

North Ayrshire Licensing Board
11 January 2016

Irvine, 11 January 2016 - At a meeting of the North Ayrshire Licensing Board at 10.00 am in the Council Chambers, Cunninghame House, Irvine.

Present

Ian Clarkson, John Bruce, John Easdale, Catherine McMillan, Ronnie McNicol and Donald Reid.

In Attendance

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

Also In Attendance

Chief Inspector Shaw and Sergeant Griffiths (Police Scotland).

Convenor

Councillor Clarkson

Apologies for Absence

Tom Marshall
Robert Barr
Grace McLean

Declarations of Interest

None.

The Convenor wished everyone a Happy New Year and welcomed members of the Local Licensing Forum to the Licensing Board.

1. Minutes

The Board were asked to confirm the Minutes of the Board meetings held on 14 September 2015 and 9 November 2015. The Convenor proposed that both sets of Minutes be adopted and this was seconded by Councillor Bruce. The Board unanimously agreed to confirm and adopt both sets of 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 0369 Porthead Tavern, 2-4 High Street, Irvine

The Board considered an application for variations of a Premises Licence made by the Licence Holder, The Portland Arms (Scotland) Limited, for the above premises. The Licence Holder was represented by Alan Brown, Proprietor.

The Licence Holder was requesting the following variations:

1. Change Sunday Opening for both on- and off-sales to 11.00
2. Amend access arrangements for under-18s in restaurant/lounge
3. Amend access arrangements for under-18s in upstairs lounge

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.

Mr Brown addressed the Board regarding the application. As the lounge area is now being used as a restaurant, the request to have Sunday morning opening from 11.00 am and the increased access for children and young persons to 10.00 pm would bring the Premises in line with other restaurants. The Convenor commented on the good reports he had heard about the new restaurant.

Having considered the terms of the report, and the submissions made, Councillor Easdale moved that the application be granted. Councillor Bruce seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

A.2 Premises Licence 0302 Lamlash Golf Club, Lamlash, Isle of Arran

The Board considered an application for variation of a Premises Licence made by Lamlash Golf Club for the above premises. The Licence Holder was not represented.

The Licence Holder was requesting the following variations:

1. Add 'music' and 'live performances' to Operating Plan
2. Add off-sales facility
3. Add 'gaming' to Operating Plan

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. Grace Cullen, Licensing Standards Officer advised that the club were in fact tidying up their Operating Plan to reflect how they are actually operating.

A representation in support of the application had been made by Arran Community Council and copies of the written submission were given to the Board Members. The Community Council were not represented.

Having considered the terms of the report, and the submissions made, Councillor Bruce moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant. Part B (Off-Sales) of the Board's Standard Conditions will now apply.

A.3 Premises Licence 0080 The Waterside, 14 Bath Street, Largs

The Board considered an application for a variation of a Premises Licence made by the Licence Holder, Hillend Enterprises Ltd, for the above premises. The Licence Holder was represented by Andrew Hunter, Solicitor and he was accompanied by Brian Purdie, Premises Manager.

The Licence Holder was requesting the following variations:

1. Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.
2. Add dance facilities to the Operating Plan

In total, 5 objections had been lodged with the Board:

Paul Castelvechi, Flat H, 18 Main Street, Largs
David Findleton, Flat B, 10 Bath Street, Largs
Mr & Mrs J Mulholland, 18D The Moorings, Largs
Margaret Wood, on behalf of Largs Community Council
Maureen MacGlashan, 16G Main Street. Largs

Mr Hunter confirmed that he had seen copies of the objections prior to the Board meeting. Copies of the written objections were given to the Board Members.

For the objectors, Mr. John Mulholland was representing both Mr. Castelvechi and Mr. Findleton, Ms. Gillian Mulholland was representing her recently deceased mother, Mrs. Mulholland, and Ms. Margaret Wood representing Largs Community Council were all present.

