

**County Buildings  
Wellington Square  
AYR KA7 1DR  
Telephone No. 01292 612724**

5 September 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 19 September 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 – 24 October 2024 at 10:00 a.m.
3. Minutes of previous meeting of Wednesday 21 August 2024.  
(copy herewith).

4. Report by Licensing Standards Officer.
5. Letter from South Ayrshire Local Licensing Forum to South Ayrshire Licensing Board. (copy herewith). Page 7
6. Personal Licenses Revoked –  
Submit report by Clerk to the Licensing Board (copy herewith). Pages 8 to 9
7. Transfers Granted under Delegated Powers –  
Submit report by Clerk to the Licensing Board (copy herewith). Page 10
8. **Licensing (Scotland) Act 2005**
  - (a) Application for Variation (copy herewith). Pages 11 to 37
  - (b) Application for Occasional Licence (copy herewith). Pages 38 to 43
  - (c) Applications for Extended Hours (copy herewith). Pages 44 to 49
9. Any Other Business.

<p>For more information on any of the items on this agenda, please telephone Kayley Hancox, Committee Services, at 01292 612724 at Wellington Square, Ayr or e-mail: <a href="mailto:committee.services@south-ayrshire.gov.uk">committee.services@south-ayrshire.gov.uk</a> <a href="http://www.south-ayrshire.gov.uk">www.south-ayrshire.gov.uk</a></p>
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**SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a hybrid webcast meeting held on 21 August 2024 at 10.00 a.m.

Present: Councillors William Grant (Chair), Martin Kilbride, Bob Pollock and Gavin Scott.

Present  
Remotely: Councillor Laura Brennan-Whitefield.

Apologies: Councillors Duncan Townson and Lee Lyons.

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

**Opening Remarks**

The Depute Clerk to the Board welcomed everyone to the meeting, outlined the procedures for conducting this meeting and advised that it would be broadcast live.

**1. Appointment of Chair**

The Depute Clerk to the Board invited nominations for the appointment of Chair of the Licensing Board

**Decided:** unanimously, that Councillor Grant be appointed Chair of the Licensing Board.

Councillor Grant then took the Chair.

**2. Declarations of Interest**

There were no declarations of interest by Members of the Board in terms of the Councillors' Code of Conduct.

**3. Date of Next Board Meeting**

The Chair advised that the next Board meeting would be held on Thursday 19 September 2024 at 10.00 a.m.

**4. Minutes of Previous Meeting**

The [Minutes](#) of the Meeting of South Ayrshire Licensing Board of 13 June 2024 (issued) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

**5. Annual Functions and Financial Report**

There was submitted ([issued](#)) the Annual Functions and Financial Report for approval by the Board.

Following a verbal update by the Depute Clerk to the Board, a Member of the Panel requested a review regarding licensing fees to be submitted to the Scottish Government.

**Decided:**

- (1) to approve the report; and
- (2) request the Chief Governance Officer write to the Scottish Government to request a review of licensing fees, with a particular request for the introduction of a scalable fee structure for certain types of licence.

**6. Update by Licensing Standards Officer (LSO)**

The Licensing Standards Officer advised

- (1) that since the last Licensing Board meeting, various events had taken place in South Ayrshire with the benefit of an Occasional Licence for alcohol sales;
- (2) that the Open Golf at Troon had benefited from a number of licensed areas on course and extended hours for some premises licence holders in the area; and they had operated within the Boards policy and expectations. The LSO had attended to carry out relevant checks and speak to staff accompanied by Inspector Ian McColl who had the overall police licensing responsibility for the event. This had provided the opportunity to see a wide range of 'glass alternative' drinking receptacles in use and it had been very positive to see the quality of these products which were now on the market. Due to the Board's 'no glass' policy for outdoor events in order to comply with the licensing objectives, she had been pleased to note there had been a variety of alternative options that future applicants would be able to explore;
- (3) that the Licensing Team had been very busy dealing with a large number of applications which ranged from personal licence applications and renewals to occasional licence applications and variations. Many applications had timescales that were dictated by legislation which had resulted in refusal of applications that had not met specific criteria. A reminder had been provided to licence holders and future applicants to lodge applications as early as possible to allow for consultations and to give time to make any amendments. There had been a demand for personal licence holder courses and she advised anyone required to sit refresher training to investigate that at the earliest opportunity;
- (4) that it had been encouraging to note that a number of new licence holders had entered the licensed trade in South Ayrshire and invested in existing premises. However, there had been an increased number of complaints from local residents and community members as a result of noise and disturbance. The majority of issues had been arising due to inexperienced operators who were unaware of policies and procedures and the LSO had been working with Police Scotland and Environmental Health to ensure complaints had been dealt with and premises were monitored; and
- (5) that due to the increased costs, more people were spending time at home and not out socialising as had been in previous years which had resulted in many operators changing their business model to suit the market. Licence holders were reminded that they could seek information and guidance regarding liquor licensing from the LSO and that other Council departments and associated services were available regarding specific information. There were a variety of professionals and services available to assist and advise on health, personal and financial issues and if members of the trade were unaware

how to access or approach these they should be aware that any officer of the council or Police Scotland had a network of contacts which could provide these if asked to do so.

Members of the Board commended the work of the Licensing Team and emphasised the importance that any licensing applications were submitted in advance.

The Board

**Decided:** to note the update from the LSO.

## 7. **Revocation of Personal Licences**

There was submitted a [report](#) (issued) of 7 August 2024 by the Clerk to the Licensing Board advising of the revocations of twenty-five Personal Licences.

The Board

**Decided:** to note the revocation of twenty-five Personal Licences since the last Board meeting.

## 8. **Applications for Transfers Granted under Delegated Powers**

There was submitted a [report](#) (issued) of 7 August 2024 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) The Brig, 1 Main Street, Ayr, KA8 8BU – transferred to Southern Ayr Limited on 11 June 2024.
- (2) 17 Station Road, Mossblown – transferred to Nau Nidh 13 Limited on 20 June 2024.
- (3) Wee Windaes, 9 Newmarket Street, Ayr – transferred to Deborah Smith on 24 June 2024.
- (4) Toll Mini Mart, 157-159 Ayr Road, Prestwick – transferred to Santokh Singh on 3 July 2024.

The Board

**Decided:** to note the transfers granted under delegated powers.

## 9. **Licensing (Scotland) Act 2005**

### (a) **Application for the Grant of a Provisional Premises Licence (issued)**

The Board considered the following application:

#### **Applicant**

Motor Fuel Limited  
Gladstone Place  
10 Bricket Road  
St Albans  
AL1 3JX

#### **Premises**

Ayr (Castlehill Road) Service Station  
Castlehill Road  
Ayr

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant) that five hundred metres of the applicant premises would be the appropriate locality for consideration of this application.

The core hours for off-sales sought:

Monday	10:00 – 20:00
Tuesday	10:00 – 20:00
Wednesday	10:00 – 20:00
Thursday	10:00 – 20:00
Friday	10:00 – 21:00
Saturday	10:00 – 18:00
Sunday	10:00 – 17:00

Having heard from the Depute Clerk to the Board and the applicant's representative, the Board

**Decided:** to grant the above application.

(b) **Applications for Variation of a Premises Licence**

The Board considered the following applications:

**Applicant**

**Premises**

(1) Perjit Uppal

Taj Bar and Kitchen  
141 Main Street  
Prestwick

Accommodation to be provided in the ten bedrooms on the upper floor  
Hotel services and facilities will be available to residents and their guests at all times  
Children and/or young person who are residents or guests of resident will have access to the upper floor of the premises at all times  
Occupant capacity increases from 160 persons to 180 persons to allow for occupation of the ten bedrooms  
Change to layout plan to incorporate the upper floor to create ten letting bedrooms with ensuite facilities.

Having heard from the Depute Clerk to the Board and the applicant's representative, the Board

**Decided:** to grant the above application.

**Applicant**

(2) Peter Boyle Bowling Club

**Premises**

Peter Boyle Bowling Club  
Craigie Road  
Ayr

	<b>Existing Licensed Hours</b>		<b>Proposed Licensing Hours</b>	
	<b>On Sales</b>	<b>Off Sales</b>	<b>On Sales</b>	<b>Off Sales</b>
Monday	11.00 – 00.00	n/a	10.00 – 00.30	10.00 – 22.00
Tuesday	11.00 – 00.00	n/a	10.00 – 00.30	10.00 – 22.00
Wednesday	11.00 – 00.00	n/a	10.00 – 00.30	10.00 – 22.00
Thursday	11.00 – 00.00	n/a	10.00 – 00.30	10.00 – 22.00
Friday	11.00 – 00.00	n/a	10.30 – 01.00	10.30 – 22.00
Saturday	11.00 – 00.00	n/a	10.30 – 01.00	10.30 – 22.00
Sunday	11.00 – 00.00	n/a	10.00 – 00.30	10.00 – 22.00

Remove the members club status, add off sales, amend sales hours, add seasonal variations, include conference facilities, change to statement relating to outwith core hours, change children and young persons' statement, remove under 18s restricted area, include bowling green, indicate bowling space and add a Premises Manager.

Having heard from the Depute Clerk to the Board and the applicant, the Board

**Decided:** to grant the above application.

(c) **Application for Extended Hours**

**Applicant**

(1) Sprig Limited

**Premises**

Printhouse  
Nile Court  
High Street  
Ayr

Summer Bank Holiday – 25/08/24  
Sunday 02.30 a.m. – 03.30 a.m.

The Depute Clerk to the Board advised that application one had been withdrawn by the applicant.

**Applicant**

Sprig Limited

**Premises**

Printhouse  
Nile Court  
High Street  
Ayr

(2) Ayr Gold Cup – 3 Day Racing – 19/09/24 to 21/09/24  
Thursday to Saturday 02.30 a.m. – 03.30 a.m.

(3) Halloween – 31/10/24  
Thursday 02.30 a.m. – 03.30 a.m.



