

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

26 January 2024

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, 8 February 2024 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 – 7 March 2024 at 10:00 a.m.
3. Minutes of previous meeting of Thursday 11 January 2024. (copy herewith).

4. Report by Licensing Standards Officer
5. **Personal Licences Revoked – Submit report by Clerk to the Licensing Board (copy herewith - Members Only)** **Pages 5 to 6**
6. Transfers granted under Delegated Powers – Submit report by Clerk to the Licensing Board (copy herewith). **Pages 7 to 8**
7. **Licensing (Scotland) Act 2005**
 - (a) **Application for the Provisional Grant of a Premises Licence (copy herewith – Members only).** **Pages 9 to 18**
 - (b) **Personal Licence Review (copy herewith – members only)** **Pages 19 to 22**
 - (c) Application for Extended Hours (copy herewith). **Pages 23 to 24**
 - (d) Application for Occasional Licence (copy herewith). **Pages 25 to 30**
8. **Gambling Act 2005**
 - (a) Application for Bingo Premises Licence (copy herewith). **Pages 31 to 32**
9. 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>

/Webcasting

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SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a hybrid webcast meeting held on 11 January 2024 at 10.00 a.m.

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

Present
Remotely: Councillor Lee Lyons.

Apology: Councillor Gavin Scott.

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; 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 8 February 2024 at 10.00 a.m.

3. Minutes of Previous Meeting

The [Minutes](#) of the Meeting of South Ayrshire Licensing Board of 23 November 2023 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Update by Licensing Standards Officer

The Licensing Standards Officer advised

- (1) that January and February were traditionally quieter months for the hospitality trade as staff and customers recovered from the busy festive period, however, she was pleased to report that the Licensing Section was beginning to receive applications for transfer of premises to new operations; applications for variations to change and expand the use of the premises; applications for the grant of new premises licences; and early applications for the larger annual events in South Ayrshire;

- (2) that there was no doubt that customer expectations and needs had changed considerably over the past few years and the licensed trade had to adapt accordingly; and
- (3) that the early months of the year provided an opportunity to ensure that all staff training was up to date and to seek information and guidance regarding future plans; and that, with this in mind she reminded the licensed trade that she was available to visit premises over the next few months and that she would be able to confirm dates for staff training in the Carrick area in the following weeks.

The Chair then encouraged the trade to enrol for the training event provided by the LSO and to accept the information provided by her to assist the trade during these challenging times; and commented that applications being received for new premises was very encouraging.

The Board

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

5. **Revocation of Personal Licences**

There was submitted a report (issued – Members only) of December 2023 by the Clerk to the Licensing Board advising of the revocation of six Personal Licences.

Following a question from a Board Member, the Licensing Standards Officer advised that when a licence was revoked, the Premises Licence Holder and Premises Manager were contacted to ensure that they were not in breach of their licence and were aware that a new Premises Manager would require to be appointed.

The Board

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

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

There was submitted a [report](#) (issued) of 19 December 2023 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of Licences between the last Board meeting and this Board:-

- (1) Kirkmichael Arms, 2-5 Straiton Road. Kirkmichael - transferred to West Coast Hospitality Group Ltd on 30 November 2023;
- (2) The West Coast House, 27 Knockcushan Street, Girvan - transferred to John Stewart on 5 December 2023; and
- (3) Savoy Park Hotel, 16 Racecourse Road, Ayr - transferred to Savoy Park Hotel Management Ltd on 8 December 2023.

The Board

Decided: to note the transfers 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

Pizzaioli Limited

Premises

Pizzaioli
37 Sandgate
Ayr

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 500m of the applicant premises would be the appropriate locality for consideration of this application.

The core hours sought:

On Sale Every Day 10:00 – 00:30
Off Sale Every Day 10:00 – 22:00

The applicant has requested an additional hour during the festive period 1st December to 2nd January each year.

Having heard from the applicant's representative, the Board

Decided: to grant the above application.

