

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a hybrid webcast meeting held on 21 September 2023 at 10.00 a.m.

Present: Councillors William Grant (Chair), Martin Kilbride, Bob Pollock and Duncan Townson.

Present

Remotely: Councillor Lee Lyons.

Apologies: Councillors Laura Brennan-Whitefield and Gavin Scott.

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 26 October 2023 at 10.00 a.m.

3. Minutes of Previous Meeting

The **Minutes** of the Meeting of South Ayrshire Licensing Board of 23 August 2023 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Police Scotland Annual Report

There was submitted (issued) the Police Scotland Annual Report for approval by the Board.

Inspector McColl advised of the work undertaken by Police Scotland in 2022/23 including collaborative work with partnership agencies; outlined the approach being taken for the ensuing year; and referred to there being no major or negative issues within the report which was welcomed.

Comments were made by Board Members in relation to:

- (1) thanking Police Scotland for their continued attendance at these Board meetings and for the excellent work carried out in South Ayrshire by the Police and their partners;
- (2) welcoming the bystander training which had been carried out which was an excellent initiative; and
- (3) hoping for the reintroduction of test purchasing which, as well as highlighting premises selling alcohol to under 18s, also highlighted those premises which were being operated well; and Inspector McColl advised that this was being taken forward, however, there were legal issues surrounding the use of young persons to carry out these test purchases which required to be investigated.

The Board

Decided: to approve the Police Scotland Annual Report.

5. **Update by Licensing Standards Officer**

The Licensing Standards Officer advised

- (1) that the recent Ayrshow had attracted an unpredictably large number of people over a three day period; that the three outdoor bars at the event had benefited from an Occasional Licence which had been granted to a South Ayrshire bar provider known to her; and that she was pleased to report that there had therefore been ongoing communication prior to and during the event to ensure that alcohol provision was in line with the Board's policy;
- (2) that, due to the large numbers of people who had brought their own alcohol to the event, it had been a huge challenge to ensure the alcohol sold within the premises was consumed within the designated area and she commended the licence holder and their staff for their efforts to maintain this;
- (3) that there would be a considerable amount of work in planning next year's event and that feedback from this year's show would form a large part of agreeing a suitable alcohol provision for next year which would involve a much larger alcohol consumption area;
- (4) that she was pleased to report that she was currently working with a number of licence holders who were keen to make future applications to vary their premises licence to allow them greater flexibility for the future; and that, although it was a challenging time for the hospitality trade, it was encouraging that operators continued to consider new ideas and improvements to premises to attract customers and to maintain standards;
- (5) that, in response to the lack of quality and mandatory staff training being undertaken, she had organised a free liquor licensing staff training event on 1 November 2023 in County Hall, County Buildings with seventy spaces for South Ayrshire staff who required the minimum two hour training; that spaces would be available to book in the next few weeks with training and certification being provided by her as Licensing Standards Officer and personal licence holder, with it hoped that further sessions could be provided in the Troon and Carrick area following the busy festive period.

Comments were made by Members in relation to

- (a) the success of the event, however, there was a need for a more appropriate designated alcohol area for next year's event; and the requirement for Board Members to be involved in the debriefing session with Council Officers;
- (b) the training being provided by the Licensing Standards Officer being welcomed;
- (c) encouraging licence holders to continue to contact officers in the Licensing Service for advice on all licensing matters; and
- (d) thanking all Officers involved in the Ayrshow for their contribution to this fantastic event; and requesting a report on the debriefing once it had taken place to ensure that the Licensing Policy had been taken into account and that any lessons had been learned;

Following a request for an update from Police Scotland on the Ayrshow, Inspector McColl advised that in respect of the licensed alcohol areas, he had been in attendance at the Friday and Sunday events and there had been no issues; and that Chief Inspector Lammie would comment further on the licensing aspects of the Ayrshow at the debriefing.

The Board

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

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

There was submitted a **report** (issued) of 7 September 2023 by the Depute Clerk to the Licensing Board advising of the following determination of an application for the Transfer of a Licence between the last Board meeting and this Board:-

- Hotel Kylestrome Bar and Grill, 11 Miller Road, Ayr – transferred to M and M Property Holdings on 29 August 2023;

The Board

Decided: to note the transfer granted under delegated powers.

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

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

The Board considered the following application:

Applicant

Savers Health and Beauty Limited

Premises

Savers Health and Beauty
22 Portland Street
Troon

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.

Application for a premises licence for a retail shop selling a range of health and beauty products plus household goods and food at Unit 3, 49 Academy Street, Troon.

The core hours sought are 10.00 a.m. to 6.00 p.m. Monday – Saturday and 11:00 a.m. – 4.00 p.m. on Sunday for off-sales only.

