

**North Ayrshire Licensing Board  
6 February 2013**

**Irvine, 6 February 2013** - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

**Present**

Ronnie McNicol (Chair), Tom Marshall, Robert Barr, Ian Clarkson, Ruth Maguire, Alex McLean, Alan Munro, Donald Reid and Robert Steel.

**In Attendance**

W O'Brien, Solicitor (Licensing), G Cullen, Licensing Standards Officer, C Simpson, Licensing Standards Officer, C Pollock, Licensing Administration Officer, Chief Inspector Ross and Sergeant McIntosh, Strathclyde Police.

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

None

**1. Minutes**

The Board were asked to confirm the Minutes of the Board Meetings held on 21 November 2012 and 18 December 2012. The Chair proposed that the Minutes be adopted and this was seconded by Councillor Barr. The Board unanimously agreed to confirm and adopt the Minutes.

**2. Licences and Applications under the Licensing (Scotland) Act 2005.**

The Board considered a report by the Clerk to the Licensing Board on matters under the Licensing (Scotland) Act 2005. The Report, on this occasion, contained 2 Appendices, A & B, both entitled 'Premises Licence applications or any other applications requiring a Hearing'.

The Licensing Board agreed to dispose of the matters as follows;

**A. Premises Licence applications or any other applications requiring a Hearing**

**A.1 Premises Licence 0327 The Carrick, 112-114 High Street, Irvine**

The Board resumed consideration of a Review Application under Section 36 made by the Chief Constable relating to the above premises. The Licence Holder, Greene King Brewing and Retailing Ltd, was represented by Andrew Hunter, Solicitor, and he was accompanied by Brian Flanagan (Premises Manager).

The Review Application was made by the Chief Constable by a letter to the Board, dated 25 April 2012.

Mr Hunter addressed the Board on the issues arising. He highlighted the occurrence of two Review Hearings. In addition to the Section 36 Premises Licence Review application, the Police had also reported to the Board, under Section 84A, in relation to the conduct of Brian Flanagan (Agenda Item 2). Mr Hunter informed the Board that the court trial, originally scheduled for January, had been continued to a date in April. Therefore, he requested, on behalf of the Licence Holder and Mr Flanagan that both Reviews are continued until after the new court trial date.

Chief Inspector Ross confirmed that the Police were content to agree to Mr Hunter's request.

Having considered the submissions made, the Chair moved that the Board decide to continue consideration of the Review Application until after the conclusion of the court trial. There was no counter-motion and the Board unanimously agreed without dissent or abstention to continue consideration of the Review Application without limit of time

**A.2 Personal Licence PK0504 Brian Flanagan**

The Board resumed consideration of a Personal Licence Review Hearing in relation to Brian Flanagan. Mr Flanagan was present and was represented by Andrew Hunter, Solicitor.

The Report, under Section 84A, was made by the Chief Constable by a letter to the Board, dated 25 April 2012.

Mr Hunter referred to his comments for the previous agenda item, and requested that this Review also be continued until after the court trial, which was now scheduled for April 2013.

Chief Inspector Ross confirmed that the Police were content to agree to Mr Hunter's request.

Having considered the submission made, the Chair moved that the Board decide to continue consideration of the Personal Licence Review until after the conclusion of the court trial. There was no counter-motion and the Board unanimously agreed without dissent or abstention to continue consideration of the Personal Licence Review without limit of time.

**A.3 Si Café, Bar and Restaurant, 18 Kilwinning Road, Irvine**

The Board considered an application for grant of a Provisional Premises Licence made by Simpsinns Ltd for the above premises. The Applicant was represented by Joanna Millar, Solicitor.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Thereafter Ms Millar addressed the Board on the issues arising and she responded to a question from the Chair. Ms Millar highlighted that due to an oversight, the proposed outdoor drinking area had not been included in the original application, and as such she requested

that the Board continue consideration of the application to the March meeting to allow for the application to be amended (to include the outdoor drinking area), re-submitted with new plans and re-advertised accordingly.

Ms Millar also informed the Board that the provisional opening date for the premises was 19 February 2013 and occasional licence applications had been lodged with the Licensing Section to cover the initial opening period. In response to a question from Councillor Reid, she confirmed that the applicant would be seeking to cover a period of at least 4 weeks by means of occasional licence. Ms Millar requested that authority be delegated to the Board's Solicitor in relation to the consideration of the occasional licence applications.