(b) **Application for Variation of Premises Licence**

The Board considered the following application:-

Applicant

Costley and Costley Hoteliers Limited

Premises

Lochgreen House Hotel
Monktonhill Road
Troon

Variations to the existing ground floor Layout Plan comprise (1) incorporation of the newly constructed garden room within the Layout Plan, (2) incorporation of the conservatory extension adjacent to the function suite in the Layout Plan and (3) adjustment of the external drinking area as outlined in green on the Layout Plan. Increase capacity from 350 to 370 persons. Increase in dimensions of public areas from 572.07sq metres to 939.07sq metres

The Board heard from the Depute Clerk to the Board, the Licensing Standards Officer and the applicant's representative.

Following discussion on disabled access and installation of a stairlift in the garden room, the Board

Decided: to grant the above application and noted that the installation and approval of the stairlift would be a matter for the Council's Buildings Standards service to deal with under their legislation.

(c) **Application for Extended Hours**

The Board considered the following application:-

Applicant

Buzzworks Inns Limited

Premises

Treehouse
67 Sandgate
Ayr

Superbowl 2024 – 11 February 2024 – midnight to 3.30 a.m.

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

(d) **Application for the Review of a Premises Licence – SXA Retail Ltd for Links, 11 Templehill, Troon**

There was submitted a report (issued) by the Licensing Standards Officer (LSO) dated 19 December 2023 requesting a review of the Premises Licence of the above premises on the grounds of the non-compliance of a Notice issued to the licence holder under Section 14 of the Licensing (Scotland) Act 2005 that no annual fee payment had been made and there had been no contact from the Premises Licence Holder or Premises Manager.

Having heard the Depute Clerk to the Board advise that, as the annual fee had now been paid, this request for a review now fell; and the Licensing Standards Officer confirm that she was no longer requesting a review as this was not required, the Board

Decided: to take no further action in relation to this matter.

(e) **Premises Licences Ceasing to Exist**

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

- (1) Ayr Curling Club, 9 Limekiln Road, Ayr – surrendered 09/11/23; and
- (2) Central Bar, 69 Main Street, Dailly, premises sold May 2023. No application for transfer received, therefore licence lapsed.

The Board

Decided: to note the Premises Licence ceasing to exist.

8. **Closing Remarks**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 10.40 a.m.

SOUTH AYRSHIRE COUNCIL

**REPORT BY THE CLERK
TO THE LICENSING BOARD
OF 8 FEBRUARY 2024**

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 14 personal licences 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.

Laura McChristie, Depute Clerk, County Buildings,
Wellington Square, Ayr, KA7 1DR
Tel. (01292) 612475

Date. 25th January 2024



**REPORT BY CLERK TO THE LICENSING BOARD
TO LICENSING BOARD OF 8th FEBRUARY 2024**

SUBJECT: APPLICATIONS FOR TRANSFER GRANTED BETWEEN 11 JANUARY 2024 AND 8 FEBRUARY 2024

1. Purpose.

To advise Board Members of the determination of applications for Transfer of licences for the period between the last Board meeting and the present one.

2. Recommendations.

The Board are requested to note the report.

3. Background.

Applications for transfer are now dealt with under delegated powers except if any of the parties or connected persons have a relevant offence.

4. Considerations.

(1) 2/4 Lawson Street, Ayr

The above premises licence was transferred to Swinton LIC Ltd on 21st December 2023.

(2) Abbotsford Hotel, 14 Corsehill Road, Ayr

The above premises licence was transferred to Southern Ayr Ltd on 21st December 2023.

(3) Smokehouse, 1B Alloway Place, Ayr

The above premises licence was transferred to Firm of Ayr India on 11th January 2024.

(4) Pro Soccer, Glenmuir Place, Ayr

The above premises licence was transferred to Shoot Soccer Limited on 12th January 2024.

(5) No 8 Bar and Grill, 8-10 Fullarton Street, Ayr

The above premises licence was transferred to M.E.T. Corporate Ltd on 17th January 2024.

(6) Spar, 124 St Quivox Road, Prestwick

The above premises licence was transferred to Local Convenience Hub Ltd on 23rd January 2024.

(7) Venue 38, 38A Carrick Street, Ayr

The above premises licence was transferred to Onayr Media CIC on 22nd January 2024.