A seasonal variation for a closing time of 8.00 p.m. is sought for the period 14 November to 24 December each year.

The applicant is seeking a capacity figure for display of alcohol of 2.1 square metres.

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

(b) Applications for the Variation of a Premises Licence

Applicant

Premises

(1) IP Partnership Ltd

The Bell Rock
144 Ayr Road
Prestwick

Proposal to include an external area within the licensed footprint of the premises. Service of food and drink. Children and young persons allowed access when having a meal.

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

Applicant

Premises

(2) CJ Lang And Son Limited

Spar
127 Deveron Road
Troon

Amend Operating Plan as follows:-

Q5 – To add Gaming as an activity within and out with core hours.

Q5) amend and add the following wording - The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours.

Q5f) amend and add the following wording - The primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks. Charity collection point and charitable events take place. Food to Go. Click & collect. Home Deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling & promotional activities.

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

(c) **Application for Occasional Licence.**

The Board considered the following application:-

Applicant

Gary Welsh

Premises

Wellington House on the Square
25 Wellington Square
Ayr

Halloween Event – 30/10/23 and 31/10/23 – 6.00 p.m. to 10.00 p.m.

Having heard from the Licensing Standards Officer, the Board refused the above application on the grounds that this application was contrary to the Board's policy.

(d) **Applications for Extended Hours**

The Board considered the following applications:-

Applicant

(1) Christopher Morrison

Premises

Number Forty-Seven
37 Templehill
Troon

Real Ale Festival – 5, 6, 7 October 2023 – 2.30 a.m. to 3.30 a.m.

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

(2) Christopher Morrison

Number Forty-Seven
37 Templehill
Troon

Halloween – 28 October 2023 – 2.30 a.m. to 3.30 a.m.

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

(3) Sprig Limited

Printhouse
154 High Street
Ayr

Halloween Saturday – 28 October 2023 – 2.30 a.m. to 3.30 a.m.

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

Applicant

Premises

(4) Ultimate Leisure Ltd

Vinyl
1-5 Arthur Street
Ayr

Halloween Saturday – 28 October 2023 – 2.30 a.m. to 3.30 a.m.

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

(5) Sprig Limited

Printhouse
154 High Street
Ayr

Halloween – 31 October 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.

(6) Sprig Limited

Printhouse
154 High Street
Ayr

Kitsch Reunion. International DJ Line Up – 14 October 2023 – 2.30 a.m. to 3.30 a.m.

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

(e) **Application for the Review of a Premises Licence – Arif Ali Malik for 63 High Street, Maybole**

There was submitted a report (issued to Members only) by the Licensing Standards Officer (LSO) dated 7 September 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 had not been dealt with to the satisfaction of the officer, namely the training of staff.

Having heard from the Depute Clerk to the Board, the Board agreed that the grounds for the Review had been met and, therefore, agreed to hear the terms of the Review.

The Board then heard from the LSO in relation to the reasons for her requesting this Review and advising that, since her report had been compiled staff training had taken place, however she would like to see this documented and available for inspection by herself or Police Scotland as this was a mandatory condition of the premises licence.

The Board then heard from the licence holder's representative who outlined the steps taken by Mr Malik to resolve the issues raised by the LSO.

Following an adjournment, Board Members outlined their concerns and

Decided: that a warning letter be issued to Mr Malik on the basis that staff training and training records should be up-to-date at all times; that mandatory conditions should be adhered to at all times; that a list of staff members be provided to ensure that the LSO and Police Scotland were aware of staff members employed by Mr Malik when attending the premises; that the premises be visited regularly by the LSO to ensure that all outstanding issues were being addressed; and that, should the LSO have any further concerns, a report be submitted to a future Board meeting on this matter.

(f) Premises Licences Ceasing to Exist

The Board noted that the following licences now ceased to exist as the licences had been surrendered:-

- (1) Co-op, 19-23 High Street, Maybole; and
- (2) Mecca Bingo, 4 Boswell Park, Ayr

8. Update on Draft Statement of Licensing Policy 2023 - 2028.

The Depute Clerk to the Board advised that the Draft Statement of Licensing Policy had been out for public consultation over the summer months, that the responses received were now being considered and a report would be submitted to the Board in October or November 2023 with the final Policy for approval by Board Members.

Comments were made by Board Members thanking all partner agencies who had contributed to the draft review, particularly the Local Licensing Forum whose comments were very useful and that the comments by all contributors would be reflected in the final Policy.

9. Closing Remarks.

The Chair thanked everyone in attendance; and reminded Board Members that the annual meeting with the Local Licensing Forum was taking place following the Board meeting scheduled for 26 October 2023.

The meeting ended at 11.40 a.m.