

**Minutes of the continuation of the 24<sup>th</sup> March 2017 Quarterly Session of the Liquor Licensing Board of Grand Cayman, held on 28<sup>th</sup> March 2017 in the Planning Department's Board Room 4021, Government Administration Building, George Town:-**

Present were:	Mr. Woodward DaCosta	Acting Chairman
	Mr. Haroon Pandohie	Member
	Mr. Wayne Kirkconnell	Member
	Mr. Roydell Carter	Member
	Mr. Phillip Tatum Jr	Member
	Mr. Ryan Rajkumarsingh	Member
	Ms. Marva Scott	DCI Secretary
	Mrs. Mitzi Watson-Jervis	DCI

Absent:	Mr. Noel Williams	Member
	Mr. Ralph Lewis	Member
	Mrs. Magalyn Robinson-Clarke	Member

1. Meeting called to order

The meeting resumed at 12:45 pm.

2. Chairman's comments and opening remarks

3. Confirmation of Minutes (24<sup>th</sup> March 2017)

a) Confirmation of the Minutes of the 5<sup>th</sup> December 2016 quarterly session.

Mr. Wayne Kirkconnell moved a motion to approve. Mr. Phillip Tatum Jr seconded.

4. Matters arising

5. Deferred new applications

a) Ms. Astrid Stewart – M/V Tuscany, George Town Harbour and Seven Mile Beach.

*For: A Retail Liquor License and a Music & Dancing License - **Withdrawn***

6. New applications

a) Mr. Patrocinio C. Catanghal – Pat Catanghal's Mobile Bartending, Storage Central, Unit E, Bodden Road, George Town, Block 13EH, Parcel 83.

*For: A Retail Mobile Liquor License and a Music & Dancing License*

The applicant appeared along with his son whom translated on his behalf. Mr. Catanghal Jr. told The Board that they are seeking a Mobile License to primarily cater to the Filipino community by delivering and selling intoxicating liquor to individuals whom may call them from time to time for that specific service. The applicant will use his personal vehicle to store and deliver the intoxicating liquor.

The Acting Chairman expressed that the delivery method of this instant application sounded the same as Mr. Catanghal's previous application which was for a Distributor's license. He asked if there were specific plans for this venture i.e. is it to deliver intoxicating liquor or to cater events?

Mr. Catanghal Jr. explained that they are no longer seeking a Distributor license. As a result, this Licence would be used to deliver intoxicating liquor to events or parties held by Filipinos at their place of residence whom do not wish to go Liquor Stores to purchase intoxicating liquor while their functions are taking place.

The Acting Chairman questioned the necessity for a Music & Dancing License in this scenario. He expressed that the Music and Dancing license seemed out of place for the type of delivery service being presented to the Board. Therefore, much more clarity is required on several fronts such as to the exact type of business that will be dispensing a controlled substance in an effort to mitigate any abuse of the controls put in place by this new *Liquor Licensing Law (2016 Revision)* (hereinafter the "Liquor Law").

Mr. Catanghal Jr. reiterated that they are only trying to assist the Filipino community by helping them avoid driving drunk. If the Board grants their application, this would give them the opportunity to drive up, when called upon in their Mobile Liquor Store to individuals' residences or to parties that require more intoxicating liquor thus mitigating that potential problem.

The Acting Chairman reminded the Catanghal's that pursuant to section 25 of the *Liquor Law* it is against the law to sell intoxicating liquor to drunken persons. He also advised the Catanghal's that it appears that they may have misunderstood the purpose of a Mobile Licence and how it must operate.

Decision: **NOT GRANTED** (24<sup>th</sup> March 2017)

- The Board agreed that the Liquor Law does not permit the operation of a Mobile Liquor Store especially under a Mobile Liquor License as it was established and validated in section 52 of the Liquor Law, in which it became a subcategory of a Retail Licence.
- b) Mr. Robert Hamaty & Mrs. Carlene Hamaty – Tortuga Liquors, Fine Wines & Spirits, Seven Mile Shops, Units 32 & 33, #215A West Bay Road.

*For: A Retail Tasting Liquor License*

The applicant informed the Board that he is seeking a Retail Tasting license for fine wine tastings. He said the store was formerly operated by Blackbeard's Liquors and he is currently awaiting Planning's approval after taking it over. Mr. Hamaty asked the Board to consider his application while awaiting final approval.

Decision: **GRANTED** (24<sup>th</sup> March 2017)

- 28<sup>th</sup> April 2017 – Mr. Haroon Pandohie informed the Board that Planning's approval has been confirmed for this applicant.

- c) Bella Roma Ltd t/a Lauren's Cafe. – Lauren's Café, 720 Buckingham Square, West Bay Road.

*For: A Retail Liquor License and a Music & Dancing License*

Mr. Link Benett and Mrs. Lauren Bennett, the owners of Lauren's Café, were present and advised that they are now seeking their own licenses after leasing one for some time.

Mr. Bennett confirmed that they are open four days per week and there are no plans to open any later in the evenings.

When asked by the Acting Chairman to elaborate on the times of operation, Mr. Lennett said they are currently open from 8:00 am until 3:00 pm for breakfast and lunch and 6:00 pm to 9:00 pm for dinner. He added that an application for a Music & Dancing License was also submitted in the event that an occasion arises for the playing of music.

Decision: **GRANTED** (24<sup>th</sup> March 2017)

- d) Mr. Johan A. Josephs – K-J's Mini Mart, 392 Birch Tree Hill, West Bay, Block 4C, Parcel 340.