All of the Board Members present indicated that they were in favour of this request and the Chair confirmed that authority was delegated to the Board's Solicitor to consider the occasional licence applications submitted in relation to Si.

Having considered the terms of the report, and the submissions made, the Chair moved that the Board decide to continue consideration of the application to the meeting on 20 March 2013. There was no counter-motion and the Board unanimously agreed without dissent or abstention to continue consideration of the application to the meeting on 20 March 2013.

#### **A.4 1934 Club, Kilmory Hall, Kilmory, Isle of Arran**

The Board considered an application for grant of a Premises Licence made by the 1934 Club for the above premises. The Applicant was not represented.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Claire Simpson, Licensing Standards Officer, confirmed that the Applicant had provided a full response to observations 1 and 2 within Section 5 of the Board report, and the written response was in the Applicant's file.

Having considered the terms of the report, and the information provided by Ms Simpson, the Chair moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. The Licence is granted subject to Standard Conditions (Edition 5) Parts A, B, C and I.

#### **A.5 Premises Licence 0218 The Turf Inn, 11 Courthill Street, Dalry**

The Board considered an application for variation of a Premises Licence made by Finom Ltd for the above premises. The Licence Holder was represented by Andrew Hunter, Solicitor.

The Licence Holder was requesting the following variation:

1. Vary Licence Condition relating to areas of the Premises to which Children are admitted.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Thereafter Mr Hunter addressed the Board on the issues arising. He confirmed that the request relates only to paragraphs (d) and (e) of Standard Condition C.10.3.

Councillor Barr commented that the premises were well run, and that he was in favour of the application being granted.

Having considered the terms of the report, and the submissions made, the Chair moved that the variation be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. Standard Conditions C.10.3 (d) and (e) are disapplied.

**A.6 Premises Licence 0430 Bosun's Table, Units 3-4, Largs Yacht Haven**

The Board considered an application for variations of a Premises Licence made by Buzzworks Largs Marina Ltd for the above premises. The Licence Holder was represented by Colin Blair (Managing Director, Buzzworks Largs Marina Ltd).

The Licence Holder was requesting the following variations:

1. Allow food and non-alcoholic drinks to be consumed in Outside Drinking Area before Core Hours.
2. Add off-sales facility to adjoining shop.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

Thereafter Mr Blair addressed the Board with a brief background to the application. He highlighted that Largs Yacht Haven is the largest marina in Scotland and the aim of the application was to increase the range of facilities available for boat crews and other visitors.

Having considered the terms of the report, and the submission made, the Chair moved that all variations applied for be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. Part B of the Board's Standard Conditions is added, and Standard Condition C.5.2 is amended to read:

'No drinks (alcoholic or not) shall be taken into or consumed in such areas earlier than 10.00 am and later than 10.00 pm'.

**B. Premises Licence applications or any other applications requiring a Hearing**

**B.7 Personal Licence NA0847 Hardeep Singh Binning**

On the basis of information provided by the Licence Holder, and subsequently confirmed by the Chief Constable, Mr Binning was cited to attend the Board for a Personal Licence Review Hearing. The information pertained to the Licence Holder being convicted of relevant or foreign offences on 19 September 2012 at Kilmarnock Sheriff Court. Mr Binning was present.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's Notice under Section 83(4)(b) of the 2005 Act and summarised issues arising.

Mr Binning was given the opportunity to address the Board on the issues arising. He said that the incident, which resulted in his convictions, was a stupid mistake and that he was extremely sorry.

Having considered the terms of the report, and the submission made, the Councillor Barr moved that Mr Binning's Personal Licence be given one endorsement. There was no

counter-motion and the Board unanimously agreed without dissent or abstention to endorse the Personal Licence.

**B.8 Personal Licence NA0092 Inderjit Singh Binning**

On the basis of information provided by the Licence Holder, and subsequently confirmed by the Chief Constable, Mr Binning was cited to attend the Board for a Personal Licence Review Hearing. The information pertained to the Licence Holder being convicted of a relevant or foreign offence on 1 November 2012 at Kilmarnock Sheriff Court. Mr Binning was present.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's Notice under Section 83(4)(b) of the 2005 Act and summarised issues arising.

