



Agenda Item No.4

SOUTH AYRSHIRE COUNCIL

**REPORT BY THE CLERK
TO THE LICENSING BOARD
OF 21 AUGUST 2024**

Subject: ANNUAL FUNCTIONS AND FINANCIAL REPORT

1. Purpose

To advise Members of the requirement for an Annual Functions and Financial Report for South Ayrshire Licensing Board, and to seek approval of the Report.

2. Recommendation

2.1 To approve the Annual Functions and Financial Report (attached as Appendix 1) for the period 1 April 2023 to 31 March 2024.

3. Background

3.1

In terms of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 and the consequent amendment to the Licensing (Scotland) Act 2005, the Licensing Board is required to prepare and publish an annual report on the exercise of their functions, including a summary of decisions made, information about the number of licences held and an annual financial report on their alcohol licensing activities.

4. Proposals

4.1 The Annual Functions and Financial Report for 2023-24 is attached as Appendix 1. It provides:

- information on how the Board has had regard to the statutory Licensing objectives and Statement of Licensing Policy, in the exercise of its functions during the period;

- a summary of the decisions made by or on behalf of the Board during the period;
- information on the number of licences held; and
- more general information on the running of the Board and its meetings, the ongoing policy review process, and training events held during the year.

4.2 The report also provides a statement of the income and expenditure relating to the alcohol function for the period.

4.3 Members are asked to approve the Annual Functions and Financial Report.

5. Legal and Procurement Implications

5.1 The Licensing Board is provided with legal advice on the preparation of the Annual Functions and Financial Report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 There are no financial implications arising from this report.

7. Human Resources Implications

7.1 Not applicable

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 ***Risk Implications of Rejecting the Recommendations***

8.2.1 The Board is under a statutory obligation to publish an Annual Functions and Financial Report.

9. **Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

10. **Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. **Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to Priority 2 of the Council Plan: Work and economy and housing – everyone benefits from a local economy that provides opportunities for people and helps our businesses to flourish.

13. **Results of Consultation**

13.1 There has been consultation with the Portfolio Holder and this report reflects any comments received.

Background Papers : none

Person to Contact Karen Briggs, Service Lead Legal and Licensing
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12/8/24 Tel 01292 612416 karen.briggs@southayrshire.gov.uk

Appendix 2

South Ayrshire Council Equality Impact Assessment Scoping

1. Proposal details

South Ayrshire Licensing Board Annual Functions and Financial Report	Lead Officer Karen Briggs
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	-	-
People from different racial groups, ethnic or national origin.	-	-
Women and/or men (boys and girls)	-	-
People with disabilities	-	-
People from particular age groups for example Older people, children and young people	-	-
Lesbian, gay, bisexual and heterosexual people	-	-
People who are proposing to undergo, are undergoing or have undergone a process to change sex	-	-
Pregnant women and new mothers	-	-
People who are married or in a civil partnership	-	-
People who share a particular religion or belief	-	-
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	-	-

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	low
Promote equality of opportunity between particular communities or groups	low
Foster good relations between particular communities or groups	low
Promote positive attitudes towards different communities or groups	low
Increase participation of particular communities or groups in public life	low
Improve the health and wellbeing of particular communities or groups	low
Promote the human rights of particular communities or groups	low
Tackle deprivation faced by particular communities or groups	low

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact proposals)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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Rationale for decision: This report is not proposing new services, policies, strategies or plans (or significant changes to or reviews of them), and it does not propose decisions about budgets, including budget cuts or service reductions.

Signed : Karen Briggs , Service Lead Legal and Licensing

Date: 12/8/24

Copy to equalities@south-ayrshire.gov.uk

South Ayrshire Licensing Board Annual Functions & Financial Report 2023/2024



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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 2022 to 31 March 2023 was formed in May 2022, following the election that month, and comprises seven members, all of whom are 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 County Buildings, Wellington Square, Ayr.

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 111,560 of which 15% are aged 15 and under. (source: National Records of Scotland, mid 2022 estimates).

[Mid-2022 Population Estimates Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

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 2023 to 31 March 2024, the Board has continued to hold hybrid meetings, with remote access through the Connect Remote platform, as well as in person in County Hall, County Buildings. Meetings are also webcast live.

The minutes of the Board and details of webcasts are available at [Search for council meeting papers - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/search-for-council-meeting-papers)

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 October 2023. A copy of the Board's current Statement of Licensing Policy is available at: <https://www.south-ayrshire.gov.uk/article/24876/Licensing-policy-statement>

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 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 Connect Remote, or unable to use them, are given a number and code which they could use to join meetings by phone.

3.5 At all meetings during the relevant period, 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, to ensure that its actions are proportionate, accountable, consistent, transparent, and targeted. For the remote meetings which were held during the period, all applicants managed successfully to join the meetings, either remotely or in person, and contribute in the same way as they would have previously 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 2023/24 are listed at Appendix A. Of the provisional applications, three were confirmed as at 31 March 2024, with one still to be confirmed.