(4) Halloween Saturday – 02/11/24  
Saturday 02.30 a.m. – 03.30 a.m.

The Depute Clerk to the Board also advised that the three further applications could be granted under delegated powers and no further action was needed by the Board.

(d) **Premises Licence Ceasing to Exist**

The Board noted that the following licence now ceased to exist as the licence had been surrendered.

(1) The Southfield Hotel, 18 The Avenue, Girvan

**Decided:** to note the Premises Licence ceasing to exist.

10. **Closing Remarks**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 10.40 a.m.

South Ayrshire Local Licensing Forum  
c/o South Ayrshire Council  
County Buildings  
Wellington Square  
Ayr

6<sup>th</sup> September 2024

Cllr. William Grant  
Chair  
South Ayrshire Licensing Board  
County Buildings  
Wellington Square  
Ayr

Dear Cllr. Grant,

### **Recent Board Decisions**

Following our recent meeting on 28<sup>th</sup> August, I have been asked to write to you on behalf of South Ayrshire Local Licensing Forum to express our support for the recent decisions the Board has made regarding Extended Hours and Occasional Licences.

As you will be aware a few members of the Forum always try to attend Board meetings to listen to the presentations made by the applicants and to hear the questions from members themselves as this gives a better reflection of the case than the minutes often reflect.

The Forum is aware of the recent update to the Board's policy statement and decisions that have been taken in the past year where the Board have deviated from their usual policy, having been convinced by individual applications. Forum members are supportive of this approach and in particular have noted the success of decisions such as;

- Allowing premises who applied later hours for the Superbowl
- Granting continuous Occasional Licences to an external area to allow them to operate as an 'outdoor premises'
- Permitting use of an outside drinking area attached to a premises licence beyond 10pm to show the Euros football on television screen

Also the Forum is pleased to note that the Board is willing to adhere strongly to their policy regarding any safety concerns such as no glass outside at large events. It was pleasing to note that despite welcoming the Golf Open, there were no exceptions given to the 'no glass' rule and the grant of the licence was consistent with what is usually granted in South Ayrshire.

Members of the Forum look forward to meeting with the Board at our annual meeting on 27<sup>th</sup> November 2024.

Catrina Andrew  
Acting Chair  
South Ayrshire Local Licensing Forum

**SOUTH AYRSHIRE COUNCIL**

**REPORT BY THE CLERK  
TO THE LICENSING BOARD  
OF 19 SEPTEMBER 2024**

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**Subject: Revocation of Personal Licences**

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**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 6 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.** 5<sup>th</sup> September 2024





**REPORT BY CLERK TO THE LICENSING BOARD  
TO LICENSING BOARD OF 19<sup>th</sup> SEPTEMBER 2024**

**SUBJECT: APPLICATIONS FOR TRANSFER GRANTED BETWEEN 21 AUGUST 2024 AND 19 SEPTEMBER 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) Horseshoe Bar, 81-83 George Street, Ayr**

The above premises licence was transferred to Taj Grocers Ltd on 16<sup>th</sup> August 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.** 5<sup>th</sup> September 2024

**Application for Variation of Premises Licence**

1.	Ayrshire Entertainments Limited	Ye Olde Forte Bar 39 South Harbour Street Ayr
Removal of the condition 2 - "There shall be no live music on the Premises"		

MEMORANDUM



Comhairle Siorrachd 'Air Deas

Tel: (01292) 618222  
Email: environmental.health@south-ayrshire.gov.uk  
Our Ref: RGD/PS/24/01808/SECT29  
Your Ref: 24/00749/LAPREV  
Date: 2 July 2024

From: Service Lead: Trading Standards & Environmental Health  
5-7 River Terrace  
AYR  
KA8 0BJ

To: Licensing Services  
County Buildings  
Wellington Square  
Ayr  
KA7 1DR

**SUBJECT: Licensing (Scotland) Act 2005**  
**Premises: Ye Old Fort Bar, 39 South Harbour Street Ayr, KA7 1JA**

I refer to the above Section 29 application for Variation of Premises Licence submitted to this section on **22 May 2024** and can advise as follows.

The proposal to allow live music on the premises may introduce noise nuisance conditions to noise sensitive receptors in the adjacent residential properties above the venue. It will be necessary for a noise assessment to be undertaken and submitted so as to determine the likelihood of noise nuisance from the proposed live music on the noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact on the noise sensitive receptors using the current British Standard (or as may be amended).

.....

<b>YE OLDE FORTE BAR, AYR</b>	<b>Document Reference: South Harbour, Ayr</b>
<b>NOISE IMPACT ASSESSMENT &amp; CONTROL OPTIONS: 39 South Harbour Street, Ayr</b>	<b>Issue No: 1.0</b>
	<b>Issue date: 24 July 2024</b>
	<b>Originator: McIntyre Acoustics</b>
	<b>Client: Ayrshire Entertainments Ltd</b>



**YE OLDE FORTE BAR, AYR**

**Noise impact assessment for the playing of amplified music  
within Ye Olde Forte Bar, 39 South Harbour Street, Ayr**

**Section 29 Application Ref: 24/00749/LAPREV**

**Report date: 24 July 2024**

Prepared by .....

**Jim McIntyre**

BSc (Hons) Env Health, BSc (Hons) Chem, PG Dip Env Health,  
PG Diploma Acoustics, FIOA, Ch.EHO MREHIS

Job No: 000358  
Reference: South Harbour, Ayr.doc  
Created: July 2024

Tel: 07919 436 256

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Ayr  
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### Executive Summary

McIntyre Acoustics were commissioned by Ayrshire Entertainments Ltd (Applicant) to provide an assessment of noise impact from the proposed playing of amplified music at Ye Olde Forte Bar, 39 South Harbour Street, Ayr.

The premises is acoustically robust (thick sandstone walls, double glazing, and a double door entry system). It has operated as a licenced premises for decades with current management (Ayrshire Entertainments Ltd) in place for ~10 years. The bar opens daytime only (typically 10:00-19:00 Sunday to Thursday, and 10:00-22:00 Friday and Saturday) with no recent history of noise complaint.

This proposal, for the playing of low-level music in the premises, is aimed at providing a further addition to the customer experience. Low level background music will play during the day (this is inaudible at the closest residential flats), with occasional semi-acoustic sets in the afternoon and early evening. There will be no amplified music played after 9.00pm and no night-time noise impact from this premises.

McIntyre Acoustics recommend that a noise management plan incorporating the basic measures to minimise operational (and customer) noise, as described at Section 4.2, should be implemented. This will ensure current and future compliance with the target noise impact levels.

The maximum noise impact is predicted to be  $L_{Aeq}$  46dB outside the closest residential property (first-floor windows of 37 South Harbour Street) - typical target sound levels to protect amenity during daytime is  $L_{Aeq}$  50dB. The internal sound level is predicted to be  $\sim L_{Aeq}$  33dB (with windows open for ventilation) - typical target to protect amenity is  $L_{Aeq}$  35dB (daytime). There are no outdoor amenity spaces likely to be impacted by this proposal.

The predicted noise impact (both inside and outside neighbouring residential properties) is below the WHO, and BS 8233, guideline values to protect amenity. The proposed development is therefore considered to be compliant with South Ayrshire Council's targets to prevent nuisance or loss of amenity.

The recommendations at Section 6 should be incorporated into the premises operational plan – namely:

- a self-closing mechanism should be fitted to the double door entry system;
- musicians playing semi-acoustic sets should be limited to 10-12W mobile practice amps; and
- music sets should be scheduled to finish by 9pm.

### Summary:

This business will operate during daytime hours only. By following the specified noise management plan (described at Section 4.2), the premises can operate such that there will be no unacceptable loss of amenity to neighbouring properties (with windows open for ventilation).



## 1 Introduction

The premises management are keen to invest and upgrade the customer experience at Ye Olde Forte Bar, Ayr by adding low level background music and occasional semi-acoustic sets to the entertainment offering.

The owners are particularly mindful of the necessity to control noise impact as part of this proposal.

Ye Olde Forte Bar's opening hours are restricted under licence by South Ayrshire Council Licensing Board. There will be no amplified music played after 9pm.

### 1.1 Scope

McIntyre Acoustics were commissioned to assess the impact of noise emissions from the premises and provide practical advice on options to control noise (where appropriate).

The aim is to reduce any impact below typical licensing / planning / WHO noise criteria levels (aimed at preventing loss of amenity) and demonstrate compliance with South Ayrshire Council's noise impact target levels.

### 1.2 Competency of author

Jim McIntyre is a Chartered Environmental Consultant and Fellow of the Institute of Acoustics with over 29 years' experience of undertaking and assessing health & safety and environmental noise / vibration reports. Specific areas of expertise include industrial, transportation, and planning noise assessments. Jim is also a member of the influential British Standards Institute overseeing the development and publication of British and International noise standards, sits on the Scottish Government's Environmental Noise Directive project steering group, and has lectured on best practice in noise monitoring techniques at Strathclyde University.

Jim McIntyre carried out the initial site visit and prepared this report.

### 1.3 The effect of noise on people

The effects of noise can be divided into two broad categories; physiological damage to hearing, and annoyance. However, it is only the annoyance impacts that need to be considered in detail when addressing environmental noise impacts on the wider community. Aspects of annoyance include the immediate effects of activity interference; for example, speech interference, interference with legitimate use of property, and sleep disturbance (which can increase the risk of certain stress related health effects in the long term).



