

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No. 01292 612169

9 November 2023

To:- Councillors Grant (Chair) Brennan-Whitefield, Kilbride, Lyons, Pollock, Scott and Townson.

Dear Councillor

SOUTH AYRSHIRE LICENSING BOARD

You are requested to participate in the meeting of the above Board to be held on **Thursday, 23 November 2023 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis in County Hall for Elected Members with a remote option, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Please note that a briefing meeting will take place for all Board Members at 9.15 a.m., online and in the Prestwick Committee Room.

Yours sincerely

CATRIONA CAVES
Clerk to the Licensing Board

B U S I N E S S

1. Declarations of Interest.
2. Date of Next Board Meeting – 11 January 2024 at 10:00 a.m.
3. Minutes of previous meeting of Thursday 26 October 2023.
(copy herewith)

4. Report by Licensing Standards Officer
5. Personal Licences Revoked – Submit report by Clerk to the Licensing Board (copy herewith). Page 5
6. Occasional licences and Extended hours for the Festive period – Submit report by Clerk to the Licensing Board (copy herewith). Page 6
7. **Licensing (Scotland) Act 2005**
 - (a) Application for Variation (copy herewith). Page 7
 - (b) Application for Extended Hours (copy herewith). Pages 8 to 10
 - (c) Unpaid fees – Premises Licence Reviews (Under Section 14(2)) (copy herewith). Pages 11 to 12
 - (d) Premises Licence ceasing to exist (copy herewith). Page 13

ADDITIONAL ITEM

- (e) **Application for Personal Licence (copy herewith – MEMBERS ONLY).** Pages 14
8. Any Other Business.

<p>For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services, at 01292 612169 at Wellington Square, Ayr or e-mail: committee.services@south-ayrshire.gov.uk www.south-ayrshire.gov.uk</p>

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SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a hybrid webcast meeting held on 26 October 2023 at 10.00 a.m.

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

Apology: Councillor Lee Lyons.

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

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 23 November 2023 at 10.00 a.m.

3. Minutes of Previous Meeting

The [Minutes](#) of the Meeting of South Ayrshire Licensing Board of 21 September 2023 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Update by Licensing Standards Officer

The Licensing Standards Officer

- (1) referred to the training event which had been arranged for Thursday 2 November 2023 in Ayr Town Hall to ensure that staff were trained prior to the busy festive period by covering the minimum two hour mandatory staff training for those who did not have a personal licence but worked within licensed premises; and advised that only a few spaces remained for this course;
- (2) thanked David Cuthill, a member of South Ayrshire Local Licensing Forum who had delivered invitations to premises in the Ayr and Prestwick area;

- (3) advised that the liquor licensing legislation required individuals to receive this training from a personal licence holder and for this to be documented and copies retained for inspection;
- (4) outlined that a premises in South Ayrshire had recently come to the attention of the Board for not providing or documenting adequate staff training and ultimately this could lead to a review of the Premises Licence and licence holders could face the potential actions that could be taken as a result of that hearing;
- (5) advised that whilst there was no requirement for a premises licence to be renewed, an annual fee was due by 1 October each year to 'maintain' the licence; that currently the fees were overdue in relation to some venues and that final reminder letters had now been issued with a list of the premises with outstanding fees being provided to the November Board meeting with a request for the Board to suspend the premises licence until the fees had been paid; however, work was ongoing to establish the current trading status of any premises on the list to ensure that no active premises were suspended prior to the busy festive period; and
- (6) that, despite the ongoing rising costs and staffing challenges currently facing the licensed trade, the Licensing Team remained busy with applications and enquiries relating to licence transfers and variations to premises licences as licence holders prepared for the future; and that Occasional Licence applications were still being received for dates this year and in advance for events in 2024.

The Chair

- (a) advised that it was pleasing to note that the free training event was taking place and that this event was almost fully booked;
- (b) thanked the Licensing Standards Officer and David Cuthill for the work undertaken in arranging this event and encouraged Board Members to attend;
- (c) thanked the members of the Local Licensing Forum for their input to the consultation on the Statement of Licensing Policy; and
- (d) recommended that those premises who had not paid their annual fees do so as soon as possible to ensure that they were not disadvantaged over the busy festive period by having their licence suspended.

The Board

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

5. **Revocation of Personal Licences**

There was submitted a [report](#) (issued) of 12 October 2023 by the Clerk to the Licensing Board advising of the revocation of seventeen Personal Licences.