Mr Binning was given the opportunity to address the Board on the issues arising. He said that the incident, which resulted in his conviction, was an extremely regrettable mistake and that he was very sorry. Mr Binning added that he has recently attended an alcohol awareness course.

Having considered the terms of the report, and the submission made, Councillor Barr moved that Mr Binning's Personal Licence be given one endorsement. There was no counter-motion and the Board unanimously agreed without dissent or abstention to endorse the Personal Licence.

**B.9 39/41 Rowanside Terrace, Ardrossan**

The Board resumed consideration of an application for grant of a Provisional Premises Licence made by Niceday Store Ltd for the above premises. The Applicant was represented by Reid Hamilton.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. The report included a statement of population and capacity for Ardrossan as well as health summary data for the 3 Ardrossan intermediate zones, taken from the NHS Health and Wellbeing Profiles 2010. Mr O'Brien updated the Board on progress made against the observations set out in the report.

In total, 5 objections had been lodged with the Licensing Section in relation to the application, and all of the objections were considered by the Board when the case initially called at the meeting in November 2012. Copies of the written objections were again given to the Board Members. Objectors Maureen Adamson and Karen Allan were present, and Mrs Adamson was accompanied by her son-in-law, Ronnie Robertson.

Ms Allan and Mr Robertson (on behalf of Mrs Adamson) then addressed the Board, reiterating the content of their written objections. Ms Allan added that her main concern was with the core hours being applied for. It was her opinion that a licence to 10.00 pm would be too much and would lead to problems.

Thereafter Mr Hamilton addressed the Board on the issues raised by the objectors. He acknowledged that there may well have been problems with the premises in the past, however it would be unfair to pre judge his client's ability to operate the premises in a responsible manner and fully comply with the current licensing legislation. The Applicant has 6 other premises throughout Ayrshire and it has a good record with no licensing convictions.

The Chair asked Mr Hamilton if he had any comments to make in response to the presumption of refusal, as detailed under the heading of Overprovision in the Board report.

Mr Hamilton confirmed that he did have a submission to make in relation to overprovision and he then addressed the Board on the issue. He acknowledged that the application may appear to be at odds with the Board's 10% criteria and, if required his client would certainly amend the application to conform with the criteria. However, with reference to the additional material with the Board report, Mr Hamilton highlighted that at present there are no off sales type premises in intermediate zone 54.

Mr O'Brien stated that it may be the case that the Board decide to regard the locality as being the whole of Ardrossan. Mr Hamilton acknowledged this as being a possibility.

The Chair commented that although they are technically in a different intermediate zone, there are other off sales shops relatively close to Rowanside Terrace.

Referring to the NHS data, Councillor Marshall commented that the area must be within the worst 5% in Scotland with regard to alcohol related problems.

Mr Hamilton responded to the comments made by the Chair and Councillor Marshall.

Councillor Reid asked Mr Hamilton if his client would consider amending the application to reduce the core hours being applied for.

Mr Hamilton confirmed that if it was going to be the difference between being granted a licence or not then his client would be willing to accept restricted hours.

The Board adjourned at 10.38 am and re-convened at 11.00 am.

Councillor Marshall moved that the Board decide to regard the locality as being the whole town of Ardrossan, comprising of 3 Intermediate Zones. Councillor McLean seconded the motion and the Board unanimously agreed without dissent or abstention to regard the locality as being the whole town of Ardrossan.

Having considered the terms of the report, and the submissions made, Councillor Barr moved that the application be refused, on the grounds of overprovision. Councillor Steel seconded the motion. Councillor Clarkson made an amended motion, that the application be granted, with core hours restricted to 8.00 pm, 7 days a week. Councillor Reid seconded Councillor Clarkson's motion.

A roll-call vote was carried out. There were no abstentions. Councillors McNicol, Marshall, Barr, Maguire, McLean, and Steel voted in favour of the motion. Councillors Clarkson, Reid and Munro voted in favour of the amended motion.

The motion was carried and the application was refused. The Board considered that the following ground for refusal applied:

- 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,

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

**B.10 Premises Licence 0274 Routenburn Golf Club, Routenburn Road, Largs**

Councillor Marshall declared an interest in the case. He withdrew, left the Council Chambers, and took no part in the proceedings relating to Routenburn Golf Club.