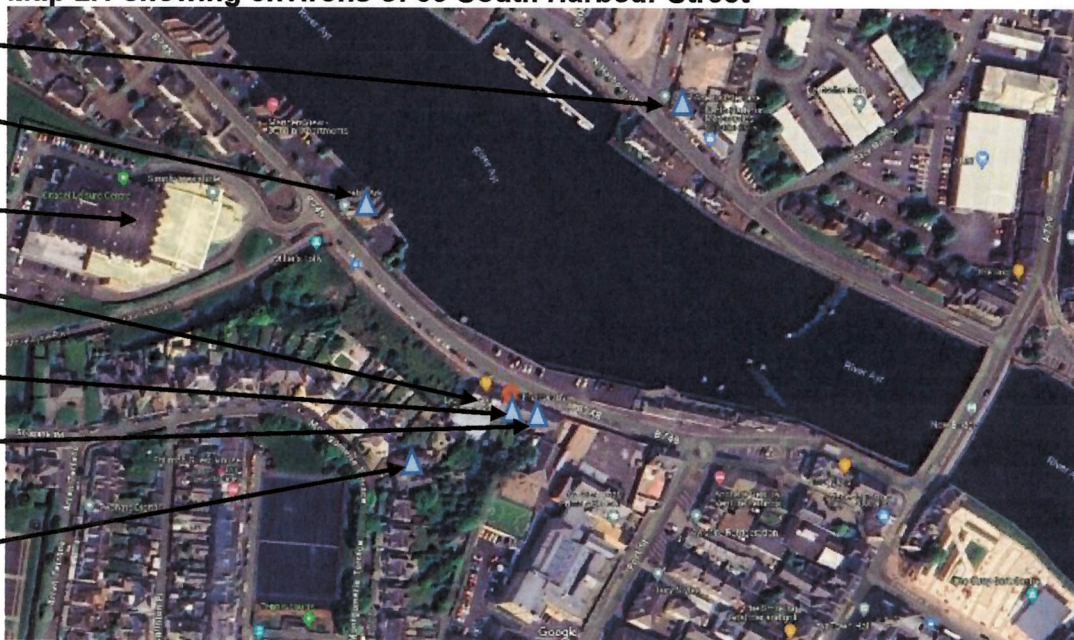
## 2 Site details

### 2.1 Description of site

The area is mixed commercial / residential in Ayr town centre. The property has been a licensed premises for decades. There is a residential flat directly above the property. To the west is a large restaurant (with storerooms above). To the east is a café (currently closed) with residential flat above.

**Map 2.1 showing environs of 39 South Harbour Street**

20 North Harbour St  
Marlborough Court  
South Harbour St  
Citadel Sports Centre  
Lychees Restaurant  
41 South Harbour St  
Ye Olde Forte Bar  
33-35 South Harbour  
Street  
9A Montgomerie Ter



▲ = closest residential noise sensitive receptors

The closest residential receptor is the 1<sup>st</sup> floor flat at 37 South Harbour Street (directly above the premises). The next closest is the adjacent 1<sup>st</sup> floor flat directly above the café at 33-35 South Harbour Street.

The next closest noise sensitive receptors (see Map 2.1 above) are:

- to the north – flats at 20 North Harbour Street (~180m from site);
- to the NW – flats at Marlborough Court (~120m from site); and
- to the SW – 9A Montgomerie Terrace (~50m from site).

The closest amenity areas are the rear garden areas of properties on Montgomerie Terrace (~45m southwest of the site and significantly elevated above South Harbour Street. Music played inside Ye Olde Forte Bar will be inaudible at this location. There are no residential amenity spaces likely to be affected by this proposal.

Distances were established from Google maps measurement function and confirmed on-site.



**Photo 2.1(a): view looking east along South Harbour Street (12/07/24)**

- Lychees Restaurant (storeroom)
- 37 South Harbour Street (1<sup>st</sup> floor flat)
- Flat above 33-35 South Harbour Street
- Café at 33-35 South Harbour Street
- Ayrshire Archives
- Ye Olde Forte Bar 39 South Harbour Street



**Photo 2.1(b): view looking west along South Harbour Street (15/07/24)**

- Marlborough Court Flats at South Harbour Street
- 37 South Harbour Street (1<sup>st</sup> floor flat)
- Flat above 33-35 South Harbour Street
- Ye Olde Forte Bar
- Café at 33-35 South Harbour Street (closed)





As expected in a town location, the noise climate is dominated by local road traffic on South Harbour Street (which is regular throughout the day and evening). Pedestrians on way to the citadel, beach, local facilities, and town also have an occasional impact.

Other commercial premises (restaurant, café, take away) in the vicinity generate their own noise and are unlikely to experience noise impact from the operation of this premises.

It is the adjacent 1<sup>st</sup> floor residential flats, above Ye Olde Forte Bar and the café at 33-35 South Harbour Street, that will have most exposure to sound emanating from the premises. The Olde Forte Bar, Café at 33-35, and 1<sup>st</sup> floor flat above the café are all owned by the same landlord.

The potential noise impact from Ye Olde Forte Bar has been calculated at Section 4.1.

Due to the proximity of the main residential receptors; ground and air absorption will have negligible effect on sound propagation (and have not been included in Section 4 calculations). The focus is therefore on minimising noise emissions at source (through good design) and employing best practice management control techniques to prevent excessive noise breakout.

## 2.2 Operational hours and amplified music

Ye Olde Forte Bar is licenced from 10:00 until 00:30. However, the bar is not open late and typical operational times are as follows:

- 10:00 – 19:00 Sunday to Thursday; and
- 10:00 – 22:00 Friday and Saturday.

The proposal is for amplified music to be permissible in the afternoon and evening. Music will not be played after 9pm (i.e. no amplified music will be played at night).

The low-level amplified sound for general background recorded music is provided by three small (6.5") 'Pulse' wall mounted speakers. These speakers are designed for low-level background music, and feed through a 'Cornelius' transformer unit which has a maximum 16W output (although the bar management limit this via a volume slider). The speakers are not large enough to generate significant energy at the lower frequencies. There have been no recorded complaints from previous operation of the installed system.

In addition, the ability to have occasional semi-acoustic music (marginally amplified by a small travelling 10W amp) is requested. The proposal is to have no amplified or background music played after 9pm.



**2.3 Acoustic review of structural elements**

The walls of this stone-built premises are substantial and help minimise sound breakout from the building. A double door entry system is in place and the windows are double glazed units.

**Photo 2.3(a): front of 39 South Harbour Street (12/07/24)**

Storeroom above Lychees restaurant

1<sup>st</sup> floor flat above 33-35 South Harbour Street

1<sup>st</sup> floor flat above 39 South Harbour Street:

- Livingroom
- Bathroom
- Bedroom

Double door entry to Ye Olde Forte Bar



**Photo 2.3(b): entrance door to 39 South Harbour Street (15/07/24)**

A self-closer mechanism and door seals (fitted to the inner doors) would help reduce sound breakout from premises





Photo 2.3(c): inside view looking from customer entrance (15/07/24)

Ceiling lowered ~10 years ago (to improve sound insulation – though no construction details are available).

There was no intrusive survey of the ceiling construction. However, it is likely to be a dense plasterboard layer with a plaster skim coat finish (above which will be insulation, then original lath and plaster ceiling, further insulation, joists and boards of 1<sup>st</sup> floor flat.

Proposed music performance area



There is no obvious gapping or penetrations of the ceiling in the bar or back storage areas. Noise breakout through the building fabric will therefore be minimal (see detail below).

**Wall construction** – the external walls of Ye Olde Forte Bar are thick sandstone blockwork. Table E.1A of BS 8233 notes solid masonry walls with an overall mass per unit area of not less than 700 kg/m<sup>2</sup>, are likely to achieve a weighted sound reduction of ~R<sub>w</sub> 54-60dB.

**Ceiling** – the premises has a traditional lath and plaster ceiling. A lowered ceiling was introduced to the bar area just over 10 years ago (by the previous tenant) to improve sound insulation. No details of the construction materials are available and cannot be confirmed without an intrusive survey - see Photo 2.3(d). However, as the purpose of the works was to reduce sound transmission, it is assumed that a layer of soundboard would have been added.

A plaster finish with ash deadening between the floor (common in properties of this age) should achieve an R<sub>w</sub> ~45dB. The addition of a lowered ceiling can increase this by ~8 to 10dB (depending on finish) to R<sub>w</sub> ~53 to 55dB.

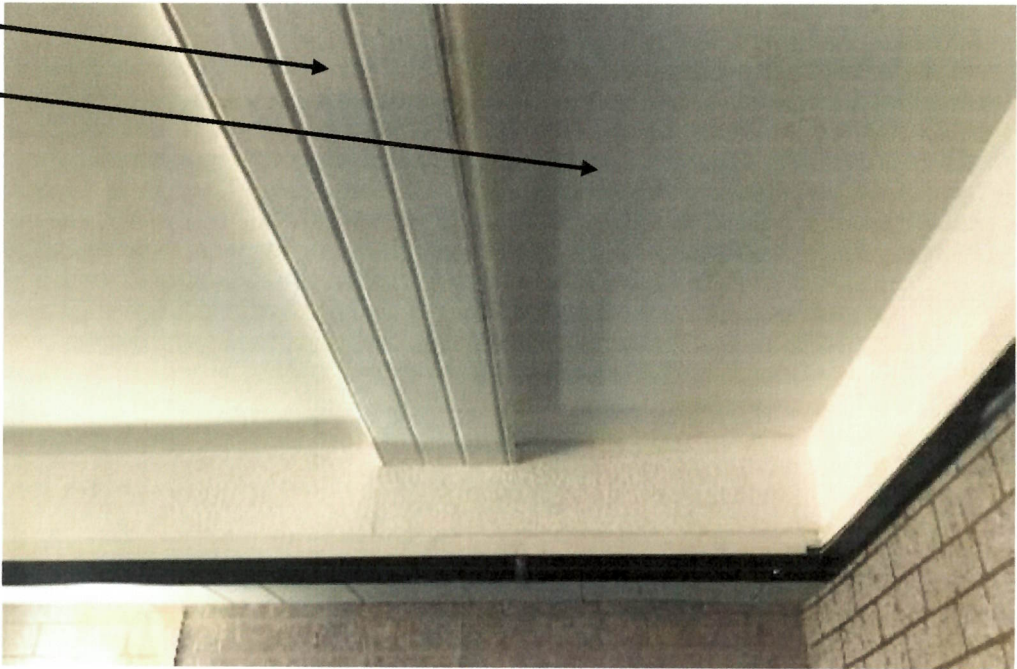


Photo 2.3(d): lowered ceiling detail of main bar area (15/07/24)

1<sup>st</sup> floor support beam

Plaster skin finish

Probable underlying construction is dense plasterboard fixed to wooden batons fixed to original lath & plaster ceiling, with some form of mineral wool insulation material between wooden batons. Above original ceiling would have been floor joists, ash deadening, and boards of 1<sup>st</sup> floor flat – see schematic below).