The Board

Decided: to note the revocation of seventeen Personal Licences since the last Board meeting.

6. Applications for Transfers Granted Under Delegated Powers

There was submitted a [report](#) (issued) of 12 October 2023 by the 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:-

- Monkton Premier Store, 29 Main Street, Monkton – transferred to John Whitehead on 11 September 2023.

The Board

Decided: to note the transfer granted under delegated powers.

7. Licensing (Scotland) Act 2005

(a) Application for Extended Hours

The Board considered the following application:-

Applicant

Christopher Morrison

Premises

Number Forty-Seven
47 Templehill
Troon

Festive Period – 25/12/23 and 26/12/23 – 2.30 a.m. to 3.30 a.m.

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

(b) Applications for Occasional Licences.

The Board noted that, as the following two applications had now been amended and were not now outwith the Board's policy, these applications are now able to be had granted under delegated powers:-

Applicant

(1) Mattia Delle Piane

Premises

37 Sandgate
Ayr

Use of the premises as a restaurant during the period prior to grant of an application for a new premises licence - 13/11/23 to 26/11/23

On Sale Every Day 10:00 – 12.30 am
Off Sale Every Day 10:00 – 10.00 pm

<u>Applicant</u>	<u>Premises</u>
(2) Mattia Delle Piane	37 Sandgate Ayr

Use of the premises as a restaurant during the period prior to grant of an application for a new premises licence - 27/11/23 to 10/12/23

On Sale Every Day 10:00 – 00:30 a.m.

Off Sale Every Day 10:00 – 22:00 p.m.

(c) Premises Licences Ceasing to Exist

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

- (1) Goudies, 8 Whitehall, Maybole – licence surrendered 25/09/23;
- (2) Savers, Unit 3, 49 Academy Street, Troon – licence surrendered 06/10/23; and
- (3) Mercado, 48 Newmarket Street, Ayr - Premises sold 31.01.2023, no application for transfer received.

8. Statement of Licensing Policy

There was submitted a [report](#) (issued) of 17 October 2023 by the Clerk to the Licensing Board seeking approval of the updated Statement of Licensing Policy following the statutory consultation; and requesting that the new Policy be published on the Council's website.

Discussion took place in relation to the Board's concerns regarding home deliveries of alcohol; and the Board thanked the members of the Local Licensing Forum and other partner agencies for their input in relation to this Policy.

The Board

Decided:

- (1) to approve the updated Statement of Licensing Policy (Appendix 1 to the report); and
- (2) to request the Depute Clerk to the Licensing Board to arrange for publication of the Statement of Licensing Policy on the Council's website.

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 this Board meeting.

The meeting ended at 10.20 a.m.

SOUTH AYRSHIRE COUNCIL

**REPORT BY THE CLERK
TO THE LICENSING BOARD
OF 23 NOVEMBER 2023**

Subject: Revocation of Personal Licences

1. Purpose

To advise members on the revocations of personal licences.

2. Recommendation

To note the terms of the report

3. Background

The Licensing (Scotland) Act 2005 introduced personal licences. It is a condition of the personal licence that (a) the applicant undertakes refresher training within five years of the date of issue of the licence and (b) no later than 3 months after the expiry of five years from the date of issue produces evidence of the training to the Board. Failure to complete either part of the process means that the Board must revoke the personal licence. (Licensing (Scotland) Act 2005 section 87(3))

4. Current Position

Since the last report to the Board, a further 9 personal licences as per appendix 1 have been revoked under delegated powers. All licence holders affected have been advised by post to their last known address of the revocation of their licences. Revoked licence holders can still take refresher training and then reapply for another personal licence although there is a cost of £50 for the new application. (There is no fee payable if the refresher training is completed and intimated to the Board on time.)

Author and Person to Contact.

Karen Briggs, Depute Clerk, County Buildings,
Wellington Square, Ayr, KA7 1DR
Tel. (01292) 612416

Date. 9th November 2023

**REPORT BY CLERK
TO THE LICENSING BOARD
OF 23 NOVEMBER 2023**

Subject: Occasional licences and Extended hours for the Festive period

1. Purpose

To seek Board approval to grant occasional licence and extended hours applications which are outwith Board Policy during the whole month of December 2023 and 1st January 2024 where there are no adverse comments from the Licensing Standards Officer.