4.2 During the course of the year, the Board granted 647 occasional licences. This is similar to the number of occasional licences granted in 22/23. The register of occasional licences is available at: - [Occasional licence register - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/occasional-licence-register)

- 4.3 The Scottish Government issued updated guidance to Licensing Boards in January 2023, which is available at:

[Licensing \(Scotland\) Act 2005 section 142: guidance for Licensing Boards - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/licensing-act-2005-section-142-guidance-for-licensing-boards/pages/1-1-introduction.aspx)

This provides useful information to Licensing Boards in the carrying out of their statutory functions, including helpful examples of good practice from current Licensing policies.

- 4.4 There are currently 388 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 three applications for a personal licence following on objections from Police Scotland.

- 4.6 The Board noted that in the course of the year six premises licences were surrendered or ceased to exist as listed in Appendix B.

- 4.7 The Board also dealt with a large number of applications for extended hours, for special events of local or national significance (such as public holiday weekends or sporting events), or special events or occasions catered for on premises. Members were interested to see the variety of such applications, and were supportive of the licensed trade in supporting these applications where they were in accordance with Board policy.

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.

6.0 Licensing Board Training

6.1 During the period 1 April 2022 to 31 March 2023, the membership of the Licensing Board changed, following the local government election on 5th May 2022. The Board now comprises 7 members, rather than the previous 9 members.

6.2 The members of the newly elected South Ayrshire Licensing Board received statutory training in June 2022 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.

6.4

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. This includes the response to the consultation on the Boards statement of licensing policy, which the Forum met with the Board to discuss further in 2023.

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). There are currently vacancies on the Forum and since Covid there has not been regular attendance at meetings from Police Scotland, NHS or health and other partner agencies due to staff shortages and a change in roles. The LSO is working on a strategy to address this and encourage applications from potential new members for the year ahead.

7.3 The Forum normally meets on a quarterly basis and has a joint meeting with the Board once a year. In 2023 the Forum concentrated on the Board's policy statement and making a formal response, however in 2024 there has been no Forum meeting in the first half of the year due to staffing and availability. There are two Forum meetings scheduled before the end of the year including a meeting with the Licensing Board members in November 2024. There is regular attendance by Forum members at the monthly licensing board meetings and these members have welcomed the practice of the Chair and members of the current Board who take the opportunity to have informal discussions at the end of the meetings, particularly where there has been a case in relation to the licensing objectives.

8.0 Reviews

8.1

There has been one premises licence review and one personal licence holder review during 2023/24. The premises licence review was heard by the Board in September 2023 and resulted in a warning letter being issued to the licence holder. The personal licence holder review was held in February 2024 and the Board revoked the personal licence.

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. Police Scotland did not request any premises or personal licence reviews during the period of the report.

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:

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- 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 provided a monthly update report at the Board meetings in addition to any required reports in relation to specific applications in order to keep Board members up to date with the challenges and achievements of the licensed trade in South Ayrshire. The LSO has worked closely with Police Scotland and other council departments to ensure a clear and consistent message and to report back to the Board on compliance with the licensing objectives. The licensed trade continue to make regular contact with the LSO and seek information and guidance from her on a regular basis. A licensed trade staff training event was held in Maybole Town Hall in June, with training delivered by the LSO and the event was well supported by both on and off sales with no costs to the trade or the licensing department. Additionally the LSO has attended some of the larger outdoor events in the past year that have benefitted from an Occasional Licence.

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 October 2023. It is available at <https://www.south-ayrshire.gov.uk/article/24876/Licensing-policy-statement>

11.0 **Conclusion**

- 11.1 The Board recognises that this has been another difficult period for the licensed trade. It commends the efforts which all premises have made to comply with the licensing objectives in spite of these challenging times.
- 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 2022/2023

Income

Liquor licensing fees	£171,923
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Expenditure

Staff Costs	£125,582
Other expenditure	£66,572
Total Expenditure	£192,154
Deficit (Income – Expenditure)	£20,231

Note

The income comprises application fees and annual fees for the period 1 April 2023 to 31 March 2024, during which time the licensed trade continued to be affected by the effects of the Covid 19 pandemic and recovery from this.

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. It should be noted that, during this period, there was a vacant post in the staffing structure for a number of months, with a resultant decrease in staffing 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 A

Provisional and full premises licences granted in 2022/2023

1. Clocktower Café Bar 1 Gibbs Yard, Auchincruive – Provisional – confirmed 08.08.2023
2. The Garden 9 Templehill, Troon – full
3. Aldente Ayr 172 Prestwick Road, Ayr – full
4. Savers, 22 Portland Street, Troon - full
5. Pizzaioli, 37 Sandgate, Ayr - Full
6. The Swan Restaurant, 20 Portland Street, Troon – Provisional – Not yet confirmed
7. Co-op, 51 Kirkoswald Road, Maybole – confirmed 08.08.2023
8. 17 Station Road, Mossblown – confirmed 08.08.2023

Appendix B

Premises licences surrendered or ceasing to exist

1. Co-op, 19-23 High Street, Maybole
2. Mecca Bingo, 4 Boswell Park, Ayr
3. Goudies, 8 Whitehall, Maybole
4. Savers, Unit 3, 49 Academy Street, Troon
5. Mercado, 48 Newmarket Street, Ayr
6. Prestwick Indoor Bowling, Bellevue Road, Prestwick

Appendix C

Premises suspended due to non-payment of annual fees

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