

**North Ayrshire Licensing Board  
25 March 2015**

**Irvine, 25 March 2015** - At a meeting of the North Ayrshire Licensing Board at 12.00 pm in the Council Chambers, Cunninghame House, Irvine.

**Present**

Ronnie McNicol, Tom Marshall, Robert Barr, John Bruce, Ian Clarkson, Grace McLean, Catherine McMillan, and Donald Reid.

**In Attendance**

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

**Also In Attendance**

Inspector Conway and Sergeant McIntosh (Police Scotland).

**Convenor**

Councillor McNicol.

**Apologies for Absence**

John Easdale.

**Declarations of Interest**

None

**1. Minutes**

The Board were asked to confirm the Minutes of the Board meeting held on 2 March 2015. The Convenor proposed that the Minutes be adopted and this was seconded by Councillor Marshall. 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 1 Appendix;

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

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

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

**A.1 Premises Licence 0060 Fiddlers', Shore Road, Brodick, Isle of Arran**

The Board resumed consideration of applications for Extended Hours (056/15 & 057/15) made by Donal Boyle for the above premises. Mr Boyle was not present or 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. The Board also had regard to a report by Grace Cullen, Licensing Standards Officer, and to a submission by the Local Licensing Forum.

An objection to the applications had been made by Police Scotland. Copies of the written objection were given to the Board Members and the content of the letter was read by Inspector Conway.

Councillor Bruce commented that he fully supported the Police submission. It was his view that the applications should be granted to 2.00 am only and the conditions suggested by the Police should be applied.

Having considered the terms of the reports, and the submissions made, Councillor Bruce moved that the Board grant the applications, but only to 2.00 am, and that the Police conditions be applied. Councillor McLean seconded the motion. Councillor Reid moved, as an amendment, that the application be refused. Councillor Marshall seconded the amendment.

There was then a roll-call vote. Councillors McNicol, Barr, Bruce, Clarkson, McLean and McMillan voted for the motion. Councillors Marshall and Reid voted for the amendment.

The motion was accordingly carried and both Extended Hours applications granted, with a restricted terminal hour of 2.00 am. For the duration of the extended hours, licensed Security Industry Authority (SIA) Stewards must be employed by the premises and there must be no live music after 1.00 am.

## **A.2 Personal Licence NA 1349 Helen Deadman**

The Board considered a Personal Licence Review Hearing in relation to Helen Deadman. The Review Hearing was convened on the basis of information reported by the Chief Constable, in a letter to the Board, dated 23 February 2015. Ms Deadman was present.

The Board considered the terms of a report by the Solicitor (Licensing) which set out the Chief Constable's report under Section 84A of the 2005 Act and summarised issues arising. Copies of the Police letter were given to the Board Members and the content of the letter was read by Inspector Conway.

Ms Deadman was given the opportunity to address the Board on the issues arising. She informed the Board that the security staff at the premises have been changed and all of the bar staff have been re-trained. She explained that she has asked the Premises Licence Holder, Hawthorn Leisure Ltd, for a new CCTV system as copies cannot be taken from the present system. Regarding the incidents on 20<sup>th</sup>/21<sup>st</sup> December 2014, which were detailed in the Police letter, Ms Deadman said that the premises had a late licence that night. She added that a female member of staff who was on duty during the incident of 1 February 2015 is no longer working at the Crown Inn.

Inspector Conway agreed with Ms Deadman that the premises did have extended licensed hours on the evening of 20<sup>th</sup>/21<sup>st</sup> December 2014, but the terminal hour of the extension was 2.00 am. Police officers attended at 2.20 am and there were still customers within the premises, several of which still had drinks on their table. Inspector Conway stated that copies can be taken from the CCTV system currently installed at the premises.

Ms Deadman said that the company which supplied the CCTV system, JH Donald, have said that copies cannot be made from the current system.

Sergeant McIntosh informed the Board that PC McLean attended at JH Donald yesterday. She asked very specific questions and was told that copies can be made from the current CCTV system installed at the Crown Inn. PC McLean was also informed that a 'factory reset' can be done on the current system. Sergeant McIntosh stated that the Police believe that a 'factory reset' was carried out and this resulted in the system being wiped of footage.

Councillor Barr asked Ms Deadman to clarify why the member of staff on duty on 1 February 2015 was no longer employed at the premises. Ms Deadman said that the reason is because the staff member in question did not report the incident (detailed in the Police letter) to either her, as the Premises Manager, or the Police.