Mr. Hunter sought clarification from the Convenor as to the status of Ms. Gillian Mulholland - was she objecting for her own interest, or was she representing her recently deceased mother?

The Convenor noted that Ms. Mulholland was the Executor and Trustee of the recently-deceased occupier. Mr. Hunter said that she could only object if she lived in the house. Ms. Mulholland confirmed that she had often been in her late mother's house and had personal experience of the noise and disturbance. Councillor Reid commented that Ms. Mulholland lived at 18D The Moorings, Largs, which was in the same group of buildings that contained the "Waterside", and that she had signed the objection letter. She confirmed that she was herself a resident.

The Chair confirmed that Ms. Mulholland was a competent party, that Mr. Hunter would be given the opportunity to address the objection, and that the objection could proceed.

The Proposal

The proposal related to an existing Public House in Bath Street, Largs. The Public House was part of a series of buildings, most of which were residential, in the block bounded by Bath Street and on three sides by Fort Street. The Premises were subject to a Premises Licence where the current On-Sales hours were

Monday - Wednesday 8.00 a.m. - 24.00 p.m. (midnight)

Thursday - Saturday 8.00 a.m. - 1.00 a.m.

Sunday 8.00 a.m. - 24.00 p.m. (midnight)

The Licence was subject to the usual Board conditions, but also to a specific condition relating to nuisance.

On 26 June 2012 the Board upheld a Review Application submitted by a neighbour of the Premises, Mr. Paul Castelvechi, Flat H, 18 Main St., Largs in relation to Licensing Objectives:

“(c) preventing public nuisance”

“(d) protecting and improving public health”

The Board varied the Licence by adding a further condition:

“Amplified music or noise will cease at 12.30 a.m. on a Friday and Saturday night and 11.30 p.m. on a Sunday night.”

The Board subsequently dealt with a second Review Application commenced by the Environmental Health Officer. This was continued on a number of occasions, pending noise-abatement works and monitoring by the EHO. At their Meeting on 18 December 2012 the Board noted that works had been carried out on the Premises with a view to remedying the problem raised by the Application, and that the PLH proposed to cease having live music 30 minutes before the Terminal Hour. In respect that it appeared to the Board that the matters raised by the Applicant had now been resolved, the Board determined to take no further action on the Application.

The Board on 11 January 2016 had a Variation Application proposing to vary the Premises Licence in two ways:

1. Increase on-sale terminal Core Hours on Fridays & Saturdays 2.30 a.m. from 1.00 a.m.
2. Add dance facilities to the Operating Plan

Application 1 was determined that day. The Board continued determination of Application 2 pending a Site Visit by Members.

Mr. Hunter (for the Applicant)

Mr. Hunter advised that his client was requesting to alter the hours at the Premises to allow them to diversify the business and offer customers late night opening following customer demand. At the moment music ended at 00.30 a.m.. The intention was for DJs to provide music and dancing until 2.00 a.m. with the Premises closing at 2.30 a.m. on Friday and Saturdays. This would reflect the Condition placed on the Premises, resulting from a previous Review, to cease the playing of music 30 minutes prior to the close of the Premises.

He noted the Objections but said that these were about dispersal of customers after the Premises closed, and about outside smokers. He said it was important to note that the PLH (Mr. Purdie) was not the Premises Licence Holder at the time of the previous Review. At the time he was only the tenant of Greene King Retailing Ltd., so he did not have the authorisation to make any amendments to the Premises. As a result of the Review £25,000 worth of works had been carried out. NAC Environmental Health and the Licensing Standards Officer said no complaints had been received since 2012.

He said there would be no nuisance caused by the Variation. The intention would be to change the way the Premises are run if the Variation is granted. At 00.30 a.m. the Board's curfew would kick in and a door steward would be at the front of the Premises.