*For: A Package Liquor License*

The applicant told the Board that he currently operates a convenience store where the old Malcolm's Gas Station was located in Birch Tree Hill, West Bay. His submission for a Package Licence was to assist with sales. He is confident that such a licence will assist to that end.

The Acting Chairman asked the applicant how long has he been operating this convenience store? Mr. Josephs replied that he has been in business since September 2016.

A Board Member, asked if there have been any incidents of violence at the store and Mr. Josephs said he was not aware of any. The Acting Chairman mentioned that it has been reported in various media that this specific location has been the scene of at least one armed robbery. As a result, what measures are presently in place to mitigate any further occurrences of serious crimes such as but not limited to armed robbery? Mr. Josephs advised that there have been no robberies since he has taken over the business and he feels that there will be no more incidents as he is well-known throughout the neighbourhood.

Decision: **DEFERRED** (24<sup>th</sup> March 2017)

- Board is requesting more information from the Applicant in relation to his business plan for the store such as but not limited security measures and operational functions. This is due in part to the Applicant expressing to the Board that he will be off-island frequently as he is a Track and Field Athlete representing the Cayman Islands. In addition, to the aforementioned, the Board also asked for feedback from neighbouring properties, especially that of the Half-Way Rehabilitation House located a few one hundred yards from the proposed premises on their views pertaining to having a liquor store in close proximity.

- e) Bacaro Ltd. t/a Barcaro – Bacaro Restaurant, Cayman Islands Yacht Club, West Bay Road, Block 10A, Parcel 238.

*For: A Retail Liquor License and a Music & Dancing License*

Mr. Barnabus Bako appeared along with Mr. Hal Ebanks of Bodden & Bodden. Mr. Bako said they are an Italian restaurant located at the Cayman Islands Yacht Club and they are open six days a week, closed on Mondays. The Acting Chairman asked if the restaurant is currently operating with a liquor license. Mr. Bako stated that they are leasing licenses from Dart and is now seeking their own.

Decision: **GRANTED** (24<sup>th</sup> March 2017)

- f) Mr. Paolo Polloni – Hemingways, West Bay Road, West Bay Beach South, Block 12C, Parcel 27.

*For: A Retail Liquor License and a Music & Dancing License*

Mr. Polloni was present and accompanied by Mr. Andreas Marcher. Mr. Polloni told Members that they are hoping to open the restaurant soon and would like to obtain new licenses. Following a question from the Acting Chairman on an opening date, Mr. Marcher said they were waiting on the licenses and would like to open within the next seven to ten days.

Decision: **GRANTED** (24<sup>th</sup> March 2017) subject to:-

- The applicant is required to produce final inspection reports from DEH, Planning and Fire.

- g) Mr. Raglan Roper - Roper's Distributorship, 122 Industrial Way, Airport Park, Block 20B, Parcel 407.

*For: A Distributor Liquor License*

The Applicant stated that he held this license previously and unfortunately lost it due to a technicality, which was missing the 2016 renewal deadline. He said he is re-applying now in order to continue importation of intoxicating liquor from Cuba. The Acting Chairman reminded him that he will also have to apply for a Trade and Business License to support this application.

Decision: **GRANTED** subject to:-

- Applicant is required to produce an amended and or new Trade & Business License before the liquor license can be issued.

- h) Mr. Raglan Roper – Mariposa Cabaret, West Shore Plaza, Unit 14, #508 West Bay Road, Block 12E, Parcel 83.

*For: A Retail Liquor License and a Music & Dancing License*

The Applicant told the Board that Mariposa Cabaret will operate as a restaurant during the day and a cabaret at night. He explained that the servers will have to walk through the main bar to serve at an outside juice bar. Therefore, he is requesting permission to include this area as part of the licensed premises. He also asked that the Board set hours for the cabaret at nights.

The Acting Chairman enquired if the landlord approved the outside bar? The Applicant replied that the landlord is aware of the bar. Therefore, he is under the impression that he approves of it.

The Acting Chairman wanted to know if the business is currently operating and if not, when is the anticipated date of opening? The Applicant said there were plans to open within the next month. He went on to say that only the floor in premises was changed and there were no other alterations. The Acting Chairman reminded him that he will also have to apply for a Trade and Business License to support this application.

A Board Member, asked if the outside bar was included in the application made to the Planning Department? The Applicant's response was yes. The Board Member indicated that the CPA as a Member of the Board is now obliged to follow up on this matter.

A Board Member, asked if the business will be a cigar bar? The Applicant explained that patrons are free to smoke outside, however inside will be non-smoking.

Decision: **GRANTED** subject to:-

- Applicant is required to obtain Planning approval, satisfactory inspection reports from the Fire Service and DEH and an amended Trade & Business License reflecting permission to serve intoxicating liquor before the Liquor license can be issued.
- i) Mr. Raglan Roper – Little Havana, West Shore Plaza, Unit 35, #508 West Bay Road, Block 12E, Parcel 83.

*For: A Retail Liquor License and a Music & Dancing License*

The Applicant reminded the Board that Little Havana is a cigar bar where patrons can come to relax and smoke and he maintains a steady flow of regular customers.

Decision: **GRANTED** (24<sup>th</sup> March 2017)

- j) Mr. Raglan Roper – Club Havana, Caribbean Plaza, Units 12A & 25A, #878 West Bay Road, Block 12C, Parcel 427.

*For: A Retail Liquor License and a Music & Dancing License*

The Applicant stated that Club Havana is a bar designed mainly for cigar smokers that feature smoking and non-smoking sections. He added that they have installed at great expense an excellent ventilation system to ensure that each market segment is adequately catered to. As a result, the business has been running well. The Applicant continued, articulating they have crafted the business primarily to cater to a mature crowd and to ensure that they mitigate the issues typically associated with younger patrons, he has implemented an admission charge of \$10.00, Thursday through Saturday.