Probable Ceiling / Upper Floor Schematic

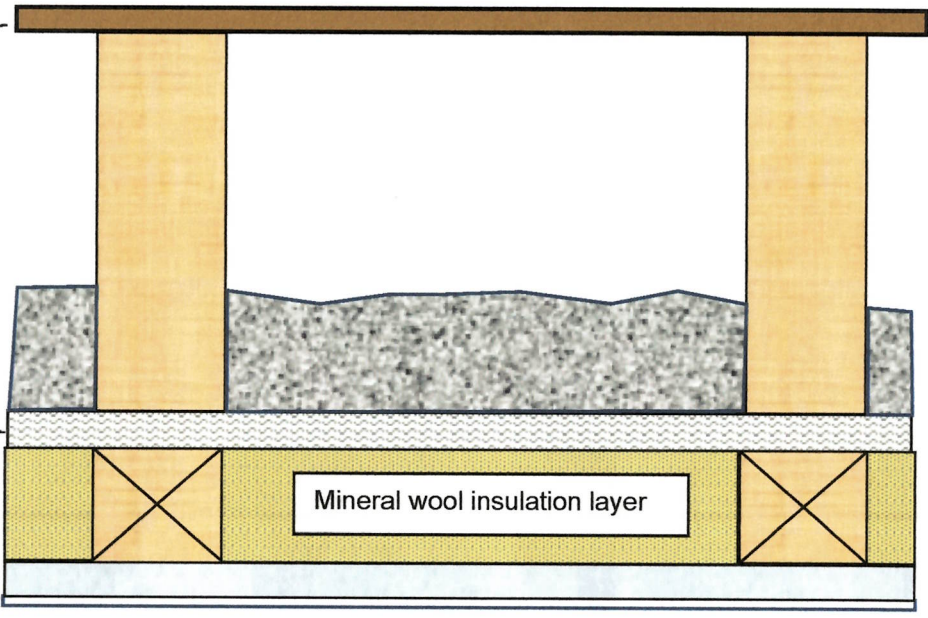
Floorboards on wooden joists

Assumed thermal insulation or ash deadening layer (typical construction for a property of this age)

Lath and plaster ceiling

Wooden batons

Soundboard (unknown depth) with plaster skim finish



**Windows and doors**

The closest residential receptors (directly above the premises) have uPVC double glazed window units. The windows of Ye Olde Forte Bar are fixed wooden frame double glazed units. The acoustic performance of this type of glazing is largely determined by the age, finishing, air gap, and glazing thickness but is generally in the region of  $R_w$  30-32dB (4mm to 6mm glazing).

When residential property windows are closed, they will provide a good level of sound attenuation; and the level of impact from both residual and specific sound is likely to be minimal. The greatest impact from road traffic and breakout noise from the premises is likely to occur when background sound levels drop and in circumstances where windows are open for ventilation.

Open windows are generally the weakest part (acoustically) of building envelopes, and the determining factor for noise impact (see commentary at Section 3.2, and noise impact calculations at Section 4.1). Current REHIS guidance recommends that 10dB attenuation should be used to estimate noise reduction over an open window. However, the REHIS guidance is under review (with instructions that it should not be used at present). The WHO, BSI, and BRE recommend ~15dB. As a balance, a figure of 13dB has been estimated to represent typical sound reduction across an open window.

A double door entry system is in place – see photo 2.3(b). When closed, the inner doors should provide a sound reduction of  $\sim R_w$  25-30dB. A lower estimation of  $R_w$  25dB has been used in the calculations at Section 4.1. Currently there is no self-closing mechanism fitted to prevent unnecessary noise breakout, though this is a recommendation presented at Section 6.



### 3 Legislation, guidance and target noise levels

#### 3.1 Legislation and guidance

South Ayrshire Licensing Board's Statement of Licensing Policy 2023  
DEFRA Noise from Pubs and Clubs (Phase 2) Final report – May 2006  
Licensing (Scotland) Act 2005  
Environmental Protection Act 1990 – Part 3: Statutory Nuisance  
Nuisance provisions of the Public Health etc (Scotland) Act 2008: guidance  
The World Health Organisation – Environmental Noise Guidelines for the European Region 2018  
The World Health Organisation – Guidelines for Community Noise 1999  
BS 4142: 2014 + A1: 2019 Methods for Rating and Assessing Industrial and Commercial Sound  
BS 7445: 2003 Description and Measurement of Environmental Noise  
BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings  
Building (Scotland) Regulations 2004  
Scottish Building Standards Technical Handbook for Domestic and Non-Domestic Dwellings  
REHIS briefing note: Noise Guidance for New Developments

With reference to the above legislation and guidance; this report provides a description of predicted noise impact from the playing of amplified music at Ye Olde Forte Bar, 39 South Harbour Street, Ayr.

#### 3.2 Typical target noise levels to protect amenity

A raft of standards and guideline values for noise are available; however, ultimately each Local Authority sets its own target noise levels and can vary these according to local circumstances. The text below outlines some common issues and target values for protecting residential and commercial properties from excessive noise impact. However, all guidance documents must be seen in context of how they were developed and what they are trying to achieve. For example, most environmental noise standards are designed to protect residential properties from excess noise either outside or within the home.

The World Health Organisation set a series of community noise guideline values in 1999 (revisited and confirmed in 2018); advising that a guidance level to prevent annoyance should be  $L_{Aeq16hr}$  50-55dB for outdoor living areas,  $L_{Aeq16hr}$  35dB for indoor living areas during the day / evening, and  $L_{Aeq8hr}$  30dB for restful sleep at night. It should also be borne in mind that these are guidance levels and Court decisions have already made clear that noise levels above the WHO guideline values do not mean that a nuisance exists.

*Note: WHO levels, to protect against daytime annoyance and night-time sleep disturbance, relate to annual average impact over a 16hr day (07:00 – 23:00) or 8hr night (23:00 – 07:00) time period respectively.*



Where fan noise is an issue, some regulatory authorities employ NR Curves (which rate noise over an octave frequency spectrum) as a benchmark of acceptability. NR curves are an internal standard and incorporate noise levels over a range of frequencies. In practice (provided there is no strong tonal component) an NR Curve roughly equates to the  $L_{Aeq} -6\text{dB}$  (i.e. NR 25  $\approx L_{Aeq}$  31dB). Assuming 15dB attenuation across an open window, an internal level of NR 25 equates to an external noise level of  $\sim L_{Aeq}$  46dB. Many Local Authorities look for compliance with 'NR 25' in bedrooms during the night; and 'NR 30-35' during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation.

BS 4142 relates the specific 'industrial / commercial type' sound under consideration to the prevailing background sound level (measured as the  $L_{A90}$  of the residual noise) and includes character correction penalties to "rate" the level of noise impact. BS 4142 is not an appropriate standard to assess potential impacts on amenity from entertainment noise.

BS 8233 recommends a reasonable level of amenity to be provided by internal noise levels of  $L_{Aeq,8hr}$  30dB within bedrooms at night (Table 4),  $L_{Aeq,16hr}$  35-40dB within living rooms during daytime,  $L_{Aeq,8hr}$  45-50dB for open plan offices (Table 2),  $L_{Aeq,8hr}$  35-45dB for study / meeting rooms, and  $L_{Aeq,8hr}$  50-55dB for shops and cafes (Table 6).

Note, BS 8233 states that:

- *In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted (Section 7.7.3.2);*
- *levels are based on annual average data and do not have to be achieved in all circumstances (Note 3 to Table 4);*
- *where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved (Section 7.7.2, Note 7 to Table 4); and*
- *if partially open windows were relied upon for background ventilation, the insulation would be reduced to approximately 15 dB (Annex G, G1).*

Regarding ideal external noise levels in town centres; BS 8233 indicates that, at night, an internal  $L_{Aeq}$  of 35dB (30dB + 5dB relaxation) results in reasonable levels of amenity for bedrooms when living in a town centre or near a main transport route. This equates to an external façade level of 50dB(A), assuming the BS 8233 stated transmission loss of 15dB across an open window.

The +5dB relaxation for residential urban properties has been in common use for many years – see BS 8233:2014 and "Woods Practical Guide to Noise Control 1998".



The Royal Environmental Health Institute of Scotland (REHIS) briefing note: Noise Guidance for New Developments indicates that where road traffic is likely to be the main noise source; the target sound levels should not exceed  $L_{Aeq,16hr}$  40-45dB during daytime, and  $L_{Aeq,8hr}$  30-35dB at night (when assessed inside residential premises with windows open for ventilation). The guidance is currently under review and REHIS recommends that “it is not used as a basis for specific Policy on Planning and Noise Controls” until the review is complete. Furthermore, the REHIS guidance advises that the degree of sound reduction afforded by a partially open window should be taken as 10dB (whilst the WHO, BS 8233, DEFRA, BRE, and several other peer reviewed papers suggest ~15dB to be a reasonable estimation of noise attenuation across an open window). Where ‘open window’ estimations are made, a compromise figure of 13dB has been adopted.

