

Application for Occasional Licence

Applicant	Premises	Event	Dates Requested	Times Requested
Costley and Costley Hoteliers Ltd	Lochgreen House Hotel Monktonhill Road Southwoods Troon	Wedding	18 th June 2022	12:00 – 01:00* *Outwith Board Guidelines LSO Report EHS Report
Alastair John McClymont	The Home Shed Mossblown Farm Mossblown	50 th Birthday Party and Buffet Supper	9 th July 2022	19.00 – 01.00* *Outwith Board Guidelines LSO Report
Christine Deans	Heads Of Ayr Caravan Park Shop Dunure Road Ayr	Retail selling of alcohol	20.06.2022 to 03.07.2022 inclusive	Every Day 10.00 – 19.00 LSO Report

Costley and Costley Hoteliers Ltd– Lochgreen House, Troon
Occasional Licence Application – 18th June 2022
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a Wedding to be held in a marquee to be erected in the grounds of Lochgreen House Hotel at Troon.

The application is for a Wedding Celebration which will begin at 12noon on Saturday 18th June and extend until 1am the following morning. The terminal hour of 1am is not able to be granted under delegated powers and thus the application has to be considered at a Licensing Board meeting.

I have spoken to Dawn Costley who represents the applicants and am aware that due to Covid this wedding celebration has been postponed 3 times and was originally meant to take place in 2020. As such the arrangements (including the marquee) have been planned for some time but an appropriate date had to be arranged to suit all involved and thus the application has only recently been lodged for the Occasional Licence.

I understand the wedding party will be taking over the whole of the hotel exclusively for the weekend and therefore there will be no other hotel guests or patrons besides the 240 guests. The purpose of the marquee is to be able to accommodate this large number of guests within one space and the reason for the later terminal hour is due to the extensive entertainment which begins at 8pm with a tribute band and also includes the chilli pipers and a further band until 1am.

I am advised that the premises enjoys a good relationship with their closest neighbour and that they will make sure the neighbour is aware of this event and the entertainment and will also be provided with a name and contact number of a staff member who will be working at the event, should they experience any concerns, so that these can be dealt with immediately. I would suggest that this same information is also provided to the surrounding neighbours, perhaps by way of a letter through the door in advance of the event, as has been done in previous years.

With regards to the sale of alcohol, I have no objections as the premises have previously been granted a terminal hour of 1am without a suggestion that this resulted in any breach of the licensing objectives. However it should be noted that there have not been any marquee events at these premises for a number of years and there were historic noise complaints (8 to 10 years ago) relating to large functions with musical entertainment within a marquee. I understand there is considerable entertainment planned and the premises have considered a noise management plan, something which I am sure my colleagues in Environmental Health will be able to provide further comment on.

This venue like many others has been unable to hold many functions over the past two years due to the Covid restrictions, and like this particular case many special events have had to be moved or cancelled. However this also means that those living locally to the venue will also not be used to the associated noise and potential disturbance from such a large event.

With this in mind I would suggest that the applicant is instructed to follow the advice of South Ayrshire Environmental Health Department as per previous years and adhere to any requirements set down by them to ensure the grant of this application does not breach the objective 'Preventing Public Nuisance'.

I understand from the applicant that there are no further future events planned to take place in a marquee at this venue as the layout of the premises has now been altered to allow them to host larger numbers within the premises and that this particular application is a historical one which was planned prior to these changes.

I can confirm that the terminal hour of 1am has been granted this calendar year to other venues, including marquees. However the other applications have related to events in mainly rural locations who did not have any direct neighbours.

Catrina Andrew
Licensing Standards Officer
5th May 2022

M E M O R A N D U M

Tel: (01292) 618222
Email: environmental.health@south-ayrshire.gov.uk
Our Ref: BS/BS22/01183/SECT56
Your Ref: 22/00287/LAOPR
Date: 4 May 2022

From: Service Lead: Trading Standards & Environmental Health
5 – 7 River Terrace
Ayr
KA8 0BJ

To: Licensing Services
County Buildings
Wellington Square
Ayr
KA7 1DR

**SUBJECT: Licensing (Scotland) Act 2005
Occasional Licence in Terms of Section 56
Premises: Lochgreen House Hotel. Lochgreen Hotel Monktonhill Road Troon South Ayrshire
KA10 7EN**

I refer to the above application for an occasional licence submitted to this section on **25 April 2022** and can advise as follows.

There is no objection to the issuing of a licence providing the following conditions are attached.

1. The Licenceholder must ensure that the site conforms to the requirements of the Health and Safety at Work etc Act, 1974 and any regulations or orders arising therefrom or amendments thereto.
2. The Licenceholder must in respect of foodstuffs ensure that the site complies with the requirements of the Food Safety Act, 1990 and any regulations or orders arising therefrom or amendments thereto.
3. The Licenceholder must ensure that the volume and tone controls of any amplified music system(s) shall be adjusted and set by the Licenceholder or member of his staff in such a way that the sound level emanating from the amplified music system(s) shall not cause nuisance within the nearest noise sensitive dwelling house or building.
4. The Licenceholder must ensure compliance with Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 by preventing persons smoking in no-smoking premises and must provide sufficient no-smoking signage such that a person cannot unknowingly smoke in a no-smoking premises. The Licenceholder must display at least one no-smoking sign that must be conspicuously displayed and be protected from tampering, damage, removal or concealment that shall
 - be a minimum size of 230mm by 160mm
 - display the international “no smoking” symbol, consisting of a graphic representation of a burning cigarette enclosed in a red circle with a red bar, at least 85mm in diameter and
 - display the name of the person to whom a complaint may be made by any person who observes another person smoking in the no-smoking premises and state that a complaint may be so made.