2. Recommendation

It is recommended that the Board:

- (1) Note the terms of this Report;
- (2) Instruct the Clerk to deal with applications for occasional licences or extended hours for December 2023 and 1st January 2024 which are out with Board Policy and to grant delegated power to the Clerk to grant such applications subject to there being no adverse comments from the Licensing Standards Officer

3. Background

It is anticipated that there may be applications for occasional licences or extended hours during the month of December and for the night of Hogmanay which may be out with Board policy. As there is no further scheduled Board meeting between 23rd November and 31st December, delegated powers are sought to deal with these applications.

Person to Contact Karen Briggs
Depute Clerk
County Buildings
Wellington Square
Ayr

Date :9th November 2023

Application for Variation of Premises Licence

1.	Ayrshire Pubs Limited	Scruffy Duffys 111 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	10:00 – 00:30	10:00 – 22:00
	Friday	10:00 – 00:30	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00
	Saturday	10:00 – 00:30	10:00 – 22:00	12:00 – 02:30	12:00 – 22:00
	Sunday	10:00 – 00:00	10:00 – 22:00	10:00 – 00:30	10:00 – 22:00
Amend on-sales licensed hours to commence at 12.00 noon and terminate at 02.30 on Fridays and Saturdays. Amend on-sales licensed hours to terminate at 00.30 on Sundays Amend off-sales licensed hours on Fridays and Saturdays to commence at 12.00 noon Change of name of Premises from “Scruffy Duffys” to “One Eleven.”					

2.	Tesco Stores Limited	Tesco Express 99 Main Street Prestwick			
		Existing Licensed Hours		Proposed Licensing Hours	
		On Sales	Off Sales	On Sales	Off Sales
	Monday	n/a	10:00 – 22:00	n/a	10:00 – 22:00
	Tuesday	n/a	10:00 – 22:00	n/a	10:00 – 22:00
	Wednesday	n/a	10:00 – 22:00	n/a	10:00 – 22:00
	Thursday	n/a	10:00 – 22:00	n/a	10:00 – 22:00
	Friday	n/a	10:00 – 22:00	n/a	12:00 – 22:00
	Saturday	n/a	10:00 – 22:00	n/a	12:00 – 22:00
	Sunday	n/a	10:00 – 22:00	n/a	10:00 – 22:00
Restaurant Facilities removed from Operating Plan and an Increase in Off-Sales Capacity from 29.368sqm to 36.3sqm. Redistribution of display fixtures and general refurbishment.					

Application for Extended Hours

	Applicant	Premises	Event	Date(s) Requested	Times Requested
1.	Crooksmoss Bowling Club	Crooksmoss Bowling Club, Glenmuir Place, Ayr	Hogmanay	31.12.2023	00.00 - 01.30* *Outwith Board Policy
2.	Chris Morrison	Number Forty-Seven 47 Templehill, Troon	Winterstorm Rock Festival	23.11.2023	02.30 – 03.30* “Outwith Board Policy

Crooksmoss Bowling Club – Ayr
Extended Hours Application – 31st December 2023
Report by Licensing Standards Officer

I refer to the Extended Hours application submitted for the above Club premises which is situated in Glenmuir Place in Ayr.

The application requests a terminal hour of 1.30am on the evening of Sunday 31st December 2023 (extending into the morning of Monday 1st January 2024) and refers to 'an event of local or national significance' namely 'Hogmanay Party' as the reason for the extended hours requested.

The premises currently enjoys a terminal hour of 12 midnight on a Sunday and the application requests a one and a half hour extension to this which is more than can be granted by delegated powers under the board's current policy. They operate as a members club and are on the outskirts of a residential area and are situated behind another licensed venue who will also be permitted later hours on this date.

I understand that the reason for the extended hours is to allow the club members and their families who will be visiting at the time the opportunity to celebrate the new year, which they would be unable to do with the current trading hours.

I would also remind Board Members that this application is for a Members Club and therefore the additional hours, if granted, will only be enjoyed by the members and guests of those members as per the constitution and the event will not be 'advertised' or 'open to the public'.

On this basis I have no objections to the extended hours as requested.

Catrina Andrew
Licensing Standards Officer
6th November 2023

Christopher Morrison – Number 47, Troon
Extended Hours Application – 23rd, 24th & 25th November 2023
Report by Licensing Standards Officer

I refer to the Extended Hours application submitted for the above premises which is situated in Templehill in Troon.

