

South Ayrshire Licensing Board
Annual Functions & Financial Report
2021/2022



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1.0 Introduction – South Ayrshire Licensing Board

1.1 South Ayrshire Licensing Board (“the Board”) is the licensing authority for the local government area of South Ayrshire. The Board is constituted and operates in accordance with the terms of the Licensing (Scotland) Act 2005 as amended (“the Act”).

Members are placed on the Board following local government elections, and accordingly the Board in place for the reporting period of 1 April 2021 to 31 March 2022 was formed in May 2017, and comprised nine members, all of whom were elected members of South Ayrshire Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within South Ayrshire. The administration team for the Licensing Board is based in Country Buildings, Wellington Square, Ayr. During the course of the year 2021-22, Councillor Siobhan Brown resigned from the Board, following her election as an MSP and she was replaced by Councillor William Grant.

1.2 South Ayrshire is situated in the south west of Scotland and covers an area of 422 square miles, extending from Troon and Symington in the north to Ballantrae in the south. It includes the towns of Ayr, Troon, Prestwick, Maybole and Girvan, together with an extensive rural area containing many small villages. It has a population of 112,550 of which 19% are aged under 18.

1.3 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.

1.4 Under the Act, Licensing Boards are responsible for considering applications for:-

- premises licences
- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- extensions of licensing hours

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application, for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence, or an occasional licence may be based on any one or more of the licensing objectives.

2.3 In exercising its functions under the Act, the Board is required to have regard to the licensing objectives.

3.0 Annual Function Report

- 3.1 Board meetings are held in public but deliberations can be made in private. All decisions taken by the Board must be made in public. In the year from 1 April 2021 to 31 March 2022, the Board, like many other institutions, was affected by the Covid-19 pandemic. All meetings, with one exception, were held remotely, initially via Skype and since 18th November 2021 by Connect Remote. Since moving to Connect Remote, meetings have been webcast live.

The minutes of the Board and details of webcasts are available at [Search for council meeting papers - South Ayrshire Council \(south-ayrshire.gov.uk\)](#) The Board was unable to hold its scheduled annual meeting with the Local Licensing Forum as the Forum was reluctant to meet remotely.

- 3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and the Board's Licensing Policy which had been approved in November 2018. A copy of the Board's statement of licensing policy is available at: [Licensing policy statement - South Ayrshire Council \(south-ayrshire.gov.uk\)](#)
- 3.3 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections. In addition, the Board's Statement of Licensing Policy has a link to a resource developed by Alcohol Focus Scotland to assist anyone wishing to make an objection or representation which is available at <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>
- 3.4 Subject to the restrictions imposed by Covid-19, the Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process. Anyone unfamiliar with Skype or Connect Remote, or unable to use them, was given a number and code which they could use to join meetings by phone.
- 3.5 At all meetings, the Board attempted to make the process as informal as possible and consistent with the carrying out of the Board's quasi-judicial function. The Board always attempts to follow best practice in enforcement which will in its actions be proportionate, accountable, consistent, transparent, and targeted. For the remote meetings which were held, all applicants managed successfully to join the meetings and contribute in the same way as they would have if the meeting had been held in the normal way.

4.0 Decisions of the Board

- 4.1 Each application for a premises licence, provisional premises licence or a major variation of a premises licence was decided on its merits.

The provisional premises licences and premises licences granted in 2021/22 are listed at Appendix 1. Of the provisional applications, none have been confirmed as at 31 March 2021.

- 4.2 During the course of the year, the Board granted 479 occasional licences. [This is fewer than the Board would anticipate granting in a normal year as a result of the restrictions imposed by the pandemic.](#) The register of occasional licences is available at: - [Occasional licence register - South Ayrshire Council \(south-ayrshire.gov.uk\)](#)

- 4.3 The Scottish Government issued guidance to Licensing Boards which is available at [Coronavirus \(COVID-19\): Licensing \(Scotland\) Act 2005 section 142 - statutory guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/consultations/legislation/2020/20200720142)

In line with this guidance, the Board accepted occasional licence applications from premises to permit them to use additional areas for outside drinking to enable customers to be socially distanced outside. It was made clear to all premises that these applications were a stop gap measure, with each licence being granted for fourteen days at a time and that once the pandemic is over, the premises will either have to revert to their previous areas or alternatively go through the full process of applying for a variation to their licence.

- 4.4 There are currently 390 licensed premises in South Ayrshire. A register of current Premises Licences is available at:- [Premises licence register - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/premises-licence-register)

4.5 In the course of the year the Licensing Board granted or renewed 161 personal licences. The Board refused four applications for personal licences following on objections from Police Scotland.