The Acting Chairman informed Mr. Roper that he will also have to amend the Trade and Business License issued for this establishment.

Decision: **GRANTED** (24<sup>th</sup> March 2017) subject to:-

- Applicant is required to amend the existing Trade & Business License for this establishment before the liquor license can be issued.

- k) Mr. Dannel K. Rahamut & Mrs. Ariana S. Seales – Singh’s Roti Shop, 100A Shedden Road, George Town.

*For: A Retail Liquor License and a Music & Dancing License*

Mr. Dannel K. Rahamut & Mrs. Ariana S. Seales appeared along with their Attorney, Ms. Natasha Bodden, who spoke on their behalf.

Ms. Bodden offered the Board some background on the business, which in part offered that it was originally opened in 1998 by her clients’ mother, the late Mrs. Vera Kissoon, and following her death, the licenses were transferred to her husband, Mr. Donatus Kissoon. Since that time Mr. Kissoon has relocated his licenses and her clients are now seeking their own to ensure continuity.

The Acting Chairman then informed Ms. Bodden that the Trade and Business License for the premises required amending. Ms. Bodden acknowledged this and asked if the Board would consider granting the licenses provisionally until this matter is taken care of.

A Board Member, enquired, if there were any changes to the operational hours, Mrs. Seales said no.

Decision: **GRANTED (24<sup>th</sup> March 2017) subject to:-**

- Applicant is required to amend the existing Trade & Business License for this establishment to reflect permission to serve intoxicating liquor prior to the liquor license being issued.

- l) Mr. Clarence Flowers Jr - Flowers Distributorship, The Eucalyptus Building, George Town, Block 14C, Parcel 305.

*For: A Retail Tasting Liquor License - **Withdrawn***

- m) Mr. Gary Rutty - Peanuts Ltd., Shamrock Road, Prospect, George Town, Block 22E, Parcel 271.

*For: A Retail Liquor License*

Mr. Rutty was present and represented by Mr. Cline Glidden of Ogier. Mr. Glidden began his presentation by informing Members that the gas station has received a positive response from the community since being granted a Package License at the immediate past Quarterly Licensing Session in December 2016. As a result, there has been a significant demand for liquor sales on Sundays. Therefore, his client is now seeking a Retail and Wine & Beer licenses in order to better serve the public on Sundays as the Package Licence is restricted to no sales on Sundays. He also highlighted the fact that there are some Package stores (conventional Liquor Stores) that are presently selling on Sundays. Mr. Glidden indicated that his client would have initially applied for the additional licenses if he had known that Sunday was such in demand.

Mr. Robert Hamaty addressed the Board on the subject of liquor licenses at gas stations and highlighted that the Order prohibiting grants to gas stations had not been repealed and was still on the books and had to be repealed in accordance with the provisions of Section 27 of the Interpretation Law (1995 Revision) for it to be effective. He said that provision states that a regulation or order can only be repealed in the same manner in which it had been made.

Mr. Hamaty articulated that an order would have had to be passed in Cabinet and then gazetted for it to be effective.

The Acting Chairman responded by reminding Mr. Hamaty and all in attendance that there is a new Liquor Law underfoot. Mr. Hamaty, interrupted the Acting Chairman to reiterated that the Order was not repealed. Therefore, the Grant to Peanuts Ltd. and any subsequent grant to any Gas Station would be void because the Order prohibiting grants to gas stations is still in force.

Mr. Hamaty referred to a statement made by the Acting Chairman which was reported on Cayman 27 that he, Robert Hamaty, was only protecting his "Empire". Mr. Hamaty rejected this contention and stated he is speaking on behalf of the entire Package Liquor industry and that these licenses are not really being granted to individuals, but to, businesses controlled by large petrol franchises and that the entire retail package liquor industry (conventional Liquor Stores) will be adversely affected by these large multinational companies. He said it not just larger liquor stores that will suffer but, also small mom and pop operations and the smaller local liquor businesses.

Mr. Hamaty stated that he had asked for proof that the order prohibiting grants to gas stations had been revoked or repealed but, to date no one has provided such proof. He had asked that the matter be referred to the Attorney General for his opinion but, he has as of the date of the meeting received no word on whether his request was being considered.

The Acting Chairman stated that he did not reply to Mr. Hamaty's recent correspondence because he thought he was very clear and unambiguous in his first response. Consequently, it was futile to respond communicating the same again. He reminded Mr. Hamaty that Peanuts Ltd. was not "the first petrol station to be granted a liquor license in recent years" in light of the fact that Anchors has been in operation from 2014.

The Acting Chairman said that it was not the role of the Liquor Licensing Board to refer Mr. Hamaty's question(s) to the Attorney General and that Mr. Hamaty, like all residents are encouraged to take whatever steps he/they deemed fit to remedy their issue, if they feel that their gripe has not be satisfactorily answered and or resolved by this most august Board.

Mr. Hamaty spoke about licenses that were granted outside of a quarterly session by the former Chairman, Campbell Law. He said this Board was not upholding the Liquor Law as these licenses were granted illegally.

The Acting Chairman first expressed his utter disappointment with Mr. Hamaty's grossly inaccurate and slanderous statement. He further articulated that this matter was explained ad nauseam during the previous Quarterly Licensing Session held in December 2016. Moreover, those errors cited by Mr. Hamaty were noted and promptly corrected within the protocols of the Liquor Law by this instant Board during the December 2016 Session.