There would be no smoking at the front of the Premises and the PLH would ensure that, after the 00.30 a.m. curfew, only the rear enclosed area would be used for smoking, and that would be limited to 5 patrons at a time. This was the procedure his client had used at New Year. The rear smoking area would be covered by CCTV which would be monitored from the

bar area. The request to vary the hours was a result of customer demand and the customers were "on board" - they would, he said, help ensure that the Premises keep to this proposal.

Mr. Hunter said he was aware of concerns about an outright grant today, and said he was asking only for the Variations for a trial period of 6 months starting from April 2016. He explained that he was not seeking a variation from today (11 January), but rather from April, because the Premises are generally quieter in January and February and usually get busier towards Easter. This was an alternative to the variation following the Review implied in the Report by the Solicitor (Licensing).

At the moment the Premises tend to empty around midnight or 00.15 a.m. when their customers leave to go onto "The Lounge" or "Fiddlers", the Late Opening Premises in Largs. Customers had indicated to the PLH that they would like to remain in the Premises if there were late hours.

Mr. Hunter observed that, if the present Variation Application had not been made, the PLH would not have been aware of concerns regarding the operating of the Premises or the issues when customers leave, as no noise or nuisance complaints had been made to the Police, Environmental Health or the LSO. The situation today was not like the situation in the 2012 Review. He said it was almost impossible for a PLH to answer generalised and unspecific complaints. There were no objections here from the Police, Environmental Health or the LSO.

In conclusion, his client was trying to extend his business. This has been motivated by customers wishing to remain on the Premises. The extra hours would be managed by door stewards and the smoking area will be moved to the back of the Premises.

Mr. Hunter invited the Board to grant the Application on a trial period to allow his client the chance to prove that there will be no difficulties with noise issues. After that 6 months trial the Board could look at any issues which may have been caused. This will give both his client and the objectors a chance to see how the late hours would affect them. He suggested that perhaps the LSO or the Board could visit the Premises during the trial period. He submitted that it would be a proportionate middle ground to allow a trial period.

Objector: Mr. John Mulholland

He referred to Mr. Findleton's letter. Mr. Hunter had said for the PLH that there had been no reported incidents, but the letter said that Mr. Findleton had complained.

Mr. Mulholland said that Mr. Hunter had sought to justify the proposal by "customer demand". There was no "resident demand". The Application would extend the disturbance one-and-a-half hours, to 3.30 a.m..

Following a previous Review sound-proofing had been implemented in the Premises, and this has had an effect, but the main issues in his view were the amount of noise from customers smoking at the front of the building, and also when they leave at the end of the night. According to Mr. Hunter, the neighbours' problems arose from events outside the Premises. Mr. Mulholland asked "are the patrons really going to 'become nice' ?"

The intention to move the smoking area to the back would also cause noise issues. His family had regularly seen drunken customers in the street. They would be shouting and screaming with abusive language, brawling, climbing onto cars, urinating, and other anti-social behaviour. In the past had been reported to the Police with no further action taken. He said there are approximately 100 neighbours who are affected by the noise and disturbance when the Premises close.

He referred to Mr. Castelvechi's letter. Numerous complaints were made back in 2012 to the Licensing Standards Officer and to NAC Environmental Health. Although additional works were carried out, background noise is still heard although this is now tolerated. Mr. Castelvechi had witnessed shouting, swearing and mayhem in the street after the pub closes. He would not be able to bear this if the proposed late hours were granted.

Mr. Mulholland pointed out that the word used by Mr. Castelvechi was "tolerated". It was not a satisfactory level.

Objector: Ms. Mulholland

Since the smoking ban was implemented, the smoking area at the back of the Premises had been used. This area was just over 10 yards her bedroom. Neighbours were subjected to noise whenever the Premises' door opened and closed, as this made sound-proofing ineffective. Noise of talking and drinking in the outside area became louder as the night went on. The outside area cannot be sound-proofed due to smoking shelter laws. Extending the trading hours would increase noise disturbance.