The application requests a terminal hour of 3.30am on the evening of Thursday 23rd, Friday 24th and Saturday 25th November (extending into the morning of Sunday 26th November) and the application refers to the 'Winterstorm Rock Weekender Music Festival', which is described by the applicant as 'an event of local or national significance'.

I am aware that premises in South Ayrshire have traditionally and recently, enjoyed extended hours for events happening locally as they anticipated a larger crowd in the area and people staying later as many of these events attracted visitors from out with the area.

The Board will be familiar with the 'Winterstorm' event which is taking place within the Troon Town Hall/Walker Hall. The applicant from Number 47 wishes to take advantage of the anticipated additional crowds in the area and the overspill from those who have attended the main event and there will be a DJ playing each night on the premises until close.

I am aware that 'Winterstorm' has been accepted by the Board in the past as a reason to apply for Extended Hours and can confirm that additional hours were granted to these premises previously with no adverse reports received by Licensing as a result. In addition I can confirm that these premises are permitted an additional hours trading throughout the month of December under the 'seasonal variations' section of the operating plan and therefore patrons and local residents will experience a 3.30am terminal hour from Thursday to Sunday until the end of the year.

An Occasional Licence has been applied for the main 'Winterstorm' event in the Town Hall/Walker Hall for Thursday 23rd, Friday 24th and Saturday 25th November terminating at 12 midnight and Sunday 26th November terminating at 10pm.

As this is an established event in the local area and these premises have previously been granted Extended Hours for this purpose, I have no objections to the extended hours applied for.

Catrina Andrew
Licensing Standards Officer
6th November 2023

**Licensing (Scotland) Act 2005 – Premises Licence Review
Premises Licence – Unpaid Annual Fees
Premises Licence Review Request by Licensing Standards Officer**

A fee notice was issued to all South Ayrshire Licensed Premises in August 2022, with the annual fee payment being due on 1st October 2023. The Licensing (Scotland) Act requires the fee to be paid in order to maintain the Premises Licence as listed in the Mandatory Conditions. Those who had failed to make the payment by 7th November 2023 were issued with a reminder in the form of a section 14 (2) (a) notice by the Licensing Standards Officer, requiring compliance with these regulations.

The following premises have not complied with this notice, and I therefore seek review of the Premises Licence:

Premises Licence Holder	Premises
Sowmyaa Limited	Drinks Cellar 17-19 Burns Statue Square Ayr
SXA Retail Ltd	Links 11 Templehill Troon
Elizabeth Pritchard	Welltrees Inn 9-11 Welltrees Street Maybole
Arif Malik	Sallys Minimarket 62 Piedmont Road Girvan
Oxana Nazarenko	The West Coast House 27 Knockcushan Street Girvan
The Partnership Of Alison Hair And Elizabeth Campbell	Central Bar 69 Main Street Dailly
Ross McRoberts	Ocean Stores Churchill Tower South Harbour Street Ayr
LAL (Public House) Limited	Horseshoe Bar 81-83 George Street Ayr
Northern Leisure Parks Limited	Lagganhouse Country Park Ballantrae Girvan
Sowmyaa Limited	Station Stores 18 Culzean Road Maybole
Muir Fulton	Redstone Inn 92 Main Road Whitletts Ayr
Paul Vincent Rossi And Anne Elizabeth Rossi	Glenpark Hotel 5 Racecourse Road Ay
Arif Malik	Costcutters 59-61 Dalrymple Street Girvan

Xiaolan Yan	Beijing Palace 242 Prestwick Road Ayr
Arif Malik	Premier 63 High Street Maybole
E J M Leisure Limited	The Burns 7 River Street Ayr
Arif Malik	Toll Mini Mart 157 - 159 Ayr Road Prestwick
Café Kawiamia Ltd	Smokehouse 1B Alloway Place Ayr
Raymond Sharkey	The Wee Mans 31 Green Street Ayr
James Moloney	Sams Bar Middlemuir Caravan Park Tarbolton

Catrina Andrew
Licensing Standards Officer
9th November 2023

Agenda Item No. 7(d)

**Licensing (Scotland) Act 2005
Premises Licences Ceasing to Exist**

Premises	Reason for Ceasing to Exist
Prestwick Indoor Bowling Prestwick Indoor Bowling Green Bellevue Road Prestwick	Premises sold 01.08.2023 No application for transfer received

Application for a Personal Licence

Application Number	Name of Applicant
SA/23/00114/LAPRS	Callum Docherty