We therefore have a range of criteria on which to judge the acceptability of noise impact during daytime. However, for the purposes of this discussion, typical target noise levels (Planning Advice Notes, BS8233, World Health Organisation) for reasonable amenity are taken to be:

- $L_{Aeq,16h}$  55 dB daytime (07:00 – 23:00) outside, and  $L_{Aeq,16h}$  35dB inside (for living room and bedroom daytime resting/sleeping).

### 3.3 Specific target noise levels

Notwithstanding the foregoing discussion on typical noise protection levels; the correct amenity standard applicable to this proposal is that laid down in Sections 2, 6, and 7 of South Ayrshire Licensing Board’s Statement of Licensing Policy 2023. The Licence holder needs to clearly establish that they can operate without causing a noise nuisance to neighbours.

2.3 Preventing public nuisance:

- the operating plan should demonstrate how the premises will be good neighbours both to residents and other local businesses.

6.3 Consideration of premises licence applications:

- *the Board will expect a noise consultant to provide a report on the suitability of the premises and any action required to ensure no nuisance occurs.*

7.2 Noise Nuisance:

- *It is expected that licensed premises are good neighbours and do not cause “nuisance”.*
- *Entertainment noise levels should not give rise to nuisance within nearby noise sensitive properties or gardens.*
- *Consideration should be given with respect to the type and volume of music or other entertainment likely to be provided.*
- *Robust management controls are fundamental to ensure that suitable internal and external noise levels are not exceeded*



#### 4. Noise impact assessment calculations and control options

The proposal is to allow amplified music to be played on the premises until 9pm.

##### 4.1 Noise impact calculations

###### Predicted impact from the playing of amplified music

A reasonable estimation of sound source level ( $L_{Aeq}$  78dB at 3m) has been made in good faith. Previous sound tests have noted  $L_{Aeq}$  78dB at 3m from a 15W travel amp. The current proposal is for occasional amplified music played through a 10-12W travel amp.

Noise impact has been calculated at the closest residential receptor (37 South Harbour Street – the 1<sup>st</sup> floor flat directly above the premises). All other receptors will be subject to lower levels of noise impact.

###### Noise breakout through front of premises

If we assume overall worst case of occasional semi-acoustic sets with a sound level of 78dB at 3m then, by simple distance attenuation, we get at 37 South Harbour Street:

$$\begin{aligned} \text{SPL2} &= \text{SPL1} - 20 \log (D2/D1) \\ &= 78 - 20 \log (7/3) \\ &= 78 - 7 = 71\text{dB} \end{aligned}$$

Where D1 equals the distance where previous measurements have indicated  $L_{Aeq}$  78dB (3m); and D2 equals the distance from music area to front façade outside habitable room window of 37 South Harbour Street (7m).

The closed door and double-glazed windows of the premises will provide a minimum sound level reduction of  $R_w$  25dB (see the acoustic review of structural elements at Section 2.3). However, a self-closing mechanism should be fitted to the inner doors to ensure they provide the required level of sound attenuation.

Predicted sound level at façade of 37 South Harbour Street:

$$\text{SPL2} = \text{SPL1} - 25\text{dB} = 71\text{dB} - 25\text{dB} = 46\text{dB}$$

The impact from the breakout noise (via the front of the premises) should be ~46dB(A) at the front façade of 37 South Harbour Street; this is well below typical planning target noise levels and WHO guidance levels for noise impact during daytime (50-55dB).

Assuming 13dB noise reduction across an open window; the internal sound levels will be ~33dB at 37 South Harbour Street (again, this is below the guideline value for good amenity during daytime specified by BS 8223).

Noise breakout through the front of the premises should not result in any significant loss of amenity (or nuisance conditions).



#### Noise transmission through premises ceiling structure

Again, using the sound source level of 78dB, 3m from the small travel amp, we get an incident sound level of ~78dB at the ceiling.

As noted at Section 2.3 the estimated sound level reduction provided by the original (and lowered) ceiling of Ye Olde Forte Bar is ~  $R_w$  53 to 55dB.

Predicted sound level at façade of 37 South Harbour Street:

$$\text{SPL2} = \text{SPL1} - 25\text{dB} = 78\text{dB} - 53\text{dB} = 25\text{dB}$$

The impact from sound transmission via the building fabric should be ~25dB(A) inside 37 South Harbour Street; this is well below typical planning noise levels and BS 8233 sound levels for good resting conditions during daytime (35dB).

Noise transmission through the ceiling of the premises should not result in any significant loss of amenity (or nuisance conditions).

#### **4.2 Best practice and options for sound reduction at source**

Notwithstanding the predicted compliance with the target sound levels to minimise loss of amenity and protect against nuisance; the following section provides best practice guidance that should be employed and outlines options to further reduce noise impact if the need arises. Sound reduction at source should be the first considerations to lessen any perceived specific noise impact – it affords both the cheapest and most effective solution.

The following best practice guidance can be incorporated into an operational (noise management) plan for the premises:

- i) The installed sound system has a limited power capacity, and small directional speakers negate any potential low frequency sound transmission issues – best practice by design. Any future changes to the system should ensure similar power output and low frequency response characteristics are part of the inherent design / purchasing criteria. Speaker systems should be isolated, as far as possible, from the building structure. On no account should they be mounted directly onto, or recessed into, walls or ceilings. Wall mounted speakers should be fixed on resilient mounts to minimise sound/vibration transfer into the walls.
- ii) To ensure amplified music is not played at louder volumes, music must only be played through the installed system or single small (10-12W) travel amp. Musicians travel amps should sit on suitable thick resilient pads on the floor. This will reduce the potential transmission of sound through the ground floor to the ceiling and floors above via the framing structure of the wall.



- iii) Volume should be kept to the minimum level required to allow reasonable enjoyment of the licensed premises and nearby residential properties. In addition to overall volume, the type and frequency content of music can affect perceived annoyance. Low frequency sound tends to penetrate building materials more effectively than mid-high range frequencies. Therefore, the use of a graphic equalizer to preferentially reduce low frequency sound can significantly lessen the subjective impact of any transmitted sound without necessarily affecting the enjoyment of those listening within the main bar area. The reduction in music volume and low frequency sound at source is a major factor in reducing noise impact at neighbouring properties through sound transmission.
- iv) Time restriction of certain activities: amplified music should not be played after 9pm. Our experience shows that neighbours' tolerance levels drop sharply if noise occurs after a publicised finishing time.
- v) Doors should be fitted with a self-closing mechanism (and brush or rubber seals) to ensure they close tightly when amplified music is being played.
- vi) Often performers will bring in their own sound equipment. It is therefore important to be clear that Bar Management are in ultimate control of noise levels during performances.
- vii) Finally, adjacent neighbours should have the contact number for Bar Management, and procedure should be in place to deal with any noise issues (including complaints) that may arise. Someone in authority to quickly respond to any public complaints is essential in maintaining good neighbour relations.





#### 4.3 Additional options for sound reduction

The following additional options are not currently recommended (due to the predicted compliant levels of impact). However, they are available should the need arise to further reduce noise levels in future.

##### Noise Limiter Systems

Electronic noise limiters are effective, relatively inexpensive and in common usage for controlling amplified noise levels within licensed premises in the UK. There are two common types of system:

1. microphone controlled - these units continually monitor the sound level in the premises via a microphone and either trigger a warning light or cut the power supply to the sound systems if a pre-set level is exceeded. They have the advantage of working on any sound system brought into the premises, provided it is connected to the electrical circuit under the control of the limiter. However, some units are prone to damage or unnecessary activation by patrons shouting in to the microphone. Many performers do not like these systems as once they activate all sound output is temporarily lost until the system re-sets. Additionally, these systems can be easily overridden by most performers with a basic knowledge of how they operate; and
2. electronic in circuit devices - these units are incorporated into a fixed on-site sound system and operate by monitoring the electrical power output of the amplifiers. If the pre-set amplifier output threshold is exceeded, i.e. it gets too noisy, the device automatically attenuates the power output of the amplifier so that noise levels are reduced to below the threshold limit. These systems are difficult to circumvent, provide unobtrusive sound level control as it is virtually impossible to detect when attenuation is being applied; so customers, bands, performers are rarely aware of their operation. The disadvantage is the cost outlay of not only the limiter but also a permanently installed in-house sound system is needed for best results. These devices also need to be re calibrated by a specialist engineer if speakers on the sound system are replaced.

The correct installation and use of noise limiters can be effective. However, at this site it is my opinion that a noise limiter would result in unnecessary complication to the basic level of control required to address noise breakout issues. At this stage, it would also result in unnecessary expense in the form of purchasing, installation, training, and maintenance. I would only recommend a noise limiter system at this premises in the unlikely event that the application of other recommendations fails to prevent a noise nuisance.

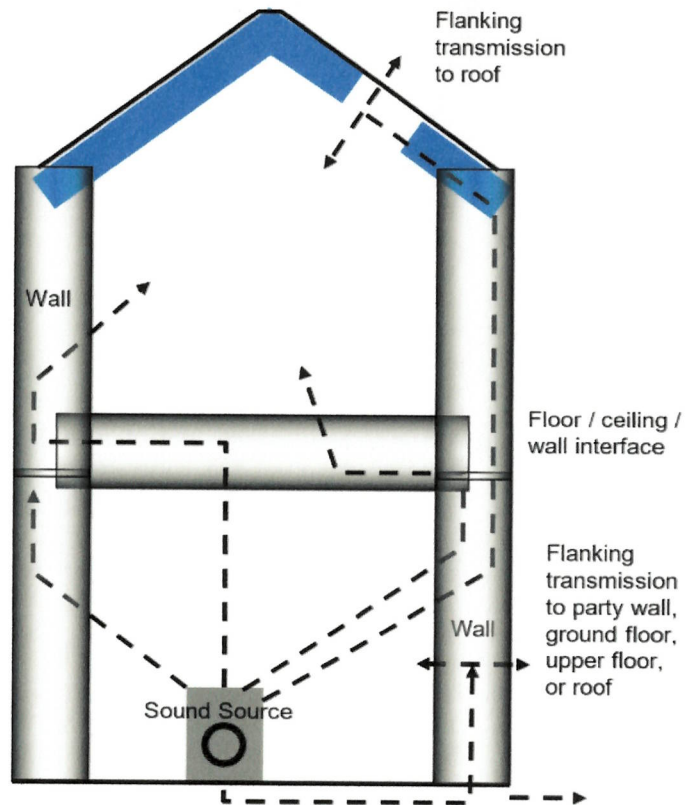
##### Ceiling & wall upgrade options – see Appendix B

These options are not proposed at present, they are suggested as upgrade options only if the previously lowered ceiling (of unknown construction) is not providing adequate sound insulation.