Councillor Reid asked why, on the evening of 20<sup>th</sup>/21<sup>st</sup> December 2014, the tables were still not cleared of drinks at 2.25 am. Ms Deadman said that the door stewards on duty had failed to empty the premises by the required time. She apologised to the Board for this.

Councillor Reid asked Ms Deadman for her comments on the suggestion that the CCTV system had been deliberately wiped. Ms Deadman said that she had not deliberately wiped the CCTV system.

In response to a request from Councillor Reid, Grace Cullen, Licensing Standards Officer, briefed the Board regarding her compliance inspection at the premises on 5 January 2015 and her follow up visit on 23 January 2015.

Councillor Reid asked Ms Cullen if the refusals book at the premises was up to date. Ms Cullen said that during the compliance inspection on 5 January 2015 she noted that there was a refusals book at the premises, however there were no entries in the book.

Councillor Barr asked Ms Deadman if the rest of the staff were trained on the use of the CCTV system. Ms Deadman said that they were not, and they did not have access to the office in which the CCTV system is kept.

Referring to the incident at the premises on 1 February 2015, the Convenor asked Ms Deadman if it was practice or policy for such incidents to be dealt with and kept 'in house'. Ms Deadman said that no, that was not the policy at the premises.

The Convenor asked Ms Deadman how long she has worked in the licensed trade. Ms Deadman informed the Board that she had worked in the licensed trade for 25 years, most of which she has worked as a general manager.

Councillor Clarkson said that the word on the streets of Irvine was that the Crown Inn has had an increase in customers. Councillor Clarkson asked Ms Deadman why that might be and if there were any special drinks promotions on at the Crown Inn just now. Ms Deadman confirmed that the premises have become more popular in recent times, and yes, there were drinks promotions on at the moment such as £1 for a vodka. Councillor Clarkson asked Ms Deadman if that was a responsible way to run premises. Ms Deadman said that other pubs in Irvine have the same prices.

Councillor McMillan asked Ms Deadman why another member of staff had not contacted the Police following the incident in the premises on 1 February 2015. Ms Deadman said that she did not know why as she was not on duty that day.

The Board adjourned to Members' Lounge with the Solicitor (Licensing) at 12.39 pm to deliberate in private and re-convened at 12.48 pm.

Having considered the terms of the report, and the submissions made, Councillor McMillan moved that the Board revoke Ms Deadman's Personal Licence, for the purposes of Licensing Objectives (a) preventing crime and disorder, and (b) securing public safety. Councillor Barr seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to revoke Ms Deadman's Personal Licence.

The Board also unanimously decided to initiate a Premises Licence Review Proposal under Section 37, to be considered at the Board Meeting of 18 May 2015, on the same Grounds for Review as stated by the Chief Constable within the Section 84(A) report of Helen Deadman.

### **A.3 Premises Licence 0405 Lamlash Bay Hotel, Shore Road, Lamlash**

The Board resumed consideration of an application for variations of a Premises Licence made by the Licence Holder, Ian Kirsop, for the above premises. Mr Kirsop was present.

The Licence Holder was requesting the following variations:

1. Add 'pavement café'.
2. Alter layout by demolishing perimeter wall.

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.

The Convenor referred the Board to photographs of the proposed pavement café area, taken by Ms Cullen during a recent visit to Arran.

Mr Kirsop addressed the Board regarding the application and then responded to questions from Councillor Clarkson, Councillor Reid and Councillor Bruce. He highlighted that both planning permission and Section 59 Roads consent had now been obtained. The Roads Department are content that, allowing for the pavement café, sufficient pedestrian access will remain. Mr Kirsop explained that the intention was to serve food in the pavement café, but there would be no smoking in that area. In keeping with the rest of the premises, whilst in the pavement café, children will have to be supervised by an adult at all times.

Mr Kirsop informed the Board that his intention was to stack tables and chairs away at night. In terms of a barrier, Mr Kirsop stated that although he would be happy to conform to any guidance the Board may have, his preference would be for a solid wood barrier with planters, at a height of 1m-1.3m.

Having considered the terms of the report, and the submissions made, the Convenor moved that the application be granted and that Mr Kirsop install his preferred choice of barrier. There was no counter-motion and the Board unanimously agreed without

dissent or abstention to grant. The Board noted that the pavement café barrier would be a solid wood barrier with planters, at a height of between 1m – 1.3m.

The meeting ended at 1.15 pm