The close leading to the rear entrance to the Premises had a substantial iron gate. Closing this reverberated in the buildings, so the neighbours would hear the gate after 2.30 a.m..

There was also the noise of empty bottles being discarded in the early hours. She said that at the moment the noise was tolerated, but the late hours would not be acceptable to residents.

Objector: Ms. Wood (Largs Community Council)

She said that most of the points the Community Council wished to raise had been covered by the other Objectors. She said this was a residential area with old people and young people. There was a noise nuisance, and the proposal to extend hours would only make things worse. The Community Council believe that the late hours were not good for the Largs area. To her knowledge the Premises were not big enough to have dancing. Largs did not need another late opening Premises.

Questions

The Convenor asked Mr. Hunter if he had any questions for the Objectors? He said he did not, although he would have comments later.

The Convenor directed the same question to the Objectors. They had no questions.

Further comments for Applicant

Mr. Hunter said that he was not saying that the Objectors' accounts were not true, but he asked how could the PLH respond if the complainer does not say when the incident happened, or when was the PLH told?

He commented that if there was indeed the "mayhem" that Mr. Castelvechi said, the Board would be hearing about it from the Police or LSO, not objectors. He said all a PLH can do with the 'smoking ban' is to manage it. There was a limit to what a responsible operator could do. The smoking issue has been going on for almost 10 years and his client is trying to manage noise from this area. His intention was to stop customers smoking at the front of the Premises, and to limit the number of people in the rear smoking area after the 00.30 a.m.

curfew to 5 persons. The Applicant could not stop noise from the door as he could not stop customers from going out to smoke.

Mr. Hunter suggested the Application might be granted for a trial period of 6 months to allow the Applicant the chance to prove that the Premises could be operated successfully and responsibly without complaints.

He said the Community Council raised the question of need for extra hours. He said that actually the PLH was responding to his customers by seeking extra hours. The question for the Board was not whether it would be a benefit to Largs, but rather whether it was inconsistent with a Licensing Objective.

Further Comments

The Convenor asked the Objectors to sum up.

Objector: Mr. Mulholland

He noted that the PLH was not aware of issues of patrons leaving the Premises. He said that even if a trial period was granted this would impinge on neighbours. The proposal would just move a problem from the front of the Premises to the back.

Objector: Ms. Mulholland

She said that moving the smoking area from the front to the back would increase the opening and closing of doors.

Objector: Ms. Wood (Community Council)

She advised that this would interfere with the way of life for the neighbours and, although noise is contained within the Premises, it is not being contained when customers leave and this is disturbing old people and children.

Questions from Members

Councillor Easdale

He asked the LSO if there had been any neighbour complaints since the Board last dealt with at the Premises?

She confirmed that there had been no complaints received by Licensing or Environmental Health since the improvement works had been completed.

Chief Inspector Shaw also confirmed that the Police had not received complaints regarding the Premises.

The Councillor asked the Objectors for their thoughts on the suggestion of a trial period of 6 months.

Mr. Mulholland confirmed that Mr. Castelvechi at the moment just tolerates the noise, but the proposal was to extend what is tolerable to 2.30 a.m.. This was unacceptable.

The Councillor put to Mr. Mulholland that the Applicant should have one chance to remedy matters, and asked if he would not expect the same courtesy?

Mr. Mulholland replied: look at the history. It took Mr. Castelvechi a lot just to get the situation to a tolerable level. Mr. Mulholland said that he himself personally heard all that noise.

Ms. Mulholland also advised that this would be totally unacceptable as she herself had experienced the noise when she was staying with her late mother in the last months of her life. She herself had been surprised at how much she could hear.

Councillor McNicol

The Councillor commented to the PLH that his Premises were not big. He asked the PLH if the size of the Premises was increasing to allow for the dance-floor. The PLH said that he already had a dance-floor and that there was to be no extension to the Premises.