The Board considered an application for variations of a Premises Licence made by Routenburn Golf club for the above premises. The Licence Holder was represented by Andrew Hunter, Solicitor and he was accompanied by John McGown (Treasurer, Routenburn Golf Club).

The Licence Holder was requesting the following variations:

1. Vary layout plan to add second outdoor drinking area.
2. Amend under-18s access.
3. Permit children in rear lounge (pool and darts).
4. Add 'live performances' to operating plan.
5. Add karaoke, race nights and tribute nights to operating plan.
6. Remove Board conditions re toilet monitoring and capacity checks.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

In total, 5 objections and 1 representation were lodged with the Licensing Section in relation to the application. Copies of the written submissions were given to the Board Members. Objector Jonathan Marshall was present and he was represented by Joanna Millar, Solicitor. Largs Community Council, also objecting to the application, was represented by Margaret Wood. Mr Hunter confirmed that he had seen copies of all of the written submissions prior to the Board Meeting.

Mr Hunter addressed the Board on the issues arising. He explained the background to the application and provided further detail in relation to the proposals being applied for. In relation to variation 5, Mr Hunter highlighted that the intention is to hold these events on a one per month basis, on a Friday or Saturday night, and the Club would accept a condition that entertainment should cease 30 minutes prior to the end of core hours. Referring to the objection made by Largs Community Council, Mr Hunter suggested that perhaps the Community Council had misunderstood the application as the content of their objection appeared to concur with the Club's proposals. He added that in order to allay the concerns of the other objectors the Club intended to erect a 2 metre high screen around the boundary of the proposed outdoor drinking area, and if granted, the Club would be happy to delete the existing outdoor drinking area.

Mr Hunter suggested that Board Members may wish to make a site visit to the premises as part of their consideration of the application.

Ms Millar then addressed the Board on the issues arising. She handed out photographs which showed her client's property in relation to the Club. Highlighting the proximity of the Clubhouse to her client's home, Ms Millar said that when there is entertainment on at the Club, the noise emanating from the premises does affect the bedroom areas of the house. Ms Millar also explained to the Board that a 2 metre high screen around the proposed outdoor drinking area would not be of any benefit to her client as his property occupies an elevated position. Regarding the additional entertainment permissions being applied for, Ms Millar said that the Club have had a few events in the past, which clearly they did not have

## AGENDA ITEM 1

permission for, and on each occasion Mr Marshall has complained to Environmental Health about noise nuisance.

Ms Wood then addressed the Board and re-iterated the content of the Largs Community Council objection.

The Chair noted that it would appear that the Club's proposals, if granted, would address the issues raised by the Community Council.

Grace Cullen, Licensing Standards Officer, confirmed that Environmental Health did receive 2 noise complaints in relation to events taking place at Routenburn Golf Club. The first complaint was made in August 2012, and the second complaint was made in October 2012. Mrs Cullen confirmed that the Club had given an undertaking that no further entertainment would take place until a variation had been granted.

Thereafter Mr Hunter re-addressed the Board and responded to questions from the Chair. He confirmed that there was definitely no intention that the Club were moving towards operating as a commercial premises and entertainment which has occurred previously at the premises has done so as a result of a misunderstanding. He added that when Mr Marshall built his property on land next to the existing clubhouse, the Club had envisaged some form of screen to be constructed separating the property and the Club. The construction of a wall had been commenced but then had suddenly stopped. Mr Hunter also stated that the Club was not able to employ the services of an acoustic consultant as this would be beyond their resources.

Responding to Mr Hunter's comments, Ms Millar explained that Mr Marshall did initially construct a retaining wall when the property was built but did not construct it any higher as there was no need because the Club did not have, or were not seeking the permissions that are currently being requested. Ms Millar highlighted that although the Club have indicated that their intention is for only one entertainment event per month, at present there is no proposal to note that restriction within the terms of the licence. Ms Millar then responded to questions and comments from Councillors Reid and Munro.

Councillor Barr highlighted the letter received from William and Marjory Brown in support of the application, and he suggested that the Board make a site visit in order to attain a full understanding of the premises and the surroundings.

Councillor Steel commented that it would be useful to know what Environmental Health would deem as an acceptable level of noise to be coming from the premises.

Ms Millar requested that Environmental Health make a report at the next Board meeting, assuming that the Board decide to continue consideration of the application for a site visit.

