

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a hybrid webcast meeting held on 23 August 2023 at 10.00 a.m.

Present: Councillors William Grant (Chair), Laura Brennan-Whitefield, Martin Kilbride, Lee Lyons, Bob Pollock, Gavin Scott and Duncan Townson.

Attending: L. McChristie, Co-ordinator, Legal and Licensing and Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and E. Moore, Committee Services Assistant.

Also

Attending: Inspector I. McColl, Police Scotland.

Opening Remarks

The Chair welcomed everyone to the meeting, outlined the procedures for conducting this meeting and advised that it would be broadcast live.

1. Declarations of Interest

There were no declarations of interest by Members of the Board in terms of the Councillors' Code of Conduct.

2. Date of Next Board Meeting

The Chair advised that the next Board meeting would be held on Thursday 21 September 2023 at 10.00 a.m.

3. Minutes of Previous Meeting

The [Minutes](#) of the Meeting of South Ayrshire Licensing Board of 15 June 2023 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Annual Functions and Financial Report

There was submitted (issued) the [Annual Functions and Financial Report](#) for approval by the Board.

The Depute Clerk to the Board advised

- (1) that the Board required to prepare and publish an annual report on the exercise of their functions including a summary of the decisions made, information on the number of licences held and the annual financial report on the licensing activities;

- (2) that the [Annual Functions and Financial Report](#) 2022/23 provided information on how the Board had regard to the statutory licensing objectives and the Statement of Licensing Policy; the exercise of its functions during the period; a summary of the decisions made by or on behalf of the Board during the period; information on the number of licences held and more general information on the running of the Board and its meetings; the ongoing policy review process; and training events held during the year; and
- (3) that the report also provided a statement of the income and expenditure relating to the alcohol function for the period which had shown a small surplus which was in contrast to previous years when the work of the Board had shown an overall deficit, however, for a significant part of the year there had been a vacant post in Licensing Services leading to staff costs being lower than usual which had affected the overall financial position.

Comments were made by Board Members in relation to:

- (a) the Board recognising that it had been another difficult year for the licensed trade, particularly the hospitality venues which had faced periods of lockdown and restricted trading; and commended the efforts of the trade for complying with the licensing objectives and the restrictions imposed due to Covid-19; and
- (b) the recent very successful training event and the hope that there would be another similar event in the near future; and the Licensing Standards Officer advised that the event had been well attended by the licensed trade; and that she was currently liaising with Police Scotland to endeavour to arrange another event.

The Board

Decided: to approve the report.

5. Update by Licensing Standards Officer

The Licensing Standards Officer advised:

- (1) that a number of events and activities had taken place over the summer holiday period at indoor and outdoor venues in South Ayrshire which had benefited from an Occasional Licence; and that applications continued to be received on a regular basis from premises now planning for the forthcoming festive period;
- (2) that most applications were now received within the twenty eight day minimum timescale, therefore, the majority of applications had been accepted and granted;
- (3) that, in the coming month, the Ayr Gold Cup Festival at Ayr Racecourse and the Ayr Show on Ayr Low Green would be taking place with both events benefiting from Occasional Licences for alcohol sales, with considerable discussions having taken place with the organisers and personal licence holders to ensure that the alcohol provision was in line with Board policy and reflected other licences that had recently been granted, in particular in relation to access to Children and Young Persons;
- (4) that, over the past two years in particular, there had been considerable changes to staff in hospitality premises, with many experienced staff leaving the industry for employment elsewhere; and that she was finding that a number of premises had insufficient training records and, in some cases, staff who had not received any mandatory training prior to taking up their post, with this also being evident in the complaints that were being received by the Licensing Section, some of which showed an obvious lack of staff training and awareness;

- (5) that providing trained staff was a requirement of the licence and any premises not adhering to the mandatory conditions of the licence would be reminded of this and ultimately brought to the attention of the Licensing Board;
- (6) that the Board's Statement of Licensing Policy outlined that it 'expects' a personal licence holder to be on the premises at all times and the inclusion of this in the Policy demonstrated that the Board did not expect someone with minimum training to be left in charge of premises; and
- (7) that, as the Licensing Standards Officer and a personal licence holder, she had previously undertaken a project allowing her to provide the minimum two hours training to staff in South Ayrshire, that these sessions had always been provided free of charge and had been very well attended, and she was currently exploring the possibility of offering training again within the next few months to assist the licensed trade to raise standards.