The Councillor commented to the Objectors that in December 2015 the Board had conducted a site visit to "Fiddlers" [a nightclub in Largs], and at the same time had visited other Premises in Largs, and did not witness any noise issues from the street containing the "Waterside". He said that Largs was a "ghost town" after 00.45 a.m..

Mr. Mulholland pointed out that Mr. Castelvechi had said that Largs was a quiet town. He said that the Premises were not suitable to be operated as a nightclub.

Councillor Reid

He asked the Solicitor (Licensing) for clarification on the Premises' Core Hours and the Licence Conditions relating to the smoking area.

Mr. O'Brien advised that the Premises can open at 8.00 a.m., since the Board allowed a departure from the 11.00 a.m. Policy years ago. Councillor Reid noted that if the Application were to be granted then these Premises would have the longest hours in North Ayrshire, as they currently have trading hours from 8.00 a.m..

Mr. O'Brien confirmed that there were no Conditions relating to the smoking area, but there was a Condition prohibiting the emptying of bottles or other waste from the Premises between 10.00 p.m. and 7.00 a.m..

The Convenor

Referring to the Layout Plan, he asked for clarification on where the proposed dancing would take place.

Mr. Hunter suggested that a site visit by the Board to the Premises, as this area was not drawn on the existing layout plan. He said the area is mainly the wooden floor area with a capacity for approximately 40 persons, and that the total capacity of the Premises was 96. He confirmed that the dance area was within the area marked "lounge bar" on the Layout Plan.

He repeated that his client was unable to deal with complaints if no complaints had been received.

Deliberation

The Board retired to Members Lounge to deliberate in private, accompanied by the Solicitor (Licensing), and later returned to the public meeting.

The Convenor enquired if there were any Motions.

Councillor McNicol moved that the Board:

1. refuse Variation 1 (Increase on-sale terminal Core Hours on Fri & Sat to 2.30 a.m. from 1.00 a.m.) on the basis that this was inconsistent with the "Preventing Public Nuisance" Licensing Objective, and
2. defer the decision on Variation 2 (Add dance facilities to the Operating Plan) until a site visit was made to the Premises, at which time the Board would also look at the smoking area.

Councillor Bruce seconded this Motion.

The Convenor enquired if there was any other Motion. There was no other Motion, and no expression of abstention or dissent.

The Motion was held carried unanimously: "qui tacet consentire videtur".

Variation 1 was refused. Variation 2 was deferred and would appear on the Agenda for a later Meeting.

Mr. Hunter requested a Direction under Section 32 (so as to permit a further Application within one year without the need for a material change of circumstances). Under the Scheme of Delegations approved by the Board on 3 March 2014 this decision was delegated to the Convenor, who granted the request."

A.4 Premises Licence 0043 The Village Inn, 46 Bay Street, Fairlie

The Board considered an application for Transfer of a Premises Licence, under Section 33, 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 background to the application and summarised the issues arising. The Clerk confirmed that although the information provided had been considered at a previous Board meeting following the application for a Provisional Premises Licence, the Police are required to provide information on convictions on receipt of Transfer applications. The applicant had been advised not to attend.

Having considered the terms of the report, and the submission made, the Convenor moved that the Board note the conviction and grant the transfer application. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Transfer.

A.5 Winston Tifferson (Application Ref NA 2039)

The Board considered an application for a Personal Licence made by the above Applicant. Mr Tifferson was personally present.

The Board considered the terms of a report by the Solicitor (Licensing) which referred to the Chief Constable's Notice under Section 73(3)(b) of the 2005 Act and summarised issues arising. Copies of the Police letter were given to the Board Members.

Councillor McNicol asked if this was the only conviction Mr Tifferson had, how long he had lived in his present address and does he have previous bar experience. Mr Tifferson

confirmed that he had lived there since 2012, he also had previous driving convictions and that he had worked in hotels and bars since he was 18. Mr Tifferson confirmed that he is a Trainee Manager now therefore he requires a Personal Licence.

