

Application for Occasional Licence

Applicant	Premises	Event	Dates Requested	Times Requested
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	29.03.2024 – 11.04.2024	On-Sale 10:00 – 22:00
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	12.04.2024 – 25.04.2024	On-Sale 10:00 – 22:00
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	26.04.2024 – 09.05.2024	On-Sale 10:00 – 22:00
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	10.05.2024 – 23.05.2024	On-Sale 10:00 – 22:00
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	24.05.2024 – 06.06.2024	On-Sale 10:00 – 22:00
Samantha Finnie	Pavillion Food Village and Bar Ayr Pavilion Pavilion Road Ayr	Food Led with alcohol day to day service.	07.06.2024 – 20.06.2024	On-Sale 10:00 – 22:00

L.S.O Report to South Ayrshire Licensing Board

Occasional Licence Applications – Samantha Finnie, Pavilion Food Village and Bar

The applicant Samantha Finnie has currently lodged a total of 6 Occasional Licence applications for a site at the rear of the Ayr Pavilion building, Pavilion Road, Ayr.

These applications are the result of discussion between the applicant and the LSO and have been made to accommodate a concept to provide an outdoor drinking facility that is not connected to a permanently licenced premises and therefore the Occasional Licence system was deemed to be the most appropriate in these circumstances.

The applications request trading hours from 10am until 10pm although access to under 18's will be restricted to a maximum terminal hour of 9pm. This is designed to ensure that children and young people are only present during food service hours as per the Boards policy. Having discussed this plan with the applicant prior to the application being lodged I am satisfied that the grant of this application would be in keeping with the objective 'Protecting children and young people from harm' and as this is a food-led proposal with soft drinks and breakfasts available the applicant has addressed the Board's expectations in relation to 'Protecting and improving public health'

It is intended that the area at the rear of the Pavilion building will be completely outdoors, however there will be a covered area and a two layered container, from which the food and drink will be served. This structure is able to be locked up completely when the area is not in use. The proposed seating includes 'beach hut' style booths which the Board will be aware is a feature in outdoor drinking areas in other parts of South Ayrshire.

There will be no access from the 'Pavilion food and drink village' to the nearby pavilion café nor to the soft play provision in the main building. The area has one entrance/exit and is surrounded by the solid wall of the main building and by a low wall and fence looking out towards the low green. It is my understanding that the operator intends to invest further in this area and install a glass-type barrier in place of the metal railings to take full advantage of the outlook towards the low green and esplanade. As this area is entirely enclosed and will be monitored at all times by staff who are there to serve food and drink, I am satisfied that the grant of this application would not contravene the licensing objective 'securing public safety'.

Members will be aware that Occasional Licence applications were granted to this applicant for the nearby 'Pavilion Café' for a number of dates in 2023, some of which were during days when large 'events' were being held on the Low Green. There were no negative reports received by licensing as a result and monitoring from Police Scotland and the LSO showed the alcohol sales to be well managed. There were no noise or nuisance complaint received from the public or local community and the applicant had used this as a 'trial' prior to deciding to proceed with the large investment to create the 'food and drink village'. With this in mind and the fact there is currently no proposal to include music or entertainment in the licensed area, there is nothing to suggest that the grant of this application would be contrary to the licensing objectives 'Preventing Crime and Disorder' or 'Preventing public nuisance'.

In summary, as the applicant has sought 'information and guidance' from the LSO when formulating their plan and prior to making the application, I am satisfied that it addresses any concerns the Board may have had regarding meeting the licensing objectives. Additionally the applications request a terminal hour of 10pm which also meets the Board's current policy.

However due to the outdoor location of this proposed site, it is not possible to obtain a premises licence and thus the Board are being asked to grant 'back to back' Occasional Licences, which in principle is not in keeping with the South Ayrshire Licensing Policy Statement. The Board do permit this practice when an applicant is in the process of making a premises licence application and obtaining the relevant certification from other departments to do so. The policy statement aims to prevent the use of the Occasional Licence in lieu of a premises licence, however as a premises licence is not possible in these circumstances the Board should consider if they are willing to deviate from their usual policy for these unusual and unique circumstances.

I would ask that if the Board are minded to grant the six applications that are currently lodged, that they also consider the following three actions:

- 1- To delegate powers to the Depute Clerk to grant future successive Occasional Licence applications, provided they mirror the original applications
- 2- That the applicant is instructed that if any changes are proposed for the use of the area (such as the introduction of live music) that this must be highlighted on future applications to allow it to be considered
- 3- That a condition is added to the Occasional Licence to state that 'All staff must be trained in accordance with the Licensing (Training of staff) (Scotland) Regulations 2007

Catrina Andrew

Licensing Standards Officer

25th January 2024

Photograph 1 – Showing the proposed structures and layout of the site



Photograph 2 – Shows proposed site in relation to the pavilion building and Low Green



Low Green

Proposed Outside Area for Occasional Licence

Photograph 3 – Aerial view of site with arrow indicating the location of entrance gate