Mr. Hamaty pointed out that members of Boards (including the Liquor Licensing Board) should be sworn in to tell the truth.

The Acting Chairman, took significant issue with that statement articulating that this most august and voluntary Board does not need to be sworn in as Justices of Peace to prove their integrity and or swear at each sitting to operate in a truthful, transparent, rational, equitable and lawful manner. This Board upon agreeing to sit on this most respected Board, committed that they will ensure that Section 19 of the Cayman Islands Constitutional Order, 2009 ("the Constitution") along with any subordinate laws will be upheld at all times. Moreover, this Board not only sits

quarterly, but adjudicate matters before it almost daily, albeit electronic. Nevertheless, the Acting Chairman completed his reply, but stating that this Board's decisions will bear witness to that commitment we undertook.

Decision: **Denied (28<sup>th</sup> March 2017)**

- Board Member Wayne Kirkconnell abstained from this application.

The Board agreed by consensus that the letter and spirit of Liquor Law is very clear insofar that Convenience Stores, be they located in gas stations or elsewhere are not to conduct business as set forth in section 10(4) of the Liquor Law, where intoxicating liquor can be consumed on the premises.

In addition, the Board submits that the Liquor Law is unambiguous that there is no wholesale "Grandfathering" of licenses. Thus, only one category of licence is to be held by a Licence Holder for a premises. This not only mitigates confusion from the perspective of the public but also assists greatly from an enforcement stand point. The Board acknowledges that this new approach of the Liquor Law will meet the standards set forth in section 19 of the Constitution, especially those of being rational and proportionate.

Therefore, all premises that currently feature multiple licenses will have a Grace Period from this Quarterly Licensing Session to identify a specific category of licence which they will operate under thereafter.

All Licence Holders must be ready with their one Category for the Annual Licensing Session to be held in September 2017. Failure to meet that criteria may result, in the lapsing of their Licenses.

It must be noted that this policy this does not affect Package License Holders that are operating conventional stand-alone "Liquor Stores" from applying for and holding a "Tasting Licence", which is a subcategory of a Retail Licence. However, this policy does not allow those businesses operating as Convenience Stores to apply for this Tasting Licence.

- n) Mr. Gary Ruddy - Peanuts Ltd., Shamrock Road, Prospect, George Town, Block 22E, Parcel 271.

*For: A Wine & Beer Liquor License*

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- Board Member Wayne Kirkconnell abstained from this application.

The Board denied this application based on the reasons reached in the Retail submission by this Applicant.

- o) M.A.B. Ltd. t/a Mike's Esso, Seven Mile Beach - Mike's Esso, Seven Mile Beach (formerly Delworth's), 344 North Church Street, George Town.

*For: A Package Liquor License*

Mr. Jason Brown appeared and told the Board that they are presently leasing a license following the death of his father who was the license holder for the establishment. He said they are now seeking their own license in order to secure business continuity.

The Acting Chairman took this opportunity to advise all licensees to seriously consider placing their licenses in a Company to mitigate the kind of business interruption that was unfortunately experienced by the Applicant.

Decision: **GRANTED** (28<sup>th</sup> March 2017)

- Board Member Wayne Kirkconnell abstained from this application.

- p) JKB Holdings Ltd. t/a Jose's – Jose's, 9 Crewe Road, George Town.

*For: A Package Liquor License*

Mr. Johnny Brown appeared along with Mr. Cline Glidden of Ogier who spoke on his behalf. Mr. Glidden advised that his client had contacted him for representation after his applications were submitted and the said license is now being sought in order to enhance his business.

He indicated that Mr. Brown had missed the deadline to include an application for a Retail license; however, he will be returning in June for this to be considered. Mr. Glidden added that the concerns of Mr. Robert Hamaty had nothing to do with Mr. Brown's applications. The Acting Chairman reminded Mr. Glidden that inspections were pending for the premises and the Board will have to wait for their submission.

Decision: **GRANTED**

- Board Member Wayne Kirkconnell abstained from this application.

- q) Brown's Holdings Ltd. t/a Brown's Esso, Red Bay – Brown's Esso, Red Bay, 164 Shamrock Road, George Town.

*For: A Package Liquor License*

Mr. Cline Glidden confirmed that his testimony for Jose's also applied to this application.

Decision: **GRANTED**

- Board Member Wayne Kirkconnell abstained from this application.

- r) Brown's Holdings Ltd. t/a Brown's Esso, Industrial Park – Brown's Esso, Industrial Park, 294 Dorcy Drive, George Town.

*For: A Package Liquor License*

Mr. Cline Glidden confirmed that his testimony for Jose's also applied to this application.

Decision: **GRANTED**

- Board Member Wayne Kirkconnell abstained from this application.

s) AA Rubis Ltd. - AA Rubis Ltd. (Seven Mile), 454 Seven Mile Beach Road, George Town.

*For: A Package Liquor License*

Messrs. Thomas Kirkconnell and Vincent Frederick appeared before the Board. The Acting Chairman announced that Board Member Mr. Wayne Kirkconnell, a co-owner of the gas station, would be withdrawing himself from this application and will have no involvement in the deliberations.

Mr. Thomas Kirkconnell told Members that he is also a co-owner and they are applying for a Package Liquor license in order to enhance their business and to meet the demands of their Customers with regards to the sale of wine and beer only. He said the gas station is open 24 hours and the areas from which liquor is to be sold will be closed off after hours. Mr. Thomas Kirkconnell added that their staff have attended various crime workshops, including TIPS, and security is currently in place.