Mr Hunter said that Environmental Health had had an opportunity to make a report during the consultation process but had not done so. He added that if the Board were of a mind to continue consideration to a future meeting then could the 'less controversial' aspects of the application, namely variations 2,3, and 6, be decided upon today.

The Board adjourned at 12.02 pm and re-convened at 12.05 pm.

Having considered the terms of the report, and the submissions made, the Chair moved that the Board decide to grant variations 2,3 and 6 and continue consideration of the remainder of the application to the meeting on 20 March 2013, and that Board Members should make a site visit to the premises prior to the meeting. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant variations 2,3, and 6 and continue



consideration of the reminder of the application to the meeting on 20 March 2013, and make a site visit to the premises.

Standard Conditions C.8.1, C.8.2, C.12.2, and C.10.3 (d) and (e) are disapplied.

Additionally, Councillor Clarkson proposed that the Board request a report from Environmental Health, to be made in time for the next meeting. All Board Members unanimously agreed with Councillor Clarkson's proposal.

The Chair informed Mr Hunter that Mr O'Brien would be in contact with him in relation to the arrangements for the site visit.

Councillor Marshall re-entered the Council Chambers and re-joined the meeting.

### **B.11 Premises Licence 0395 Bothan Bar, Broomlands Gate, Irvine**

The Board considered an application for variations of a Premises Licence made by Bothan Lic Ltd for the above premises. The Licence Holder was represented by Joanna Millar, Solicitor.

The Licence Holder was requesting the following variations:

1. Additional wording for OP Qu.4 re intention to seek festive extensions.
2. Various amendments to OP Qu.5 to allow activities outwith Core Hours.
3. Clarify range of activities in OP Qu.5(f).
4. Amend arrangements for under-18s access.
5. Remove Conditions as to the playing of pool and darts in areas admitting Children under 16.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the results of consultations on the application and summarised the issues arising. Mr O'Brien updated the Board on progress made against the observations set out in the report.

There had been 2 objections lodged with the Licensing Section in relation to the application. The first objection was made by the Police in a letter to the Board, dated 11 January 2013. The other objection was received as an anonymous letter, dated 2 January 2013.

Ms Millar requested that the Board decide to reject the anonymous letter of objection, as being frivolous or vexatious.

All of the Board Members present indicated that they were in favour of Ms Millar's request and the Chair confirmed that the anonymous letter of objection was being rejected by the Board as frivolous or vexatious.

Ms Millar asked if she could address the Board before Chief Inspector Ross communicated the content of the Police objection. With reference to recent Review proceedings initiated by the Police in relation to the premises, Ms Millar suggested that perhaps not enough time had been allowed to lapse since the conclusion of the Review, and as such, perhaps the Police had been unable to make a judgement on whether or not there had been a measurable improvement at the premises. Therefore, Ms Millar requested that the Board continue consideration of the application to next Board meeting in March.

Chief Inspector Ross confirmed that the Police would be happy to agree with Ms Millar's request.

Councillor Reid suggested that it may be worthwhile for Board Members to make a site visit to the premises prior to the next Board meeting.

Having considered the terms of the report, and the submissions made, the Chair moved that the Board decide to continue consideration of the application to the meeting on 20 March 2013, and that Board Members should make a site visit to the premises prior to the meeting. There was no counter-motion and the Board unanimously agreed without dissent or abstention to continue consideration of the application to the meeting on 20 March 2013 and make a site visit to the premises.

The Chair informed Ms Millar that Mr O'Brien would be in contact with her in relation to the arrangements for the site visit.

**B.12 Ryan Andrew Forbes (Reference NA 1454)**

The Board considered an application for a Personal Licence made by the above Applicant. The Applicant was neither personally present nor represented.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's Notice under Section 73(3)(b) of the 2005 Act and summarised issues arising. The Board noted the Chief Constable's recommendation of refusal, made under Section 73(4).

Having considered the terms of the report, Councillor Clarkson moved that the application be refused. Councillor Barr seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to refuse.

The Board refused the application under Section 74(6)(a) for the purposes of the following Licensing Objective: (a) preventing crime and disorder.

**B.13 Premises Licence 0385 Keystore, 110-114 Dickson Drive, Irvine**

The Board considered a Review Application under Section 36 made by HM Revenue and Customs relating to the above premises. The Licence Holder, Lalkar Ltd, was represented by Ms Kasra Basrai.