4.6 The Board noted that in the course of the year thirteen premises licences were surrendered or ceased to exist as listed in Appendix 2

5.0 Licensed Hours

5.1 In granting licences the Board recognises that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night-time local economies which are important for investment, employment, and tourism. The Board considers that the on-sale policy hours are appropriate for South Ayrshire and represent a balance between the interests of the public, residents, licensed businesses, and patrons of licensed premises.

5.2 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is that the maximum period granted will be 14.5 hours.

5.3 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00am or after 10.00pm. The Board's policy is that maximum available licensed hours of 10.00am to 10.00pm each day are generally appropriate for off sales. However, each off sales application will be assessed on its own merits against these licensed hours to ensure that the licensing objectives are being promoted in such applications. If this is not demonstrated to the Board, the Board may grant reduced hours for off sales.

5.4 The Board normally permits on sales premises to apply for extended hours during the festive period 1 December -2 January when it will generally permit trading for an additional hour. Many premises already have this embedded in their licence as a seasonal variation. However, this year, because of restrictions imposed by the Coronavirus legislation, there was no requirement for additional hours.

5.5. Two online seminars were organised for the on sales trade in April 2021 to assist them with implementing the ever-changing Covid restrictions. The seminars were hosted by Police Scotland in conjunction with the Licensing Board and Environmental Health. These were well attended and well received by the trade. It was universally accepted that it was incredibly difficult for the trade to keep up to date with guidance which was being continuously updated. It should also be noted that the online format for training

and updates, whilst crucial during the pandemic, was not suitable for all trade members, and so work on the ground also continued. Generally the trade have expressed a preference for “live” events where possible, going forward.

6.0 Licensing Board Training

- 6.1 For the period 1 April 2021 to 31 March 2022 the Board comprised 9 members. As mentioned above, Councillor Siobhan Brown resigned from the Board after being elected as an MSP and her place was taken by Councillor William Grant who successfully completed training with Alcohol Focus Scotland before taking his place on the Board.
- 6.2 Board members received statutory training from Alcohol Focus Scotland in licensing legislation and Board functions. This included a post training examination which all were required to pass with a minimum of 75% before they were permitted to make any decisions.
- 6.3 The Board recognises the need for continuous development of understanding and awareness of licensing law and practices and having an up to date knowledge of the effects of alcohol on people across South Ayrshire is essential to making informed licensing decisions. It regularly receives updates from Police Scotland and from officers of the Council.

7.0 Licensing Forum

- 7.1 The role of Licensing Forum is to keep under review the operation of the Act in the South Ayrshire area and to give advice and make recommendations to the Board in relation to such matters as the Forum considers appropriate. The Forum is the community’s voice on alcohol licensing issues.
- 7.2 It has proved challenging to keep a full membership of the Forum, particularly in relation to representation for young people and minority groups. Full details of Forum membership is available at:- [Local Licensing Forum - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk)
- 7.3 The Forum normally meets on a quarterly basis and has a joint meeting with the Board once a year. Unfortunately, due to the pandemic, the Forum did not meet this year as some members were not available due to redeployment of their roles during the pandemic, and there were difficulties for some in meeting remotely. However, the Licensing Standards Officer kept in touch with the Forum members regularly during the year and gave updates on the work of the Board and general information about how the pandemic was affecting licensed premises. It is worth noting that work will be required to recover the Forum as an operational group.

8.0 Reviews

- 8.1 Fourteen premises are currently suspended due to non-payment of annual fees. These premises may be re-instated once all outstanding fees have been paid. These premises are listed in Appendix 3. The Board accepts that the annual fee may not have been paid because the premises have not been trading and may be for sale. However, following on the review of its Licensing Policy if the premises licence remains unpaid for more than two years then the Board may hold a review to consider revoking the premises licence unless the licence holder can show good reason why the licence should not be revoked.

8.2 Members have previously been briefed by Police Scotland on their policy of using interventions when there has been an incident on licensed premises. The Board is aware that if the intervention is successful then the matter will not be brought to the Board thus ensuring that only the most serious incidents are brought to the Board.

8.3 Police Scotland requested two premises licence reviews and four reviews of personal licences during the year. No action was taken against one premises but the other review resulted in a short suspension of the premises licence to allow time for staff training. Two personal licences were revoked following reviews, one was suspended to allow the holder to undertake further training, and one licence holder's licence was endorsed.

9.0 Licensing Standards Officer

9.1 South Ayrshire Licensing Board has one Licensing Standards Officer, Mrs Catrina Andrew. The Licensing Standards Officer for a council area has the following general functions: -

- providing information and guidance concerning the operation of licensing legislation in South Ayrshire,
- supervising the compliance of licence holders with the conditions of their licences and other requirements of licensing legislation,
- providing mediation services for the purpose of avoiding or resolving disputes or disagreements between the licence holders any other persons.