The Acting Chairman asked if the highlighted areas on the floor plan submitted indicates where liquor will be stored and Mr. Thomas Kirkconnell's reply to this was yes. Mr. Frederick added that some items of intoxicating liquor will also be on display behind the cashier.

Mrs. Robinson-Clarke enquired about the hours of operation. Mr. Thomas Kirkconnell confirmed that they are happy to sell intoxicating liquor Monday to Saturday, 10:00 am until 10:00 pm.

Decision: **GRANTED**

- Board Member Wayne Kirkconnell abstained from this application.

7. Deferred variation

a) Mr. Dennis Hunter - Harvey's Island Grill, Aquaworld Duty Free Mall, 55 South Church Street, George Town.

*For: Permission to extend the licensed premises to include the use of cabana and deck on Block 14BH, Parcel 92.*

Mr. Bruno Deluche appeared and apologized for Mr. Dennis Hunter's absence. He told Members that they plan to use the cabana for fish fries and barbeques. He said cocktails will be served from a satellite bar that is set up in the mornings and this will also be in use for happy hours. Mr. Deluche produced photographs of the cabana in addition to a document from the Planning Department; however, Mr. Pandohie informed him that the Planning permission was for food only and they would have to seek additional approval to serve liquor.

Messrs. Tommy Bodden and Dave Forbes from the Church of God Full Gospel Hall appeared again as objectors. Mr. Bodden stated that the cabana was built during one of the Pirates Week festivals and he was told that it was licensed since liquor has been sold from this

location. Ms. Marva Scott confirmed that Harvey's Island Grill has been obtaining permission to serve from the cabana only during the opening and closing weekends of Pirates Week. This was further relayed to Mr. Bodden by the Acting Chairman. Mr. Bodden said they have concerns because the cabana is too close to their church and people crossing the street is a safety issue. He said they were of the assumption that this variation request was being dealt with at this meeting. The Acting Chairman explained that the matter will have to be deferred again while awaiting Planning approval.

Mr. Bodden made reference to the cigar smoke continuing to disturb the church and the Acting Chairman advised him to address these matters when the establishment's licenses are up for renewal. Mr. Bodden said it would be inappropriate to grant approval for the use of the cabana and he asked Members to take into account their concerns when deciding. The Acting Chairman reminded Mr. Bodden that they can also submit their concerns to the Planning Department.

Mr. Forbes concurred with Mr. Bodden's comments and said they will continue to protest.

Decision: **DEFERRED** (28<sup>th</sup> March 2017)

- Applicant is required to obtain final approval from Planning for the sale of liquor from the cabana before the Board can deliberate on this application.

## 8. Variations

- a) Mr. Robert Hamaty - Tortuga Rum Company #2, 260 North Sound Road, George Town.

*For: Permission to lift the restrictions placed on a Retail Liquor License.*

Mr. Hamaty stated that the cruise ship passenger restriction placed on the said license has been in place for the past four years and the business plan has failed. He said they are required to request identification from persons wishing to purchase liquor under this license and they consider this discriminating as they would now like to sell to locals. Following a question from the Acting Chairman on future plans for the use of the license, Mr. Hamaty said they would like the restriction lifted while keeping the same permitted times. He pointed out that there are no plans to operate as a bar.

Decision: **DEFERRED** (28<sup>th</sup> March 2017)

- Board is requesting that the Applicant provide a breakdown of the Block and Parcel numbers, in addition to the Building Numbers for all structures located within the curtilage that is primarily bounded by a perimeter wall and gate(s) that he would like to dispense intoxicating liquor from. Presently, the Block and Parcel identified on the application does not correspond with the present legal description.

The applicant is also required to provide details on his future plans for the entire property at North Sound Road as it features multiple structures; fixed and movable and a perimeter wall with gates. The configuration of the property / properties is rather unique, hence the necessity of these details to ensure the standards outlined in section 19 of the Constitution, the Liquor Law and the Music And Dancing (Control) Law 2012 Revision in particular can be met when deliberating on this application.

b) Mr. Prentice E. Panton - Liquor 4 Less, #7 Shedden Road, George Town.

*For: Permission to operate from 8:00 am until 10:00 pm, Monday to Thursday, and from 8:00 am until 11:00 pm, Fridays and Saturdays.*

Messrs. Prentice and Stanley Panton appeared and Mr. Stanley Panton began their presentation by telling the Board that they are seeking a variation of the hours at this location in order to better serve cruise ship passengers and locals who would like to purchase alcohol on Sundays. He also advised that there is a demand to sell liquor earlier in the mornings, hence their reason for requesting an 8:00 am opening. He also mentioned that there are other licensed premises that are permitted to open at 8:00 am. Mr. S. Panton went on to explain that they are asking for a 11:00 pm closing time on weekends because in the past they have lost business before they were granted a 10:00 pm closing and they have been applying for the 11:00 pm closing since 2005. He added that persons leaving work later at night would like an opportunity to buy their liquor during those hours. Mr. S. Panton confirmed that security is always present at the store, there have been no incidents to report and he is present at the store to monitor operations.

Mrs. Robinson-Clarke queried what measures are in place to mitigate the gathering of crowds and the litter left behind at this location. Mr. S. Panton's response was that the house next to the Serve-U-Well store is also attracting a crowd and there is no evidence where the liquor is being purchased from which results in the littering. He stated that he, along with his staff, collects the litter from around the said areas and his property is kept clean. Mr. S. Panton said they are not denying that persons are congregating around their store on Friday evenings and their security will carry out checks at the end of the nights but, these patrols are not always possible throughout the day. This was followed by question from the Acting Chairman on what plans they have to prevent the loitering. Mr. S. Panton told him that this has been occurring at all liquor stores for many years and although it is not easy to police, they have erected signs to ask patrons to refrain from this practice. He added that all liquor stores should be requested to take certain measure and not just them. Mr. S. Panton pointed out that patrons will buy liquor at bars and congregate outside, the same as what is happening at their store.