(8) 112-114 Main Street, Prestwick

The above premises licence was transferred to Melli Limited on 25th January 2024.

5. **Resource Implications.**

None

6. **Results of Public Consultation.**

None

Background Papers. Nil

Author and Person to Contact.

Laura McChristie, Depute Clerk, County Buildings, Wellington
Square, Ayr, KA7 1DR
Tel. (01292) 612475

Date. 25th January 2024

Application for Provisional Premises Licence

Applicant	Premises		
1. Lewis Boyd	The Swan Restaurant 20 Portland Street Troon		
On Sale	Every Day	10:00 – 00:30	
Off Sale	Every Day	10:00 – 22:00	

**REPORT BY THE CLERK TO THE
LICENSING BOARD OF 8 FEBRUARY 2023**

SUBJECT: APPLICATION FOR PROVISIONAL PREMISES LICENCE	THE SWAN RESTAURANT 20 PORTLAND STREET TROON
APPLICANT	LEWIS BOYD

APPLICATION REPORT

1. Background:

An application for a provisional premises licence for a restaurant and bar with off sale facility on the ground floor.

The hours of operation requested are on sales 10:00 to 00:30 every day and off sale 10:00 to 22:00 every day. The applicant also requests an additional hour to on sales during the period 1st December to 2nd January.

The applicant intends to provide conference and restaurant facilities, bar meals, receptions, club meetings, recorded music and live performances.

Children and Young People will be permitted on the premises until the end of Core Hours for the purpose of having a meal, attending a function or for work purposes.

The premises were previously licensed for on sales with that licence being surrendered on 18th July 2014.

The application requests a capacity of 50 persons.

2. Reports

There have been no objections or representations from the public.

Police Scotland have submitted a representation – Appendix 3

A Section 50 certificate from Planning has been lodged along with the application and further section 50 certificates will be required from Building Standards and Environmental Health before any licence can be confirmed.

The applicant has provided a disabled access and facilities statement -Appendix 1.

The applicant has provided details of how they will meet the licensing objectives – Appendix 2.

3. Board Options

The Board should establish what it considers to be locality. Generally, in this area the Board has considered a radius of 300 metres. The premises in that area are:-

Address	Capacity
The Fox 18 West Portland Street Troon	137 persons
Lido 11-17 West Portland Street Troon	210 persons
Nisa Day To Day 16 West Portland Street Troon	34.68m2
Maharani 42-46 West Portland Street Troon	60 persons
Morrisons Dukes Road Troon	187.84m2
Anchorage Hotel 149 Templehill Troon	288 persons
Number 47 47 Templehill Troon	120 persons
Links 11 Templehill Troon	95 persons
The Jar 33 Ayr Street Troon	28.08m2
Brodies Deli 39 Ayr Street Troon	2m2
3 Idiots 39 Portland Street Troon	55 persons
Spar 12/14 Portland Street Troon	38.99m2
Blueberrys 3 South Beach Troon	36 persons
Lonsdale 15 Portland Street Troon	96 persons
Tinto Tapas 10 Portland Street Troon	74 persons
Girvans 66 Portland Street Troon	70 persons
Dan McKay's 71 Portland Street Troon	80 persons

The Board must, in considering and determining the application consider whether any of the grounds for refusal applies and-

- (A) if none of them applies, the Board must grant the application, or
- (B) if any of them applies, the Board must refuse the application.

The grounds for refusal are—

- (a) that the subject premises are excluded premises. Excluded premises are defined as premises used as a garage or which form part of premises which are so used. Premises are used as a garage if they are used for one or more of the following-
 - (b) the sale by retail of petrol or derv
 - (c) the sale of motor vehicles, or
 - (d) the maintenance of motor vehicles

However, premises used for the sale by retail of petrol or derv, or which form part of premises so used, are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become , reliant to a significant extent on the premises as the principal source of –

- (i) petrol or derv, or
- (ii) groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

(C) that the application must be refused under section 25(2), 64(2) or 65(3),

(D) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,

(E) that, having regard to—

- (i) the nature of the activities proposed to be carried on in the subject premises,
- (ii) the location, character and condition of the premises, and
- (iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol,

(e) that, having regard to the number and capacity of—

(i) licensed premises, or

(ii) licensed premises of the same or similar description as the subject premises,

in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

Person to Contact:

Laura McChristie
Depute Clerk
County Buildings
Wellington Square, Ayr
Telephone (01292) 612475
Date 25th January 2024.