The Review Application was made by Simon Pettigrew of HM Revenue and Customs by a letter to the Board, dated 25 January 2013. Copies of the letter were given to Board Members and the content of the letter was summarised by Mr Pettigrew.

Mr Pettigrew stated that it was the view of HM Revenue and Customs that the Licence Holder had failed in their duty to prevent crime and disorder.

Ms Kasra Basrai informed the Board that she appeared on behalf of her sister, Harkiren Basrai (Director, Lalkar Limited and Premises Manager). She explained to the Board that Harkiren Basrai was currently in India, having recently got married. Given that Ms Basrai was in possession of a copy of the marriage certificate the Board were satisfied that the Review Hearing could proceed with Ms Basrai acting as the representative of Lalkar Limited and Harkiren Basrai.

The Board then considered the terms of a report by the Solicitor (Licensing) which set out the background to the Review Application and summarised the issues arising. The Board also had regard to a report supplied by Claire Simpson, Licensing Standards Officer.

Thereafter Ms Basrai addressed the Board on the issues arising and she responded to questions from Councillors Clarkson, Marshall and Reid. Ms Basrai said that she appreciated the concerns raised by HM Revenue and Customs and acknowledged that mistakes had been made, and that it would appear that the premises were operated in an unprofessional manner on this occasion. However, Ms Basrai argued that the fine imposed by HM Revenue and Customs along with these Review proceedings were surely sufficient enough penalties and she requested that the Board decide to take no further action.

Mr Pettigrew responded to questions from the Chair and Councillors Clarkson, Reid and Marshall.

The Board adjourned at 12.31 pm and re-convened at 12.45 pm.

The Chair proposed that the Grounds for Review be upheld. There was no counter proposal and the Board unanimously agreed to uphold the Grounds for Review.

Having considered the terms of the report, and information supplied by the Licensing Standards Officer, Councillor Clarkson moved that it was appropriate to suspend the Premises Licence under Section 39(2)(c) of the 2005 Act for the purpose of Licensing Objective (a) (preventing crime and disorder), for the period of two months, with immediate effect. The period of suspension will be 6 February 2013 to 5 April 2013, inclusive of both dates. Councillor Barr seconded the motion. There was no counter-motion and the Board unanimously decided, by means of a roll call vote, with no abstentions, to suspend the Premises Licence for the period of two months, with immediate effect.

Additionally, on the motion of Councillor Reid, seconded by Councillor Barr, the Board decided, by means of a roll call vote, with no abstentions, (with only Councillor McLean voting against the motion) to suspend Harkiren Basrai's Personal Licence under Section 84(7)(b) of the 2005 Act for the period of four months, with immediate effect. The period of suspension will be 6 February 2013 to 5 June 2013, inclusive of both dates.

### **3. Scottish Government Consultation Document on Further Options for Alcohol Licensing**

The Board considered a report by the Solicitor (Licensing), recommending that the Board consider whether or not to respond to the Scottish Government Consultation, and if so, determine how that response should be prepared.

Having considered the report, the Board agreed that they should respond to the Consultation. A Member-Officer Working Group will meet and formulate a response on behalf of the Board. It was agreed that when the meeting of the Working Group is arranged all Board Members who are available to attend should do so.

Mr O'Brien confirmed that he would be in contact with Board Members in order to arrange a suitable date and time for the meeting of the Working Group.

### **4. Occasional Licences**

The Board considered a report by the Solicitor (Licensing), recommending that the Board approve an 'Additional Information' form, which applicants for Occasional Licences will be asked to complete if the 'event' to be licensed is deemed to be potentially contentious in any way, or if the information provided is inadequate due to the limitations of the prescribed application form.

Having considered the report, the Board agreed to approve the implementation of the form. Additionally, it was agreed that any suggestions for amendment to the current draft form should be forwarded to the Solicitor (Licensing).

**5. Consultation Process on NALB Licensing Policy Statement 2013-2016**

The Board considered a report by the Solicitor (Licensing), informing the Board of the Consultation process that must be conducted in relation to the North Ayrshire Licensing Board Policy Statement 2013-16.

Having considered the report, the Board noted and approved the proposed Consultation process. Board Members also acknowledged that the next Policy Statement must be considered and adopted before 30 November 2013.

The meeting ended at 1.03 pm.