Mr. Prentice Panton added that they are not responsible for persons drinking on other people's properties and liquor is being sold at other establishments seven days a week. He said they are not seeking additional licenses, only more permitted hours. The Acting Chairman asked if it will be detrimental to their business if the Board is not minded to grant their requests and Mr. P. Panton's response to this question was yes. He said other stores are selling on Sundays and his patrons will attend these place and not theirs on the said day. Mr. S. Panton stated that they still need to generate revenue and he is confident that they will lose customers if they are not able to sell on Sundays.

The Acting Chairman went on to advise the Panton's that there are no stores that are presently opening at 8:00 am. Mr. S. Panton reminded him that the Kimpton Hotel was granted a 7:00 am opening for their store. The Acting Chairman's response was that this is a hotel and liquor is not purchased by residents. Mr. S. Panton said there are no restrictions on who can go to a hotel to buy liquor. He indicated that Mr. Robert Hamaty is allowed to sell liquor from 8:00 am at the Port. The Acting Chairman explained that Mr. Hamaty is permitted to do so only when cruise ships are in port. He further advised Mr. S. Panton to supply evidence to the DCI Enforcement

Team if he is aware of premises in breach. Mr. S. Panton said some premises are actually not opening when they should be. The Acting Chairman reminded him that the law has been amended to allow licensees the option of opening anytime during their permitted hours. Mr. P. Panton asked if there is a set time schedule for Package licenses and the Acting Chairman's response was no but, policies can be set in order for equality.

Mr. Wayne Kirkconnell asked the Panton's if they felt the store would be viable if their requests were denied. Mr. S. Panton said they would still remain open for business as is. Mr. Kirkconnell's second question was that if the Board grants the request and more licensees come back to the Board, what would be their next move or would they consider increasing their hours once again. He said the Board would definitely have to set a limit. Mr. P. Panton said they are aware that permitted hours are not outlined in the law and they are simply asking for more time to sell to their customers.

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- c) Mr. Prentice E. Panton - Liquor 4 Less, 23 MacLendon Drive, Airport Road, George Town.

*For: Permission to operate from 9:00 am until 11:00 pm, Monday to Saturday, and from 11:00 am until 5:00 pm on Sundays.*

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- d) Mr. Prentice E. Panton - Liquor 4 Less, Savannah Plaza, Unit #5, 42 Hirst Road, Block 28C, Parcel 419.

*For: Permission to operate from 2:00 pm until 7:00 pm on Sundays.*

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- e) Mr. Prentice E. Panton - Liquor 4 Less, 161 North Church Street, George Town, Block 13EH, Parcel 189.

*For: Permission to operate from 8:00 am until 8:00 pm, Monday to Saturday, and from 8:00 am until 2:00 pm on Sundays.*

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- f) Mr. Prentice E. Panton - Naughty Distributors, 73 MacLendon Drive, George Town.

*For: Permission to operate from 9:00 am until 11:00 pm, Monday to Saturday.*

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- g) Messrs. L. Stanley Panton & Prentice E. Panton - Papajack's Mobile Bar Service, 23 MacLendon Drive, George Town.

*For: Permission to operate on Fridays until 3:45 am, Saturday mornings.*

Mr. Prentice Panton stated that when catering for events, there is a demand from their customers for longer hours to fall in line with the closing times at nightclubs.

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- h) Ms. Lucille Barnes – Meringue Town Liquor Store, Building 60A, Unit #5, Boilers Road, George Town.

*For: Permission to operate on Sundays from 10:00 am until 7:00 pm.*

Ms. Barnes told the Board that she would like to sell to tourists, specifically cruise ship passengers, and locals who often attend her store on Sundays and are turned away because she is closed. She said she does not sell single bottles or miniatures at her store in order to avoid loitering.

Decision: **NOT GRANTED (28<sup>th</sup> March 2017)**

- i) Mr. Clarence Flowers Jr - Brasserie Restaurant 1 Cricket Square, George Town.

*For: Permission to extend the licensed premises to include two outdoor areas.*

The applicant was not present; however, Mr. Cline Glidden of Ogier appeared and addressed the Board on his behalf. He began by telling Members that the former Chairman granted temporary permission for the use of the Wicket outdoor area for special events; however, his client was concerned that a new Board might not look favourably at this practice and they are now seeking approval to extend his licensed premises to include this structure. He said his client has been operating the Wicket for some time and would like to continue providing service to his tenants who occupies his premises.

Mr. Glidden stated that his client would like to serve smoked food and a grab-n-go for lunch from the Caboose outdoor area. He said his client plan to target the office workers in Cricket Square and is requesting that the Caboose be considered part of the licensed premises.

The Acting Chairman asked if both areas are requiring Planning's approval for the sale of liquor. Mr. Pandohie advised that the Wicket was regularized for liquor, but he was not sure about the Caboose.

Mr. Pandohie asked if the Caboose will be operated as a bar and Mr. Glidden stated that the concentration will be on food but, his client would be willing to comply with the requirements for a bar. Mr. Carter asked if the Caboose is located in the new building at Cricket Square and Mr. Glidden's response to question was no. He said the Caboose is located closer to the Brasserie Restaurant and it is currently not in operation.