SCHEDULE 6 Regulation 7
DISABLED ACCESS AND FACILITIES STATEMENT

Licensing (Scotland) Act 2005, section 20(2)(b)(ia)

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

The restaurant is on ground level with no steps.
Signage at the door indicating that there are accessible facilities.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. e.g. disabled toilets, lifts, accessible tables.

There is a disabled toilet fitted with handrails and an alarm.
The tables are all at an accessible height for customers.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Assistance dogs are welcome.

MEETING THE LICENSING OBJECTIVES
The Swan Restaurant

Preventing Crime and Disorder

1. Strict anti-drug policy will be enforced
2. Toilets will be checked on a regular basis
3. Glasses and bottles collected on a regular basis
4. Proof of age scheme whereby anyone appearing to be under 25 will be required to produce I.D. (passport, driving licence or young Scot/PASS approved id card)
5. Active membership of pubwatch scheme

Preventing Public Nuisance

1. All inner doors and windows will be kept shut during the provision of live music after 10pm
2. Signs placed at customer exits reminding customers to leave quietly, if open after 10pm
3. A licensed taxi service can be contacted in the event customers require onward transportation
4. No bottles or rubbish to be put in outside bins after 22.00 hours
5. Regular inspection and cleaning of outside area.

Securing Public Safety

1. The premises has in place procedures for :
 - entry and exit control
 - evacuation procedures
 - accident / incident reporting and recording
2. Daily inspections are undertaken and recorded to check
 - all exit routes and signage
3. There are appropriate fire extinguishers in the premises
4. All members of staff are provided with appropriate training and supervision to assist in securing customers safety.

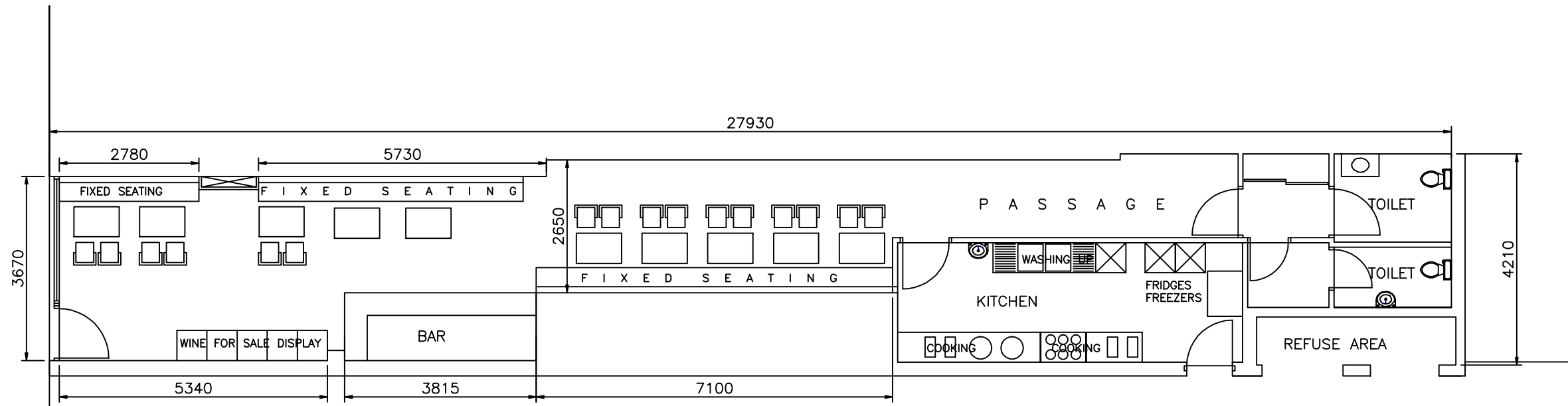
Protecting and Improving Public Health

1. Posters will be displayed containing sensible drinking messages
2. All members of staff are trained to be aware of the risks of excessive consumption of alcohol and when to refuse service.
3. A wide selection of non-alcoholic drinks are available
4. Our menu will include healthier options to allow customers to make informed choices about their food.