No-smoking premises include all workplaces and enclosed public areas.

5. The licence holder must ensure that the site complies with the rules and restrictions set out in the Coronavirus (Scotland) Act 2020 and any Regulation made thereunder.
6. The Licence holder shall ensure that the volume and tone controls of any amplified music system(s) shall be adjusted and set by the Licence holder or member of his staff in such a way that the sound level emanating from the amplified music system(s) shall be to the satisfaction of Environmental Health and shall not cause nuisance within nearby noise sensitive dwelling houses or buildings.
7. The Licence holder must ensure that suitable risk assessments have been carried out in terms of the Control of Noise at Work Regulations 2005, and any personal protection equipment issued is adequate.
8. The Licence holder must appoint a suitably qualified and experienced noise control consultant, to the approval of Environmental Health, no later than four weeks prior to the event. The noise control consultant shall liaise between all parties including the licensee, promoter, sound system supplier, sound engineer and Environmental Health on all matters relating to noise control prior to and during the event.
9. The Licence holder must ensure that a noise propagation test is undertaken at least one hour prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
10. The Licence holder must ensure that the control limits set at the mixer position are adequate to ensure that the music noise level (MNL) when measured at 1m from the façade of any noise sensitive property does not exceed 65 dB(A) when measured as a 15 minute LAeq. (In addition in order to control low- frequency sound, a level of 80 dB at the receiver in the 63 or 80 Hz octave bands must not be exceeded.)
11. For events continuing or held between the hours of 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.
12. The Licence holder must ensure that the appointed noise control consultant continually monitors noise levels at the sound mixer positions and advises the sound engineer accordingly to ensure that the noise limits are not exceeded. Environmental Health shall have access to the results of the noise monitoring at any time.

Alastair McClymont – Personal Licence Holder
Occasional Licence Application – 9th July 2022
Report by Licensing Standards Officer

I refer to the Occasional Licence application made by Alastair McClymont for a 50th Birthday party in the Home Shed, Mossblown Farm, Mossblown.

The application requests a terminal hour of 1.00am, which is outwith the Board's Policy. However the location of the event is Mossblown Farm, a working farm in Mossblown and the event is organised to take place indoors in a large shed where neighbour noise and disturbance is unlikely to be an issue and I understand the nearest neighbours will be invited to the event.

This venue has not been the subject of previous Occasional Licences, however similar licences (with a terminal hour of 1am) have been granted to country residences and farm properties in the past and there have been no complaints or negative feedback as a result.

On the basis that the applicant is known to me as a personal licence holder who regularly applies for Occasional Licences who has been granted a 1.00am terminal hour the past few years and due to the location of the event making it unlikely to breach the licensing Objective 'Preventing Public Nuisance' , I have no objections to the grant of this occasional licence.

Catrina Andrew
Licensing Standards Officer
26th May 2022

Christine Deans – Personal Licence Holder
Occasional Licence Application – 20th June to 3rd July 2022
Report by Licensing Standards Officer

I refer to the Occasional Licence application made by Christine Deans, a personal licence holder based at the Heads of Ayr Caravan Park for an ongoing Occasional Licence at the shop unit at the Caravan Park in Ayr.

The application requests alcohol sales hours of 10am until 7pm daily for off sales throughout the 14 day period and is the latest in a number of consecutive applications that have been granted to these premises, which is outwith the Board's Policy.

Members will be aware that during the period when premises were most affected by Covid 19 a number of on sale premises were unable to open due to the restrictions imposed by the Scottish Government and following this a number of additional measures were required to be implemented by those premises to allow them to trade. This was the case for the on sales premises 'The Bracken Bar' which is on site at the caravan park and due to this the Depute Clerk agreed to accept Occasional Licence applications under the Coronavirus legislation to allow the shop to be licensed on a temporary basis to allow the provision of alcohol to residents at the Caravan Park whilst the Bracken Bar remained closed.

In 'normal' circumstances the Board would not permit an off sales premises to trade under Occasional Licences for a sustained period of time and an application for a Premises Licence would be expected.

However having contacted the applicant I understand it was her intention to continue to operate by way of Occasional Licences until October 2022, which will be the end of the season and if pushed to do so she will make the application for a premises licence over the winter months with the intention of opening for the new season in March 2023.

The application for 20th June to 3rd July 2022 states that the reason for application is 'Off sales due to on site bar (Bracken Bar) being closed/unviable to open due to Covid'.

I would ask the Board to consider if this remains a valid reason to grant continuous occasional licences in lieu of a premises licence. Members are reminded that an Occasional licence is not subject to an overprovision assessment and conditions do not match those of an off sales premises licence.

As LSO I am of the opinion that to ensure that the licensing objectives are being applied consistently to all premises and that the Board's policy is being complied with, these applications should not continue to be granted under delegated powers unless the Board is satisfied that an application for a Premises Licence is in the process of being lodged.

I would therefore request that if the Board are minded to permit grant of this and subsequent applications that the applicant is requested to comply with staff training, minimum pricing and signage requirements and is required to lodge a full application for a premises licence to be considered at the next available Board meeting.

Catrina Andrew
Licensing Standards Officer
7th June 2022