Decision: **ONE OUTDOOR AREA GRANTED. ONE OUTDOOR AREA DEFERRED.**

- Board agreed to grant approval for the Wicket, pending inspection reports from all agencies such as but not limited to CPA, DEH and Fire. It was agreed to defer the decision on the Caboose until it is ready for operations.

- j) Kelly's Bar, 23 Birch Tree Road, West Bay.

*For: the change of licensee of a Retail Liquor License and a Music & Dancing License to Mrs. Ellen A. Kelly-Vernon.*

Mrs. Kelly-Vernon told Members that her father and license holder for the bar, the late Berkley Kelly, had recently passed away and she would like to continue operating the business in accordance with the law. She admitted that there were incidents at the bar in the past but, she now has security in place six nights a week. She added that business is usually slow during the days and she ensures that all doors and windows are kept shut when music is being played. When questioned by the Acting Chairman on how long she has been helping out at the bar, Mrs. Kelly-Vernon said that she had been assisting her father over the years but, became fully involved for the past six years. She added that her two brothers also play a role in managing the bar. The Acting Chairman suggested to Mrs. Kelly-Vernon to consider putting the license in the name of a company to ensure continuity.

Decision: **GRANTED (24<sup>th</sup> March 2017)**

9. Ratification of Chairman's decision (Section 13)

- a) Mr. Harmukhdev Lalli -Strand Rooms t/a King's Head, Camana Bay, Unit 1F, Market Street, Block 12D, Parcels 95/91, West Bay Road.

*For: The change of location of a Retail Liquor License and a Music & Dancing License to Whiskey Mist Bar, The Strand Shopping Centre, 46 Canal Point Drive, West Bay Road.*

Decision: **RATIFIED (28<sup>th</sup> March 2017)**

- b) Mrs. Sonia Powell - The George Town Yacht Club, North Sound Road, George Town.

*For: The change of location of a Retail Liquor License and a Music & Dancing License to the Margaritaville Resort, 269 West Bay Road, George Town.*

*For: The change of liquor license category to Hotel.*

Decision: **RATIFIED (28<sup>th</sup> March 2017)**

- c) Ms. Pamela Myrie – Best Buy Liquors, Best Buy Liquors, 29 Godfrey Way, Unit #4, Block 13D, Parcel 119, George Town.

*For: The change of location of a Package Liquor License to Mike's Esso, Seven Mile Beach (formerly Delworth's), 344 North Church Street, George Town.*

Decision: **RATIFIED (28<sup>th</sup> March 2017)**

- d) Mr. Luis Lopez - Nectar Nightclub, Seven Mile Shops, West Bay Road.

*For: The change of location of a Retail Liquor License and a Music & Dancing License to Little Havana, West Shore Plaza, Unit 35, #508 West Bay Road, Block 12E, Parcel 83.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

- e) Mr. Oral Masters - Jungle Bar & Lounge, Trafalgar Place, Units A1, A2 & A3, West Bay Road.

*For: The change of location of a Retail Liquor License and a Music & Dancing License to Club Havana, Caribbean Plaza, Units 12A & 25A, #878 West Bay Road, Block 12C, Parcel 427.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

- f) Mr. Peter T. Dutton – Jacques Scott & Company Limited, 384 Shedden Road, George Town.

*For: The change of location of a Retail Tasting Liquor License to Jacques Scott Wines & Spirits (West Bay), Unit 1, #2357 West Bay Road, West Bay, Block 5C, Parcel 412.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

- g) Mr. Peter T. Dutton – Jacques Scott Wines & Spirits, 16 North Sound Road, George Town.

*For: Permission to operate from 10:00 am until 10:00 pm, Monday to Saturday.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

- h) Mr. Joelle McCrae – Catch Restaurant Batabano, West Bay North East, Block 9A, Parcel 123.

*For: The change of licensee of a Retail Liquor License and a Music & Dancing to Mr. Walter Fayette.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

- i) Cayman Coffee Club T/A Cayman Coffee Club - Cayman Coffee Club, Unit 3, 72 North Church Street, George Town.

*For: The change of location of a Retail Liquor License and a Music & Dancing License to Kuboh, The Strand Shopping Centre, Unit 19B, #46 Canal Point Drive, West Bay Road. – **Withdrawn***

- j) Mr. Clemens Guettler - The Wharf Restaurant, West Bay Road.

*For: The change of licensee of a Retail Liquor License and a Music & Dancing License to Mr. Naul Bodden.*

Decision: **RATIFIED** (28<sup>th</sup> March 2017)

10. Any other business

- a) Objection to the deferred variation request from Harvey's Island Grill (Item 7 a) – **Objection heard.**

11. Closed deliberations

12. Meeting Adjourned

### 13. Meeting resumed

- i. Sunday trading law was clarified for the benefit of the Board by the Director of DCI, Ryan Rajkumarsingh.
- ii. The Board was informed that there are currently 20+ schedules for all license categories. It was decided to set firm new schedules that would streamline and simplify the various Licensing Categories, not only for administration purposes but moreover for the Public's benefit.
- iii. The Board was made aware that there are "Duty Free" stores other than those identified in the law are operating throughout the island and they are not located at any port of departure.
- iv. The Board agreed by consensus that the Liquor Law is unambiguous that there is no wholesale "Grandfathering" of licenses. Thus, only one category of licence is to be held by a Licence Holder for a premises. This not only mitigates confusion from the perspective of the public but also assists greatly from an enforcement stand point. The Board acknowledges that this new approach of the Liquor Law will meet the standards set forth in section 19 of the Constitution, especially those of being rational and proportionate.
- v. Therefore, all premises that currently feature multiple licenses will have a Grace Period from this Quarterly Licensing Session to identify a specific category of licence which they will operate under thereafter.
- vi. All Licence Holders must be ready with their one Category for the Annual Licensing Session to be held in September 2017. Failure to meet that criteria may result, in the lapsing of their Licenses.
- vii. It must be noted that this policy this does not affect Package License Holders that are operating conventional stand-alone "Liquor Stores" from applying for and holding a "Tasting Licence", which is a subcategory of a Retail Licence. However, this policy does not allow those businesses operating as Convenience Stores to apply for this Tasting Licence.
- viii. Board agreed that the permitted hours for subcategory of "Tasting" of a Retail License must fall in line with the hours set for ALL Package licenses that currently hold them.
- ix. Board agreed that there must be consistency and portionality in permitted hours to ensure that the Board's Constitutional Obligation pursuant to section 19 is met. Therefore the following permitted hours were agreed.