Protection of Children from Harm

1. Only children accompanied by an adult will be allowed on the premises
2. No adult entertainment is provided on the premises.
3. Careful monitoring of the consumption of alcohol by guardians will be undertaken

P O R T L A N D S T R E E T



PROPOSED GROUND FLOOR PLAN 1/100

LEGEND

- GENERAL FIRE ACTION NOTICE [
- STAFF FIRE ACTION [
- KEEP LOCKED SHUT NOTICE [
- EMERGENCY LIGHTING (
- SMOKE DETECTOR (
- HEAT DETECTOR (
- DRY POWDER EXTINGUISHER '
- FOAM EXTINGUISHER '
- WATER EXTINGUISHER '
- CARBON DIOXIDE EXTINGUISHER '
- FIRE BLANKET [
- FIRE ALARM CALL POINT (
- FIRE ALARM SOUNDER '
- ILLUMINATED EXIT SIGN [

PROJECT
20 PORTLAND STREET
TROON
KA10 6EA

TITLE
PREMISES PLAN

SCALE	1:100		
DATE	JOB NO.	DRG NO.	R
13/6/23			
Drawn by	Passed by	Issued for	

**Personal Licence Review
Under Section 83(7) of the Licensing (Scotland) Act 2005**

Licence Number	Name
SA/20/00002/LAPRS	Lewis Dunlop Boyd

**REPORT BY CLERK TO THE LICENSING BOARD
TO LICENSING BOARD OF 8th FEBRUARY 2024**

SUBJECT:	PERSONAL LICENCE REVIEW UNDER LICENSING (SCOTLAND) ACT 2005 SECTION 83
PERSONAL LICENCE HOLDER	LEWIS DUNLOP BOYD
LICENCE NUMBER	SA/20/00002/LAPRS

Background

Lewis Dunlop Boyd was granted a personal licence at the Licensing Board of 13th February 2020.

Mr Boyd has advised the Board of a conviction at Ayr Sheriff Court on 16th October 2023. Police Scotland has confirmed details of the conviction but has not made any recommendation to the Board– Appendix 1

In terms of section 83 (7) of the Licensing (Scotland) Act the Board must hold a hearing with regard to the conviction.

Board Options

The Board may:

- if satisfied that it is necessary to do so for the purposes any of the licensing objectives, make an order:

- (i) Revoking
- (ii) Suspending for such period not exceeding six months as the Board considers appropriate, or
- (iii) Endorsing the personal licence held

- take no further action.

The Board must make an order revoking the licence if the Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence.

Person to Contact:

Laura McChristie
Depute Clerk
County Buildings
Wellington Square
Ayr
Telephone (01292) 612475
31st January 2024

Application for Extended Hours

	Applicant	Premises	Event	Date(s) Requested	Times Requested
1.	The Ghillie Dhu Ltd	The Ghillie Dhu 11 Burns Statue Square Ayr	Super Bowl Final 2024	11 th February 2024	01:00 - 03:30* *Outwith Board Policy

The Ghillie Dhu Ltd – The Ghillie Dhu, Burns Statue Square, Ayr
Extended Hours Application – Sunday 11th February 2024
Report by Licensing Standards Officer

I refer to the Extended Hours application submitted for the above premises which is situated in Burns Statue Square, Ayr -

The application requests a terminal hour of 3.30am for one night/morning on Sunday 11th February, which would, if granted, permit the sale of alcohol from 11am on that day allowing a total of 16.5 hours.

Currently the trading hours for these premises allow a terminal hour of 1.30am on a Sunday and therefore this application requests an additional 2 hours trading which is out with what can be granted under delegated powers.

The applicant has advised that the purpose of this application is to cater to the increasing interest in the Superbowl in the area and to offer an alternative to a similar event granted by the Board last month.