5. **Flanking transmission**

Should flanking transmission be a significant pathway then further investigation of the wall, ceiling and floor structures may be required. Options for improvement to walls, ceiling, and the structure of the ceiling/floor/walls junctions would also need to be assessed in detail.



INC TO OP PLANS

6.

**Recommendations**

The operational plan should incorporate the following measures to minimise the potential for noise nuisance outwith the premises:

- musicians will not play amplified music after 9pm in the evening;
- musicians shall be limited to 10-12W travel amps;
- musicians to be informed that bar management are in ultimate control of playing volume and (low) frequency content;
- a self-closing mechanism shall be fitted to the double door entry system;
- neighbours shall be notified of music finish times and be issued with a telephone number for the bar management (in case any issues arise).

In the unlikely event that noise becomes an issue for adjacent neighbours in future; semi-acoustic sets could be required to play through the installed transformer and speaker system. This is not recommended at present as the maximum impact from standard small (10-12W) travel amps is highly unlikely to result in any nuisance impact.

Include in operating plans CW



## 7. Conclusions

The existing building structure is substantial and should deliver a good level of acoustic attenuation (typical for a property of this age and further augmented by unspecified 'sound attenuation' works [lowered ceiling] installed ~10 years ago).

The premises inherent sound attenuation properties, combined with the maximum power output of a small practice travel amp, and a standard element of good management control, should ensure there is no significant adverse impact on neighbouring residential properties.

Section 4 of this report demonstrates that South Ayrshire Council's target 'to prevent noise nuisance' can be achieved.

The maximum noise impact from this development is predicted to be  $L_{Aeq}$  46dB outside the closest residential property (1<sup>st</sup> floor flat at 37 South Harbour Street, Ayr) during daytime, and  $L_{Aeq}$  33dB inside the property (with windows open for ventilation).

The premises does not play amplified music at night.

## 8. Context, uncertainty, and caveats

The context of the area is that of a town centre location with few residential premises nearby. People living in town centres do not expect a particularly quiet ambient noise climate. In addition, the installed speaker system is not capable of large volume sound output or significant low frequency emissions (by design) and it will not operate at night. McIntyre Acoustics are therefore confident that the aforementioned site design and management procedures will ensure compliance with SAC's stipulated noise impact requirements.

As access to residential premises was not available; estimations of sound transmission (based on documented sound reduction properties of building elements typical for this age of property) have been made. This is standard practice (and utilises ~30 years of field experience) but does introduce some uncertainty.

A reasonable estimation of sound source level ( $L_{Aeq}$  78dB) has been made in good faith, but there is an element of reliance on previous experience with music from small travel amps to estimate this level. Previous sound tests have noted  $L_{Aeq}$  78dB at 3m from a 15W travel amp. The current proposal is for occasional amplified music played through a 10-12W travel amp.

Due to the predicted low sound levels and subjective characterisation of the noise at the nearby housing; the implications of stated uncertainty are not considered to materially affect the conclusions that a nuisance is unlikely.

**Caveats**

McIntyre Acoustics advice is limited by the fact that we make no guarantee on the quality of the existing structures / finishes, the quality of new structures / finishes, or the possibility of significant flanking transmissions between structural components. If structural flanking transmissions are found to be a significant contributor to the reduced sound insulation performance (after initial treatment) then further investigatory work will be required and McIntyre Acoustics will accept no liability for any losses incurred.

Any proposed building alterations must be checked by a suitably competent builder to ensure that the supporting structures can accommodate any additional loading and that compliance with ventilation, fire and building standards and regulations are adhered to.



## APPENDIX A

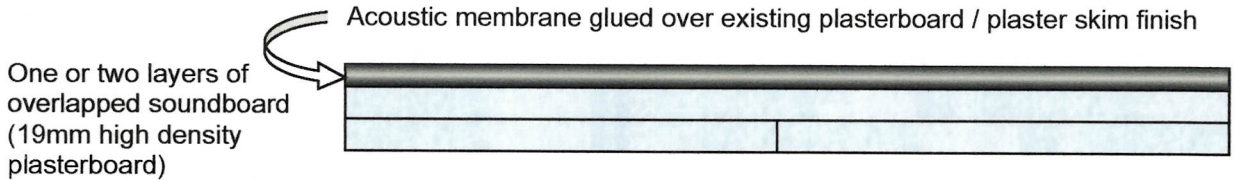
### ACOUSTIC TERMINOLOGY

Ambient Noise Levels	The total encompassing noise in a given situation at a given time; it is usually composed of noise from many sources, near and far.
A-Weighting.	A frequency weighting devised to attempt to take into account the fact that the human response to sound is not equally sensitive to all frequencies. The A weighting filter in a sound level meter attempts to build in this variability into the indicated noise level reading so that it will correlate, approximately, with the human response.
Background Noise Level ( $L_{A,90}$ )	Defined in BS4142, $L_{A,90}$ is the sound pressure level in dB(A) which is exceeded for 90% of the time interval T. During daytime T = 60 mins. During night-time T = 5 mins.
Decibel (dB)	The logarithmic ratio of the size of pressure fluctuations caused by a sound relative to the threshold of hearing ( $2 \times 10^{-5}$ Pa). The decibel range represents this scale in a more manageable form, for example 0–140dB.
$L_{Aeq,T}$	The A-weighted continuous noise level over time period T. It is the steady sound level over the period of time under consideration which contains the same amount of energy as the time-varying noise, over the same time period.
$L_{A,max}$	The maximum sound pressure level in dB(A).
Residual Noise	The ambient noise remaining when the specific noise is suppressed, defined in BS4142.
Specific Noise	The particular component of the ambient noise which is under investigation.
Weighted sound reduction index ( $R_w$ )	Single number quantity which characterises the airborne sound insulation properties of a building element over a range of frequencies

APPENDIX B

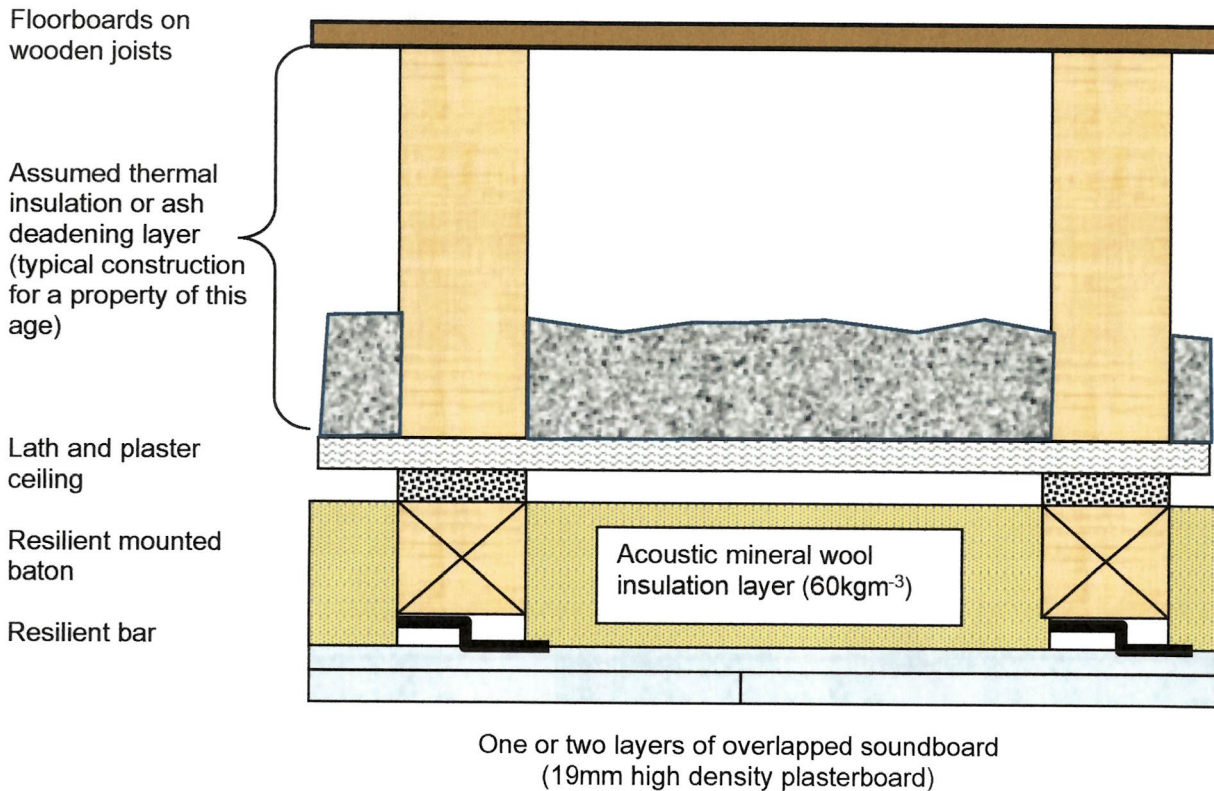
CEILING & WALL POTENTIAL UPGRADE SCHEMATICS

Ceiling / Wall Schematic (Option 1)



