Variation</b>
1	<i>Amend description of Premises</i>
2	<i>Allow Sunday alcohol on-sales from 11.00</i>
3	<i>Amend postcode</i>
4	<i>Amend Layout Plan to remove function suite names</i>
5	<i>Amend dispensation for early use of Outdoor Drinking Area</i>
6	<i>Extend 'Bar Meal' provision to all restaurants</i>
7	<i>Amend 'Recorded Music' provision to take account of changed layout</i>
8	<i>Alter arrangements for 'Childrens Club'</i>
9	<i>Alter arrangements for festive activities inside building</i>
10	<i>Permit use of 'pop-up' bar inside and out</i>
11	<i>Re-word arrangements for access by 'children' (under 16)</i>

Most of the requests are only technically 'Major Variations', because the legislation defines only a few things as 'Minor Variations', and treats everything else as a 'Major Variation', so although some of these proposals might be called, in ordinary language, 'minor':

they must be decided by the Board after a Hearing

they cannot be delegated

there must be neighbour notification, and the usual consultation

It is the Clerk's opinion that (with one exception) there are no Licensing Objective or Policy issues which would mean any of the proposals should be refused.

The exception is Variation 10: "Permit use of 'pop-up' bar inside and out"

## **2. Issues**

### **Variation 1: Amend description of Premises**

Notes:

The proposed new wording is:

*"Seamill Hydro is a hotel and sports complex. It contains 86 bedrooms within main building and hotel ground.*

*Hotel has function suites that are used for weddings, ceremonies and private lunch/dinner parties."*

This is very similar to the existing wording, and reflects alterations to the Layout Plan.

### **Variation 2: Allow Sunday alcohol on-sales from 11.00**

Notes: At present the Premises are licensed for 6 days 11.00 - 1.00 and on Sunday 12.30 to 1.00.

The present arrangement may be a left-over from the 1976 Act, which had special on-sales hours for Sunday. Sunday is treated by the 2005 Act as like any other day, but one of the effects of the rules for Transition was that Premises tended to apply for the same hours they already had. Over the years the Board has frequently been asked to allow Sunday hours to follow the rest of the week, and the Board Policy allows this.

No change is proposed to off-sales hours, which remain at 12.30, although the Policy would allow 10.00.

### **Variation 3: Amend postcode**

Notes: The Licence contains a typo. The correct post code is KA23 9ND.

**Variation 4: Amend Layout Plan to remove function suite names**

Notes: There is no proposal to make structural alterations to the function suites.

**Variation 5: Amend dispensation for early use of Outdoor Drinking Area**

Notes: This is a consequence of the rewording of the Layout Plan. The Board have already granted a partial waiver of the licence condition prohibiting drinks (alcoholic or not) in 'Outdoor Drinking Areas' before 11.00 a.m., so that the patio outside the "Pladda Bar" may be used for soft drinks and hot beverages from 9.00 a.m..

The alteration proposed is to refer to "the Orangery Restaurant". The same patio is meant.

**Variation 6: Extend 'Bar Meal' provision to all restaurants**

Notes: At present the Licence limits Bar Meals to the "Pladda Bar".

**Variation 7: Amend 'Recorded Music' provision to take account of changed layout**

Notes: The general effect of the proposals is to have Recorded Music throughout the inside of the Premises, and between 9.00 a.m. and 22.00 p.m. in outside terraces.

**Variation 8: Alter arrangements for 'Childrens Club'**

Notes:

**Variation 9: Alter arrangements for festive activities inside building**

Notes:

**Variation 10: Permit use of 'pop-up' bar inside and out**

(a) Inside: Grant (no statutory reason to refuse, and no breach of Board policy)

(b) Outside: discretionary refusal

Notes:

(a) Inside

How the PLH supplies alcohol is not important providing that he keeps to his Licensed Hours. The regulations about Layout Plans do not allow for bars not being fixed, but the Board would be entitled to regard the 'pop-up bar' as only a minor addition to the permitted licensed use. There is an exception to the general rule that a Premises Licence needs a Layout Plan where the whole Premises are a "moveable structure" (Regulation 2007-545, Reg. 5).

(b) Outside

The Board should consider whether or not the proposal is consistent with the Licensing Objective "preventing public nuisance". The Applicant should advise the Board of the arrangements for using the "pop-up bar" and its location - how close will it be used to neighbouring residences? Will the supply of alcohol always be under the control of staff?

**Variation 11: Re-word arrangements for access by 'children' (under 16)**

Notes: It remains the case that 'children' require to be accompanied by an adult.

**3. Licence Conditions**

No variation of the Conditions is appropriate, except that if Variation 5 is granted, the Conditions should be varied accordingly.