The Convenor asked the Police if they were aware of other convictions, Chief Inspector Shaw confirmed that there were driving offences in 2012 and 2013 under S143 for no insurance. The Clerk advised that these were not 'Relevant Convictions' as defined by Regulations. Mr Tifferson confirmed that he has been banned from driving and is just about to get his driving licence back, he was young at the time and has now matured and is more responsible. He is currently employed with Simpsinns at Si, Irvine.

Having considered the terms of the report, and the submissions made, Councillor Bruce moved that the application be granted. Councillor McNicol seconded the motion. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant.

A.6 Occasional Licences 1058/15-1061/15 The Red Squirrel & Lodge, Ashenyards Park, Stevenston

The Board considered applications for Occasional Licences for The Red Squirrel & Lodge, Ashenyards Park, Stevenston.

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.

Mr O'Brien explained the background to the applications, the premises do have a Provisional Premises Licence and intend applying for Confirmation. He also confirmed that the applicant had agreed to amend the commencement hour to 11.00am not 10.00am as this was an oversight on the application.

Having considered the terms of the report, and the submissions made, the Convenor moved that the application be granted. There was no counter-motion and the Board unanimously agreed without dissent or abstention to grant the Occasional Licences from 11.00am.

3. Consideration of the Board's draft Statement of Principles 2016-2019 (Gambling Act 2005, Section 349).

The Board considered a report by the Solicitor (Licensing) regarding the requirement, under the Gambling Act 2005, for the Board to adopt and publish a Statement of Principles for the period 2016-2019 by 31 January 2016. Mr O'Brien confirmed that the draft proposal was based on the same principles as those accepted 3 years ago. It has also been updated following guidance from the Gambling Commission and the Board's recent refusal of a Gaming Machine Permit within the Irvine Mall. No objections have been received from the Police or the Health Board. The draft Statement of Principles has also been intimated to all parties including the trade and no objections have been received.

Having considered the report and the draft Statement, the Chair proposed that the Board accept the recommendation and adopt the draft Statement as their Statement of Principles for the period 2016-2019. There were no counter proposals and the Board unanimously agreed without dissent or abstention to adopt the draft Statement as their Statement of Principles for the period 2016-2019.

4. Annual Meeting with Local Licensing Forum

The Convenor welcomed the Members of the Licensing Forum to the Board. The Forum members present were Colin Sinclair, Christopher Donohue, Sgt Gareth Griffiths, Grace Cullen, LSO and Gemma Kellas providing admin support.

The Forum had the following items on their agenda:

1. Junior Football Teams
2. Exemption from the 3 Guest Rule

1. Junior Football Teams

Mr Sinclair, Chair of the Local Licensing Forum, addressed the Board on the issue of the junior football teams. Whilst the Forum would wish to support these clubs the junior football teams should not be seen to be cutting corners especially as there seems to be lots of trouble in the town of Beith when big derby matches are on. Mr Sinclair proposed that there are discussions between representatives of the football teams, Licensing and the Police to establish how many licences are required in a season and the time limits in applying for Occasional Licences. Sergeant Griffiths had advised that this is not just an issue in North Ayrshire.

Councillor McMillan enjoys junior football and is aware that some clubs do apply for Occasional Licences.

Grace Cullen confirmed that at times junior football clubs submitted Occasional Licence applications with less than 7 days' notice, and asked should the Board allow this special treatment?

Mr O'Brien explained that he has contacted the administrative body for the Junior Football Clubs who have provided a list of all the local junior teams. The intention is to contact these clubs, the Police and the Licensing Forum to gather their views in order that this can be considered at a future Licensing Board. Issues the Board may consider are the timescales when submitting Occasional Licence applications, should the times be restricted to 1 hour before and 1 hour after the game and should children be allowed access.