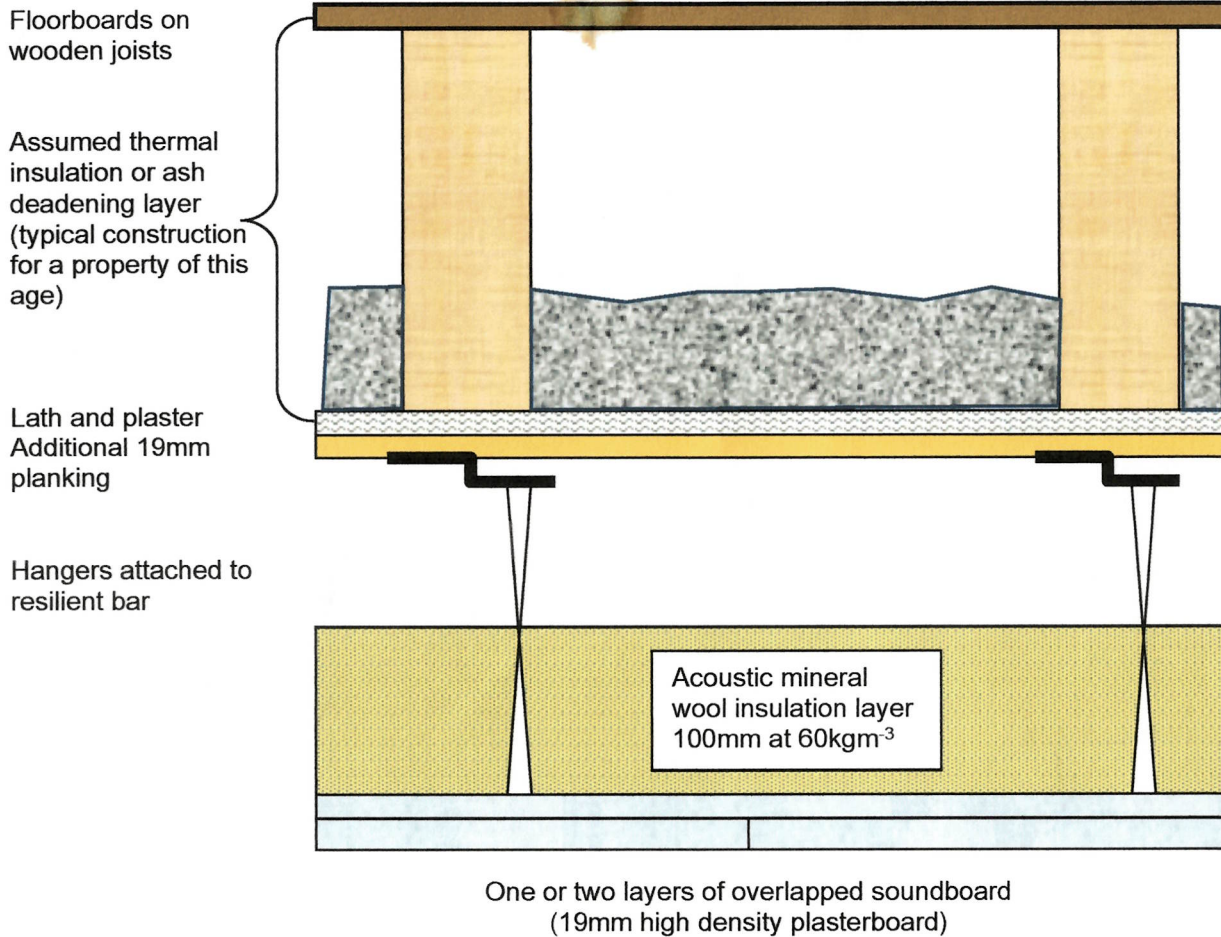
The options below require removal of the existing lowered ceiling (of unknown construction) and replacement with an acoustically specified construction. These options are not proposed at present and are suggested as upgrades only if the previously lowered ceiling is not providing adequate sound insulation.

Ceiling / Upper Floor Schematic (Option 2)



APPENDIX B (cont.)

Suspended Ceiling Schematic (Option 3)



### **EHS response to Ye Olde Forte Bar acoustic report.**

The content of the report appears, in general, to be satisfactory.

However, there are some unknowns, particularly pertaining to the construction of the premises and particularly with reference to the mitigation properties of the ceiling space to the flat above.

This could result in noise nuisance conditions existing, even if the noise management procedures within the report are followed, once music entertainment commences. While this service welcomes that there will be no amplified music after 9pm, the applicant should be aware that nuisance conditions can still occur prior to this time.

In view of this, Environmental Health would be duty bound to investigate further, should this situation arise.

Grant Douglas, Environmental Health Officer



**Application for Occasional Licence**

<b>Applicant</b>	<b>Premises</b>	<b>Event</b>	<b>Dates Requested</b>	<b>Times Requested</b>
Morean Hamilton	The Thistle Vintage Bus Bar Urquhart Opticians 16 Miller Road Ayr	Launch Party for new and existing practice clients using a bus parked on Miller Road.	28 <sup>th</sup> September 2024	On Sale 10:00 – 16:00

The Thistle, Hurlford – Urquhart Opticians, Miller Road, Ayr  
Occasional Licence Application – 28<sup>th</sup> September 2024  
Report by Licensing Standards Officer

I refer to the Occasional Licence application made by a premises licence holder of 'The Thistle' in Hurlford who hold an East Ayrshire Premises Licence. The application is to cover the use of a 'Vintage Bus Bar' which it is proposed will be parked outside Urquhart Opticians on Saturday 28<sup>th</sup> September from 10am until 4pm for a promotional event.

Prior to lodging of this application, I was contacted by Morean Hamilton who is a personal licence holder that represents the applicant premises and who was aware of the unusual location of this application. Ms Hamilton wanted to discuss the application further and explain the purpose behind the use of the 'Vintage Bus'. As the proposal includes the use of 3 to 4 public parking spaces, I advised Ms Hamilton that she should contact Ayrshire Roads Alliance prior to further consideration of her proposal as the use of the 'space' proposed would involve 'adopting' parking bays and crossing a public footpath. Having been in touch with Ms Hamilton since the initial enquiry I am aware that Ayrshire Roads Alliance has since granted permission for the use of the parking bays.

The application is to permit the 'Thistle Vintage Bus Bar' (photo attached) to park outside the Urquhart Opticians premises at 16 Miller Road, Ayr to act as a dispensary for alcohol and soft drinks free of charge to those customers who have been invited to attend the launch of a new brand of spectacles. The theme of the promotional event is 'London' and therefore the business is keen to use the 'Vintage Bus Bar' to promote this and attract attention to the launch event.

In order to permit customers to take their alcohol from the Bus and go back into the opticians, it is my opinion as L.S.O. that the Occasional Licence will require to be granted for not only the premises at 16 Miller Road and the Bus but also the public footpath, the premises footpath and the premises garden as shown on the attached photographs. Whilst there will be the opportunity for customers to consume their drink on the Bus, the applicant also wants them to have the opportunity to take their drink back inside Urquhart Opticians where the buffet will be served. For this reason the licence must include the full area described above to ensure they do not breach the local Byelaw regarding an open container of alcohol in a public space. The applicant requests access for under 18's for the duration of the event and there is a variety of soft drinks on offer.

Miller Road is a mainly commercial area and there are no proposals for music or entertainment outside this venue and I therefore have no concerns in relation to the licensing objective 'Preventing Public Nuisance'. Additionally, although the bus will be parked at the roadside (in parking bays), all customers will enter and leave via the footpath and will not be near the road, I therefore have no concerns regarding the licensing objective 'Securing Public Safety'.

This application is unique and no similar applications for Occasional Licences have been considered by South Ayrshire Licensing Board since the introduction of the Licensing (Scotland) Act 2005. However since the Covid pandemic the Licensing Board has seen an

increase in the use of external drinking areas and has granted Occasional Licences for outdoor spaces for events. Unlike other applications it is not the intention of the applicant to encourage consumption outside the premises or the Bus, however customers may stand outside the premises with a drink on their way between these two areas.

The applicant and staff represent an experienced operator who holds a premises licence and who has had many successful events surrounding the 'Vintage Bus' all of which are generally in a park, garden or estate and not parked on a public road. Ms Hamilton has contacted both Ayrshire Roads Alliance and the Licensing Standards Officer prior to lodging the Occasional Licence application.

Although I have no objections regarding the licensing objectives, the grant of this application would in my view set a precedent for future applications in South Ayrshire and therefore I would request that it is considered at a Licensing Board meeting instead of being granted under delegated powers.