The Chair commented that the licensed trade should be reminded that training was mandatory and the Board took this matter very seriously.

The Board

Decided: to note the Licensing Standards Officer's update.

6. **Revocation of Personal Licences**

There was submitted a [report](#) (issued) of 9 August 2023 by the Clerk to the Licensing Board advising the Board of the revocation of personal licences.

The Board

Decided: to note the seventeen licences revoked under delegated powers since the last report to the Board.

7. **Applications for Transfers Granted Under Delegated Powers**

There was submitted a [report](#) (issued) of 9 August 2023 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of a Licence between the last Board meeting and this Board:-

- Commercial Inn, 123 Dalrymple Street, Girvan – transferred to Tormore Properties Ltd on 16 June 2023;
- Wellingtons Bar, 17 Wellington Square, Ayr – transferred to Southern Ayr Limited on 24 July 2023;
- Skinny Malinkys, 7-9 Arthur Street, Ayr – transferred to M.E.T Corporate Ltd on 24 July 2023; and
- Billy Bridges, 8 Sandgate, Ayr – transferred to Southern Ayr Ltd on 28 July 2023.

The Board

Decided: to note the transfers granted under delegated powers.

8. **Licensing (Scotland) Act 2005**

(a) **Applications for the Grant of a Premises Licence**

The Board considered the following applications:

(1) <u>Applicant</u>	<u>Premises</u>
Gaik Keow Gan	The Garden 9 Templehill Troon

Retail Sale of Alcohol (On-Sales) – every day from 12.00 to 22.30

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that 300m of the applicant premises would be the appropriate locality for consideration of this application.

Having heard from the applicant's representative, the Board granted the above application.

(2) <u>Applicant</u>	<u>Premises</u>
Pushp Traders Ltd	Aldente Ayr 172 Prestwick Road Ayr

Retail Sale of Alcohol (On-Sales) – every day from 12.00 to 22.00

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that 300m of the applicant premises would be the appropriate locality for consideration of this application.

Having heard from the applicant's representative, the Board granted the above application.

(b) **Applications for the Variation of a Premises Licence**

<u>Applicant</u>	<u>Premises</u>
(1) Urban Fox Holdings Limited	The Fox and Willow 46 Carrick Road Ayr

Alterations to the terrace area to the rear of the main building by installation of retractable roof/awning and partially retractable walls/windows in the area. This area is currently being utilised as part of the restaurant area and will cease the sale of alcohol at 10pm when the roof/awning is retracted. When the roof/awning is on the closed position the terrace area will be operated on the same licensed hours basis as the remainder of the restaurant.

Increase in occupant capacity to 248 (excluding the external domes).

Use of the covered terrace as part of the restaurant Creation of new private dining area on the first floor Creation of new toilet accommodation on the first floor Alteration to the former dining annexes 1 and 2 to create a single dining annexe.

Having heard from the Licensing Standards Officer and the applicant's representative, the Board granted the above application.

Applicant**Premises**

(2) Doreen Marjory John

The Vaults
32 Glendoune Street
Girvan

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Tuesday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Wednesday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Thursday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Friday	10:00 – 00:30	10:00 – 22:00	10:00 – 01:00	10:30 – 22:00
Saturday	10:00 – 00:30	10:00 – 22:00	10:00 – 01:00	10:30 – 22:00
Sunday	10:00 – 00:00	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00

Change to Core Hours On Sales, Change to Core Hours Off Sales.

Change to Seasonal Variations.

Add Conference facilities, restaurant and bar meals.

Re-word Children and Young Persons Statement.

Change to layout of toilet facilities.

Move bar counter.

Add in kitchen facility.

Having heard from the applicant's representative, the Board granted the above application.