Councillor McMillan also noted that at some games maybe the Police would object to there being an Occasional Licence. Chief Inspector Shaw confirmed that this could be the case as in the past there has been more trouble at junior football games than there has been at professional games and advised that there was a serious incident last year where supporters took alcohol into a junior football game. The impact of Occasional Licences at junior football games could affect all over Scotland not just North Ayrshire therefore it may be Police Headquarters who would consider this issue. It could be the case that junior clubs will require to contribute to the cost of extra policing at games as is the case with senior clubs.

Grace Cullen confirmed to Councillor McNicol's question that Irvine Meadow were the only junior club to have a Premises Licence. There are clubs who use portacabins and would not obtain the relevant permissions in order to apply for a Premises Licence and there are clubs who only provide hospitality so there is no sale of alcohol. Therefore, there may not be that many clubs who will be affected by this.

2. Exemption from the 3 Guest Rule

Mr Sinclair, then addressed the Board with the Forum's concern regarding the exemption from the 3 guest rule for clubs. They were surprised to see that the Board had recently

permitted a club to sign in 8 guests per member. As he is also a licensee this seemed unreasonable to him and other Premises Licence Holders especially when the process for clubs is much easier than that for other licensed premises.

The Convenor asked the Clerk to explain the Board's policy in relation to the 3 guest rule. Mr O'Brien advised that clubs, except sporting club, could only have 3 guests per member. Sporting Clubs are able to have unlimited guests per member and clubs can on request to the Board ask to vary this Condition. The Licensing Board do make discretionary decisions on these cases. The Convenor clarified that decisions to these Variations are made on the day the application calls at the Licensing Board on a case by case basis.

Councillor Bruce referred to a recent application where a club only had one member present and was signing in numerous guests, this was brought to the Board's attention and the Board had permitted them to sign in 8 guests and asked that the club make changes to its Constitution. Mr Sinclair advised that this club were known to be signing in lots of non-members.

Mr Sinclair advised Councillor McMillan that he thought the club was being run like a pub.

Grace Cullen explained the background to the application from the club and that she had encouraged the variation application. She has received reports that the club are acting like a pub but requires proof that this is the case. Other clubs have been able to deal with the issue of non-members signing in by offering Associate Membership for a small fee.

Chief Inspector Shaw advised that the police had no issues on specific clubs.

Councillor McNicol asked Chief Inspector Shaw if it was still the case that the police required to be invited into clubs. Chief Inspector Shaw advised that clubs could not refuse the police entry. Councillor McNicol had heard that this club was not doing very well and that on occasions only 3 people were in the club during a weekend.

Mr Sinclair advised that over the last few years on a Friday night that this club was the place to go and other pubs in the town have been quiet.

Councillor Reid asked for the crime statistics over the Festive period in North Ayrshire. Chief Inspector Shaw advised that serious violence monitoring was actually very good over the Festive period. There were 2 serious assaults, not related to licensed premises and 2 robberies. There was a slight increase in the number of common assaults in the New Year week but these were not predominately linked to licensed premises.

The Convenor asked the Forum what in their mind was the way forward on the 3 guest rule.

Grace Cullen proposed that, with the exceptions of

- (a) the Masonic Club with 8 guests, and
- (b) sporting clubs,

there should be a limit on the number of guests.

The Convenor confirmed that this was not a straight forward situation. From licence holders point of view, Grace Cullen noted that all premises are struggling and if clubs are letting lots of people in this is unfair and the Board should relook at this. The Convenor confirmed that the Board would relook at this issue.

The Convenor asked the Forum if they would allow the Licensing Department some time to carry out the spade work required in order for the Board to consider this matter. Grace Cullen confirmed this on behalf of the Forum.

The Convenor thanked the members of the Forum for bringing these issues to the Board. The Board were considering these issues but will now look into these as a priority and will consult back to the Forum with the outcomes.

The meeting ended at 11.52 am