#### a) **DISTRIBUTORS – D1**

Monday to Friday	Saturday	Sunday
9:00 a.m. to 6:00 p.m.	9:00 a.m. to 6:00 p.m.	CLOSED

b) **PACKAGE**

	Monday to Friday	Saturday	Sunday
<b>P1</b> Liquor Stores, Gas Stations etc.	10:00 a.m. to 10:00 p.m.	10:00 a.m. to 10:00 p.m.	<b>CLOSED</b>
<b>P2</b> Tasting	10:00 a.m. to 10:00 p.m.	10:00 a.m. to 10:00 p.m.	<b>CLOSED</b>
<b>P3</b> Duty Free located at Airports Ports	6:30 a.m. to 10:00 p.m.	6:30 a.m. to 10:00 p.m.	6:30 a.m. to 10:00 p.m.
<b>P4</b> Duty Free located at Sea Port	8:00 a.m. to 4:00 p.m.	8:00 a.m. to 4:00 p.m.	8:00 a.m. to 4:00 p.m. only when Cruise Ships are in Port

c) **RETAIL**

	Monday to Friday	Saturday	Sunday
<b>R1</b> Nightclub	8:00 p.m. – 4:00 a.m.	8:00 p.m. – Midnight	8:00 p.m. – 4:00 a.m.
<b>R2</b> Bar	10:00a.m.–2:00 a.m.	10:00a.m. - Midnight	1:00 p.m.- 2:00 a.m.
<b>R3</b> Mobile	10:00a.m.–2:00 a.m.	10:00a.m.– Midnight	1:00 p.m.- 2:00 a.m.
<b>R4</b> Tasting	10:00 a.m. - 10:00 p.m.	10:00 a.m. - 10:00 p.m.	<b>CLOSED</b>

d) **HOTEL**

Type of Service	Monday to Friday	Saturday	Sunday
<b>H1</b> Room and Mini-Bar Service	<b>ALLOWED TO OPERATE 24 / 7</b>	<b>ALLOWED TO OPERATE 24 / 7</b>	<b>ALLOWED TO OPERATE 24 / 7</b>
<b>H2</b> Restaurants	7:00 a.m. to 2:00 a.m. Seven Days per week	7:00 a.m. to 2:00 a.m. Seven Days per week	7:00 a.m. to 2:00 a.m. Seven Days per week
<b>H3</b> Bars within the Hotel	10:00a.m. to 2:00a.m.	10:00a.m. to Midnight	1:00 p.m. to 2:00 a.m.
<b>H4</b> Liquor Stores within a Hotel	10:00 a.m. to 10:00 p.m.	10:00 a.m. to 10:00 p.m.	<b>CLOSED</b>

**e) TEMPORARY**

	Monday to Friday	Saturday	Sunday
<b>T1</b> Nightclub	8:00 p.m. – 4:00 a.m.	8:00 p.m. – Midnight	8:00 p.m. to 4:00 a.m.
<b>T2</b> Bar	10:00a.m.–2:00 a.m.	10:00a.m. - Midnight	1:00 p.m.- 2:00 a.m.
<b>T3</b> Mobile	10:00a.m.–2:00 a.m.	10:00a.m.– Midnight	1:00 p.m.- 2:00 a.m.

**f) RESTAURANT – R1**

Monday to Friday	Saturday	Sunday
10:00 a.m. to 2:00 a.m.	10:00 a.m. to midnight	8:00 a.m. to 2:00 a.m.

**g) WINE AND BEER – WNB1**

Monday to Friday	Saturday	Sunday
10:00 a.m. to 2:00 a.m.	10:00 a.m. to midnight	8:00 a.m. to 2:00 a.m.

**h) OCCASIONAL – OCC1**

Monday to Friday	Saturday	Sunday
10:00 a.m. to 2:00 a.m.	10:00 a.m. to midnight	8:00 a.m. to 2:00 a.m.

- The Board expressed the absolute necessity to ensure that Section 7 of the *Music And Dancing (Control) Law 2012 Law* is clearly followed with the new permitted hours and categories.
- Board agreed that the signage standard imposed on Peanuts’ Package license is to be applied to all of the licenses issued to other gas stations and or convenient stores.
- Jungle Bar & Lounge – Recent stabbing incident discussed. Board is to revise the restrictions with the assistance of the RCIPS to ensuring bars are not operating as nightclubs. Enforcement will be key to this.
- Head of DCI Enforcement must provide quarterly reports on enforcement activity.
- The Board is to direct a Policy to be created for convenience stores.
- All staff at gas stations is to be trained in “TIPS” and provide a receipt to show this has been completed through the National Drug Council. They would have 60 days to comply.

13. Adjournment

This meeting adjourned at 2:45 pm and ended the 28 March 2017 session of the Board.