Through discussion with the applicant, I understand that it is the intention that this 'event' will be ticketed and the price will include entry to the event, food and the ability to sit down and watch the Superbowl final, which will be shown on all of the screens within the venue.

An 'American' menu will be in place on that evening and it is the intention of the operator to 'close' earlier that night for the normal food and clientele and then to re-open some time later for this themed, ticketed event.

Whilst the application requests hours which are out with the Board's current policy, I am aware that this is for one date and that these particular premises are permitted to trade until 1.30am on a Thursday to Sunday on a weekly basis (and therefore 2.30am over the festive period) and at the time of writing this report there have been no negative reports received. Having spoken personally to the applicants, being aware the extended hours are requested for one date which is for a significant event with a worldwide following, and also being aware that the Board granted these hours to another premises for this purpose last month, I have no objections to the grant of the extended hours as requested.

Catrina Andrew
Licensing Standards Officer
17th January 2024

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

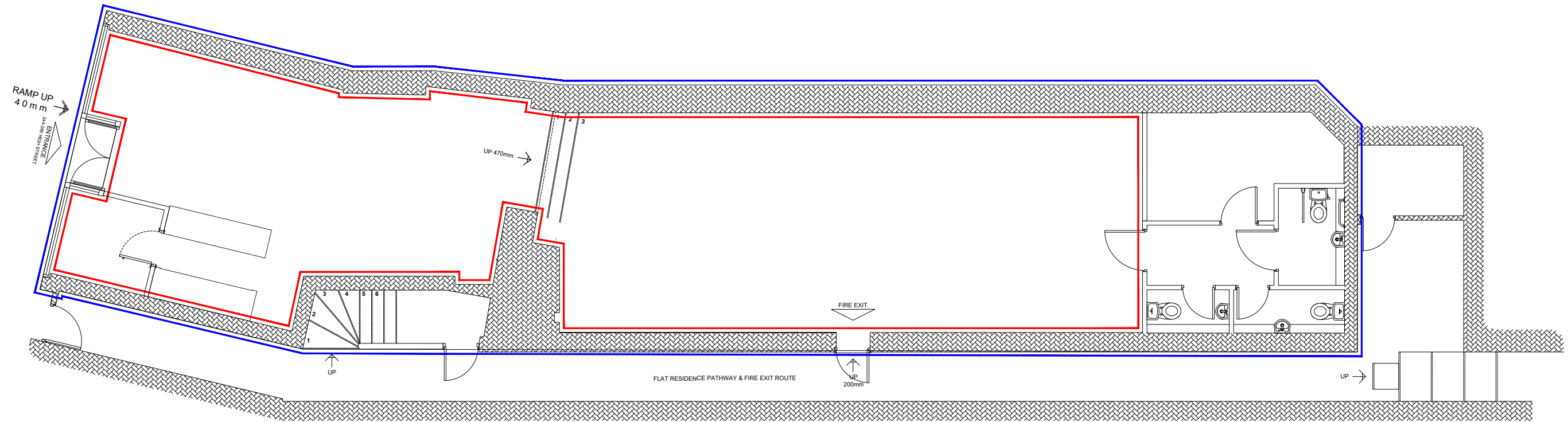
Proposed Outside Area for Occasional Licence

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



**Gambling Act 2005
Application for Bingo Premises Licence**

Applicant	Premises
Merkur Slots UK Ltd	Merkur Slots 244-246 High Street Ayr



LICENSE PLAN LEGEND	
LINE TYPE	LINE TYPE DESCRIPTION
	AREA IN WHICH FACILITIES WILL BE PROVIDED FOR GAMING.
	EXTENT OF PREMISES

GAMBLING ACT 2005 LICENSING PLAN
 Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 is for illustrative purposes only, and does not form part of the premises licence.

REVISIONS
 REV 00:

FIT OUT TYPE
 LICENCING

PROJECT
MERKUR SLOTS
 244-246 HIGH STREET
 AYR
 KA7 1RL

DESCRIPTION
 PROPOSED LICENCE PLAN

<<32>>

REFERENCE DRAWINGS

SCALE
 1:100

DRAWN BY
 MG

DATE
 01/12/23

DRAWING No.
887-PL-14

REVISION
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