Applicant**Premises**

(3) Shanter Inns (Prestwick) Ltd

The Buf
36 Main Street
Prestwick

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Tuesday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Wednesday	10:00 – 00:30	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Thursday	10:00 – 00:30	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00
Friday	12:00 – 02:30	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00
Saturday	12:00 – 02:30	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00
Sunday	10:00 – 00:00	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00

Amend licensed hours to commence at 12.00 and terminate at 02.30 on Thursdays and Sundays. Amend Off Sales licensed hours on Thursday and Sundays to commence at 12.00.

The Board heard from the objector, the applicant's representative, the Licensing Standards Officer and Inspector McColl, Police Scotland.

As there was no general agreement to the unopposed motion to grant the application, the Board moved to a vote for or against the Motion.

The Board decided, by a majority, to grant the above application.

Applicant**Premises**

- (4) Hawthorn Leisure Scotco Limited Red Lion
9 The Cross
Prestwick

Amend description of premises as follows: -

The premises are a two-storey property trading as a public house on the ground floor and with licensee accommodation on the first floor. The premises also benefits from a beer garden and car park.

Additional external area within part of existing car park.

Having heard from the applicant's representative, the Board granted the above application.

- (5) Marks And Spencer PLC Marks & Spencer
82 High Street
Ayr

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Tuesday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Wednesday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Thursday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Friday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Saturday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00
Sunday	N/A	10:00 – 22:00	10:00 – 22:00	10:00 – 22:00

To vary the description of the premises.

To allow the consumption of alcohol on the premises within the existing customer café.

Alcohol sold for consumption in the café will be limited to the permitted hours.

This will also include free alcohol tasting, cookery demonstrations and a range of other ancillary customer activities/services may be provided on an occasional basis outwith core hours.

Having heard from the applicant's representative the Board granted the above application.

(c) Application for a Personal Licence

The Board considered the following application:-

Applicant**Application Number**

Andrew Dickson

SA/23/00081/LAPRS

The Board heard from Police Scotland and from the applicant in response in relation to his application.

Councillor Pollock, seconded by Councillor Scott, moved that the application be granted.

By way of Amendment, Councillor Brennan-Whitefield, seconded by Councillor Townson, moved that the application be refused on the grounds that the applicant was not a fit and proper person to hold the licence.

Three Members voted for the Amendment and four Members voted for the Motion which was accordingly declared carried and therefore, the Board granted the above application.

(d) Applications for Occasional Licences

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Nan Li	Blairquhan Castle Straiton

Wedding – 21/10/23 – 12:00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer, the Board granted the above application.

(2) Heather Ruddock	Ayr Railway Club Ayr
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Hogmanay – 31/12/23 – 18:00 p.m. to 1.00 a.m.

Having heard from the Licensing Standards Officer and the applicant in response, the Board granted the above application.

(e) Applications for Extended Hours

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Rachael Rennie (Sprighouse)	Printhouse 153 High Street Nile Court Ayr

Ayr Gold Cup Racing – 21, 22, 23 September 2023 – 2.30 a.m. to 3.30 a.m.

Having heard from the Licensing Standards Officer and from the applicant in response, the Board granted the above application.

(2) Rachael Rennie (Ultimate Leisure Ltd)	Vinyl 1-5 Arthur Street Ayr
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Ayr Gold Cup Racing – 21, 22, 23 September 2023 – 2.30 a.m. to 3.30 a.m.

Having heard from the Licensing Standards Officer and from the applicant in response, the Board granted the above application.

(f) **Application for the Review of a Premises Licence - Premier, 63 High Street, Maybole**

There was submitted a report (issued to Members only) by the Licensing Standards Officer dated 19 July 2023 requesting a review of the Premises Licence of the above premises in terms of Section 36 (4) (a) and (b) of the Licensing (Scotland) Act 2005 on the grounds that, despite the issue of a notice in terms of section 14 (2) (a), in relation to a breach of the Mandatory Conditions of the Premises Licence, the matters have not been dealt with to the satisfaction of the officer, namely the training of staff.

Having heard from the Licensing Standards Officer and from the licence holder's representative in response requesting a continuation of this matter, the Board

Decided: to continue consideration of this matter to the next Board meeting scheduled to be held on Thursday 21 September 2023.

9. **Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 11.45 a.m.