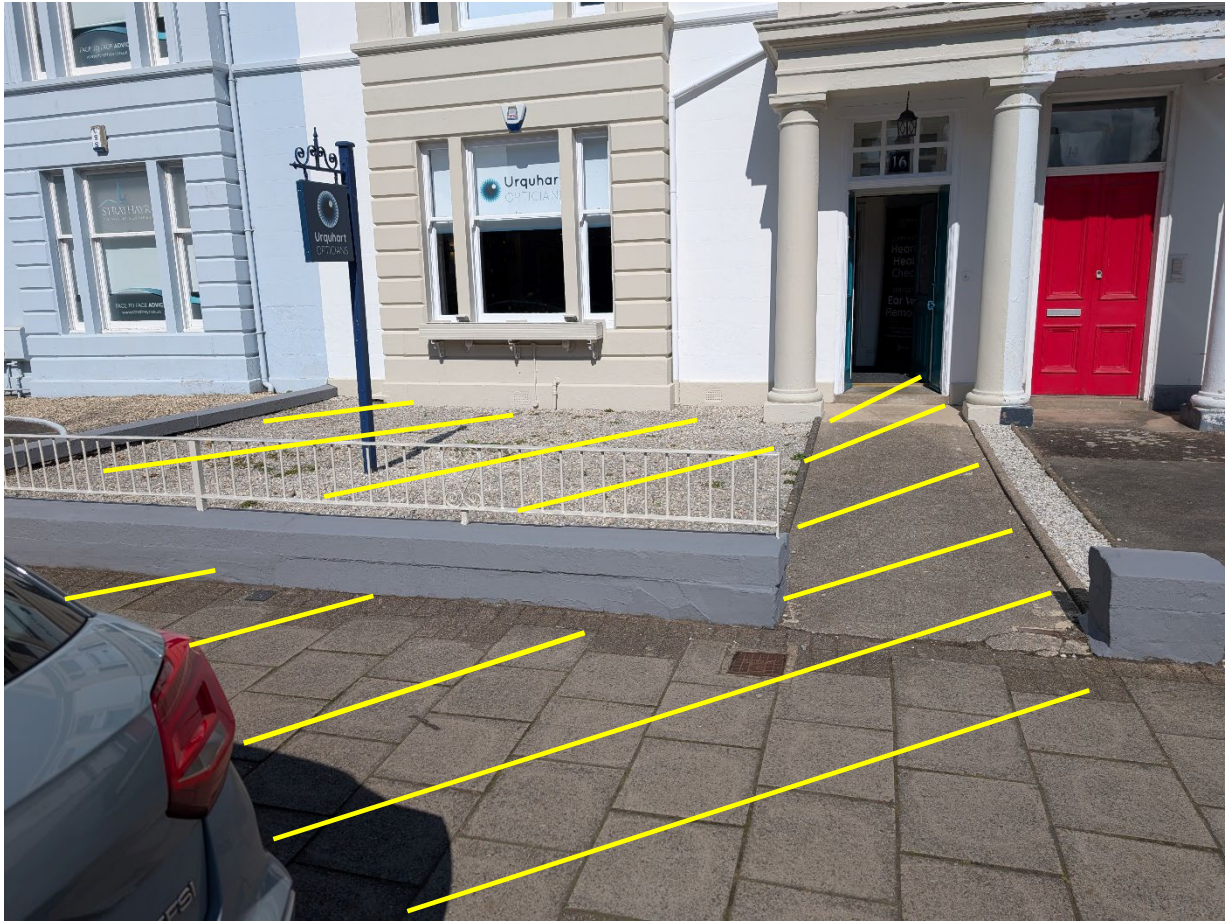
I would ask that if the Board were minded to grant this application, that they consider adding the following conditions to ensure compliance with the local byelaw and to remain consistent with other applications granted in South Ayrshire;

- 1- No glass is permitted in licensed area and drinks must be decanted into glass-alternative receptacles
- 2- Consumption of alcohol must not take place on the public footpath

Catrina Andrew  
Licensing Standards Officer  
4<sup>th</sup> September 2024



Photograph above shows 'The Vintage Bus' at an event



Photograph shows parking bay where Bus will be sited and indicates in yellow area of public footpath, path to premises and outside garden area which LSO proposes should be included in licensed area along with the Bus and Urquhart optician premises at 16 Miller Road, Ayr.



Photograph shows street view and location of application site

## Application for Extended Hours

	<b>Applicant</b>	<b>Premises</b>	<b>Event</b>	<b>Date(s) Requested</b>	<b>Times Requested</b>
1.	Christopher Stanley Morrison	Number Forty Seven	Ayr Gold Cup	20 <sup>th</sup> and 21 <sup>st</sup> September 2024	Friday 02:30-03:30* *Outwith Board Policy
2.	Christopher Stanley Morrison	Number Forty Seven	Annual Ayrshire Real Ale Festival	3 <sup>rd</sup> to 5 <sup>th</sup> October 2024	Thursday to Saturday 02:30am–3:30am* *Outwith Board Policy
3.	Christopher Stanley Morrison	Number Forty Seven	Christmas Day	25th December 2024	Wednesday 02:30-03:30am* *Outwith Board Policy
4.	Christopher Stanley Morrison	Number Forty Seven	Halloween	2 <sup>nd</sup> November 2024	Saturday 02:30-03:30am* *Outwith Board Policy
5.	Christopher Stanley Morrison	Number Forty Seven	Winterstorm	28 <sup>th</sup> to 30 <sup>th</sup> November 2024	Thursday to Saturday 02:30-03:30am* *Outwith Board Policy

Christopher Morrison – Number 47, Troon  
Extended Hours Application – 20<sup>th</sup> & 21st September 2024  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Friday 20th September (extending into the morning of Saturday 21st September) and a terminal hour of 3.30am on Saturday 21st September (extending in to the morning of Sunday 22<sup>nd</sup> September) and the application refers to the Ayr Gold Cup Festival at Ayr Racecourse.

The Ayr Gold Cup is a fixture that was identified by South Ayrshire Licensing Board at its meeting on 16<sup>th</sup> January 2020 as being of 'local or national significance', however the report refers only to the Saturday as that is the day that hosts the actual Gold Cup race.

Having been present at the pre-planning discussions for the Gold Cup festival, I am aware that Friday is the ladies day and the Gold Cup Race day is on the Saturday.

I can confirm that the Gold Cup is on the Boards list of accepted events for Extended Hours and similar applications have been granted to other premises in South Ayrshire for these dates.

Considering the above I have no objections to the grant of extended hours as requested.

Catrina Andrew  
Licensing Standards Officer  
5<sup>th</sup> September 2024



Christopher Morrison – Number Fourty-Seven, Troon  
Extended Hours Application – 6th to 8th October 2022  
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 6th, Friday 7th and Saturday 8th October (extending into the morning of Sunday 9th October) and the application refers to the 'Return of the Real Ale Festival', which is described by the applicant as 'an event of local or national significance'. The core hours for these premises currently extend to 2.30am on a Thursday, Friday and Saturday so this application is to permit an additional trading hour.

I am aware that premises in South Ayrshire have traditionally 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. Examples of these included Scottish National, The Airshow, Girvan Folk Festival etc. and applicants described the reason for the extended hours as 'an event of local or national significance'.

In 2019, the last time a similar application was granted to these premises, South Ayrshire Licensing Board had voiced their concerns regarding Extended Hours applications being made for local events when the premises themselves are not specifically hosting part of these 'events' on the premises and/or where the extended hours requested exceed the time of the events themselves, thus negating the need for extended hours.

With this in mind, I have had discussions with the applicant Chris Morrison who has provided additional information and advised that he has supported this event since he had real ale installed in 2010. Each year he takes an advert in the event programme and sponsors a real ale at the festival, so he considers his venue to be supportive of the main event which takes place in Troon Town Hall. Mr Morrison now sells a total of 5 Real Ale's in his premises (which I am advised is the most in the area) and Mr Morrison also advised that the organisers of the festival have traditionally visited his premises when the main event is wrapped up and he would also like to take advantage of the additional numbers of visitors expected in the town.

I am aware that these premises have enjoyed additional hours the last few years for this annual festival and no complaints or adverse comments were received by Licensing as a result. I can confirm that these premises only have permission for under 18's to attend until 8pm unless in the event of a private function when they may stay until close. The licence holder understands this is not a private function and therefore if the Board are minded to grant the additional hour then under 18's will not be on the premises beyond 8pm. The premises will also have their usual door steward on the Thursday and Friday and two stewards on a Saturday. These stewards are employed through an agency that is known to us and reflects the usual practice of these premises so the only change is the additional hour.

Catrina Andrew  
Licensing Standards Officer  
7<sup>th</sup> September 2022

Christopher Morrison – Number 47, Troon  
Extended Hours Application – 25<sup>th</sup> December 2024  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Wednesday 25<sup>th</sup> December (extending into the morning of Thursday 26<sup>th</sup> December 2024) and the application refers to 'Christmas Day Celebrations', which is described by the applicant as 'an event of local or national significance'.

These premises currently enjoy a terminal hour of 1.00am on a Wednesday which is extended by one hour to 2.00am throughout the month of December as built in to the operating plan. However, this application requests an additional hour and a half on top of that which would take the terminal hour to 3.30am.

Therefore, the Board have already granted an additional trading hour to these premises for that date. The premises do enjoy a regular 2.30am terminal hour on a Thursday to Sunday night and therefore in the month of December it will be possible, with the 1 hour extension which has already been permitted, to open until 3.30pm on these days. For this reason the applicant is requesting the same hours he would have had if Christmas Day were to fall on any of these days.

I can confirm that a similar application was granted to this and other operators in previous years.

Catrina Andrew  
Licensing Standards Officer  
5<sup>th</sup> September 2024

Christopher Morrison – Number Fourty-Seven, 47 Templehill, Troon  
Extended Hours Application – 2nd November 2024  
Report by Licensing Standards Officer

I refer to the Extended Hours application submitted for the above premises which is situated in the Templehill area of Troon which contains a mixture of commercial and some residential properties.

The application requests a terminal hour of 3.30am on the evening of Saturday 2<sup>nd</sup> November (extending into the morning of Sunday 3<sup>rd</sup> November) and the application refers to 'Halloween', which is described by the applicant as 'an event of local or national significance'.

The Board have provided a list of 'occasions' that they would consider to be of 'local or national significance' and 'Halloween' is mentioned as one of these. In the past the Board have been satisfied with applications either for the day of Halloween itself (31<sup>st</sup> October) or for the nearest weekend to that date and thus this particular application is in line with the Boards view.

This applicant has previously been granted extended hours for these premises on a regular basis and no negative reports have been received by the licensing team as a result. I believe this application reflects what the Board has agreed to in principle and I therefore have no objections to the grant of the extended hours as requested.

Catrina Andrew  
Licensing Standards Officer  
5th September 2024

Christopher Morrison – Number 47, Troon  
Extended Hours Application – 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> November 2024  
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 28<sup>th</sup>, Friday 29<sup>th</sup> and Saturday 30<sup>th</sup> November (extending into the morning of Sunday 1st December) 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'.

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. This is a pattern that has been adopted by the premises over the past few years and has proved very successful.

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.

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  
5<sup>th</sup> September 2024