9.2 Mrs Andrew has dealt with complaints and enquiries throughout the year, with visits continuing 'in person' to licensed venues who have both expected and appreciated this type of visit as opposed to online. The licensing staff were not responsible for ensuring compliance with the Covid legislation, but a number of visits have taken place with the LSO in association with colleagues in Environmental Health and Police Scotland to ensure premises are receiving a joined-up approach and access to the most up to date information, and to avoid repetitive and constant visits.

10.0 Statement of Licensing Policy

10.1 The Statement of Licensing Policy is there to provide licensees and applicants with a document that illustrates what the Board regards as good practice, what the Board expects from those operating licensed premises and to provide uniformity and consistency of decision-making. The Board's current Statement of Licensing Policy was approved in November 2018. It is available at [Licensing Board - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk). Following the local government election in May 2022, the policy must now be produced for the new Board within 18 months of the election and therefore the Statement of Licensing Policy must be reviewed and published no later than November 2023.

11.0 Conclusion

11.1 The Board recognises that this has been another difficult period for the licensed trade, particularly the hospitality venues which have faced periods of lockdown and restricted trading. It commends the efforts which all premises have made to comply not only with the licensing objectives but also with all the restrictions imposed on them because of Covid-19.

11.2 The Board also recognises the efforts of the many officers and partners involved in ensuring that licensed premises in South Ayrshire are compliant with and kept well informed of the requirements of the array of licensing legislation and regulations.

- 11.3 While there is no doubt that South Ayrshire licensed premises are well run, the Board will continue to ensure that there is no complacency in promoting good practice and that the licensing objectives are complied with.

South Ayrshire Licensing Board

Income and Expenditure Report -Licensing (Scotland) Act 2005 section 9B

Financial year 2021/2022

Income

Liquor licensing fees	£170,222.00
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Expenditure

Staff Costs	£132,293.00
Other expenditure	£66,963.00
Total Expenditure	£199,256.00
Deficit (Income – Expenditure)	£29,033.00

Note

The income comprises application fees and annual fees for the period 1 April 2021 to 31 March 2022, during which time the licensed trade continued to be affected by the Covid 19 pandemic.

The staff costs shown reflect the proportion of staffing costs attributable to the liquor licensing function. The costs include salary, superannuation, national insurance and pension costs.

Other expenditure includes supplies and services and a portion of central administrative costs such as accommodation, ICT, facility management etc. that are allocated to the Licensing Board.

Appendix 1

Provisional and full premises licences granted in 2021/2022

1. The Hub, 5 Back Hawkhill Avenue, Ayr
2. 23 Adamton Road North, Prestwick
3. Co-op, 51 Kirkoswald Road, Maybole
4. Roodlea Barn, Roodlea, Coylton (provisional issued 12.03.2020)
5. The Plough Inn, 10 Cunningham Street, Tarbolton (provisional issued 20.08.2020)

Appendix 2

Premises licences surrendered or ceasing to exist

1. 10 - 12 The Cross, Prestwick
2. Bannatyne Fitness Limited, 1 Highfield Drive, Ayr
3. River Cottage, 4 River Terrace, Ayr
4. Cosses Country House, Ballantrae
5. Twenty Twenty Bistro, Unit 2, 49 Maybole Road, Ayr
6. Craigie Inn, 5 Main Street, Craigie
7. Vulcan Tavern, 18 Green Street Lane, Ayr
8. Brunston Castle Golf Course, Dailly
9. Parkstone Hotel, 6 Ardayre Road, Prestwick
10. Malin Court , Turnberry Road, Maidens
11. RS McColl, 91 High Street, Ayr
12. Pizza Hut, 6 Liberator Drive, Ayr
13. Jade Dragon, 9 Templehill, Troon

Appendix 3

Premises suspended due to non-payment of annual fees

1. The Village Store, 2 Kennedy Drive, Dunure
2. Blossom Place, 41 South Harbour Street, Ayr
3. L And M's 1A Bath Place Ayr
4. Geordie's Byre, 103 Main Street, Ayr
5. Harbour Bar, 46 North Harbour Street, Ayr
6. Douneburn Stores, 29 Kirkpatrick Street, Girvan
7. Buckley's, 59 Main Street, Prestwick
8. Costleys, 156/158 Main Street, Prestwick
9. Manor Park Hotel, 48 Kilmarnock Road, Monkton
10. Kings Arms Hotel, 1 Stinchar Road, Barr
11. Prestwick Indoor Bowling, Bellevue Road, Prestwick
12. McCallums Of Troon, The Oyster Bar, Harbour Road, Troon
13. Willie Wastles, 30 New Bridge Street, Ayr
14. Kildonan House, Barrhill South Ayrshire