

South Ayrshire Licensing Board

Annual Functions & Financial Report

2020/2021



Forward

The period covered by this annual report is a highly unusual one, with on-sales premises in particular facing huge challenges through enforced closures or restricted opening arrangements for almost the entire year, due to Covid-19.

Premises had to find creative ways to operate, and as a Board we adapted our own procedures to support them. The Board permitted provision of off-sales using a minor variation application, in order that they could provide alcohol with food collections or home deliveries. We also offered occasional licences for outdoor seating areas, to facilitate safe distancing of customers.

The constantly-evolving guidance for premises presented a further challenge. A successful online meeting was arranged jointly with Environmental Health and Police Scotland to enable on-sales premises to have their questions answered and ensure they were better placed to safely implement best practice.

We don't yet know the full impact of Covid-19 on alcohol consumption, and in particular a possible shift towards drinking more at home. Future work of the Board will need to consider statistics and indicators which become available. We also hope to welcome back input from the Licensing Forum in the near future.

Craig Mackay
Chair
South Ayrshire Licensing Board

INDEX

1.0	Introduction – South Ayrshire Licensing Board	Page 3 – 4
2.0	The Licensing Objectives	Page 4
3.0	Annual Function Report	Page 4 – 5
4.0	Decisions of the Board	Page 5
5.0	Licensed Hours	Page 6-7
6.0	Licensing Board Training	Page 6
7.0	Licensing Forum	Page 7
8.0	Reviews	Page 8
9.0	Licensing Standards Officer	Page 8
10.0	Statement of Licensing Policy	Page 9
11.0	Conclusion	Page 8
12.0	Annual Financial Report	Page 9

APPENDICES

Appendix 1	Page 10
Appendix 2	Page 10
Appendix3	Page 10

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 current Board, which was formed in May 2017, comprises nine 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 Country Buildings, Wellington Square, Ayr.



Craig Mackay, Chair



Laura Brennan-Whitefield



Siobhian Brown



Andy Campbell



Douglas Campbell



Ian Fitzsimmons



Lee Lyons



Bob Pollock



Margaret Toner

- 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 112,550 of which 19% are aged under 18.
- 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 In the year from 1 April 2020 to 31 March 2021, the Board, like many other institutions was affected by the Covid-19 pandemic. The planned Board meetings for April, May and June were cancelled due to the lockdown but meetings recommenced in August 2020. These meetings were held remotely by Skype. It was not possible to permit members of the public to attend these meetings due to the limitations of the Board’s IT systems but applicants and their agents were able to attend. The minutes of the Board are available at: [committees agendas](#) The Board was unable to hold its scheduled annual meeting with the Local Licensing Forum as the Forum was reluctant to meet remotely. .
- 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 November 2018. A copy of the Board’s statement of licensing

policy is available at: [Licensing policy statement - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/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 [alcohol-focus-scotland.org.uk](https://www.alcohol-focus-scotland.org.uk)
- 3.4 Subject to the restrictions imposed by Covid-19, 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 Skype, or unable to use it, was given a number and code which they could use to join meetings by phone.
- 3.5 At all meetings, 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 which will in its actions be proportionate, accountable, consistent, transparent and targeted. For the remote meetings which were held, all applicants managed successfully to join the meetings and contribute in the same way as they would have 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 2020/21 are listed at Appendix 1. Of the provisional applications, two had not been confirmed as at 31st March 2021.

- 4.2 During the course of the year, the Board granted 85 occasional licences. This is far fewer than the Board would anticipate granting in a normal year as a result of the restrictions imposed by the pandemic.
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 guidance to Licensing Boards which is available at [Coronavirus \(COVID-19\): Licensing \(Scotland\) Act 2005 section 142 - statutory guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/Coronavirus-COVID-19-Licensing-Scotland-Act-2005-section-142-statutory-guidance)

In line with this guidance, the Board accepted occasional licence applications from premises to permit them to use additional areas for outside drinking to enable customers to be socially distanced outside. It was made clear to all premises that these applications were a stop gap measure, with each licence being granted for fourteen days at a time and that once the pandemic is over, the premises will either have to revert to their previous areas or alternatively go through the full process of applying for a variation to their licence. Additionally, the Board enabled on-sales premises to provide off-sales using a minor variation application, in order that they could provide alcohol with food collections or home deliveries.

4.4 There are currently 404 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 70 personal licences. As a result of the pandemic the Board did not revoke any personal licences where the applicant had failed to comply with the refresher training requirements. This was because there was very limited face to face courses available and while there were on-line course available many people found them inaccessible. 4.6 The Board noted that in the course of the year two premises licences were surrendered or ceased to exist as listed in Appendix 2

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 Licensing Forum has previously advised the Board that it does not support premises being allowed to open before 10am and there were no applications for pre10am opening this year.

5.5 Following the lockdown, a seminar was organised for the on sales trade to assist them with implementing the new restrictions. The seminar was hosted by Business Gateway in conjunction with all three Ayrshire Licensing Boards, Police Scotland and Environmental Health. This was well attended and well received by the trade. It was universally accepted that it was incredibly difficult for the trade to keep up to date with guidance which was being continuously updated and this did prove a concern during subsequent lockdowns.

5.6 The Board permits on sales premises to apply for extended hours during the festive period 1st December -2nd January when it will generally permit trading for an additional hour. Many premises already have this embedded in their licence as a seasonal variation. However, this year this was inapplicable due to the pandemic.

6.0 Licensing Board Training

- 6.1 The current Board comprises 9 members who were elected in the local council elections in May 2017.
- 6.2 Board members received statutory training 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.

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.
- 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: [licensing forum](#)
- 7.3 The Forum normally meets on a quarterly basis and has a joint meeting with the Board once a year. Unfortunately, due to the pandemic, the Forum did not meet this year as members were reluctant to meet remotely. However, the Licensing Standards Officer kept in touch with the forum members regularly during the year and gave updates on the work of the Board and general information about how the pandemic was affecting licensed premises. The Forum were given the opportunity to raise any issues of concern to them, with on-sales premises closed or with restricted opening for much of the year, and few licensed events taking place, they had no concerns they wish to bring to the Board's attention.

8.0 Reviews

- 8.1 Eleven premises are currently suspended due to non-payment of annual fees in previous years. These premises may be re-instated once all outstanding fees have been paid. These premises are listed in Appendix 3. The Board has in the past suspended the premises licence of any premises which have breached their licence conditions by failing to pay the annual fee. The Board accepts that the annual fee may not have been paid because the premises have not been trading and may be for sale. However, following on the review of its Licensing Policy if the premises licence remains unpaid for more than two years then the Board may hold a review to consider revoking the premises licence unless the licence holder can show good reason why the licence should not be revoked.

The Board did not take any suspension action against any premises this year due to non-payment of annual fees but it has been made clear to premises that these fees have not been waived but will still require to be paid.

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.

8.3 There were no requests from Police Scotland for premises or personal licence reviews during the year.

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:-

- 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 dealt with complaints and enquiries throughout the year. The licensing staff were not responsible for ensuring compliance with the Coronavirus legislation but Mrs Andrew kept in touch with the licensed trade throughout the pandemic and was able to liaise with colleagues in Environmental Health and Police Scotland to ensure that licence holders always had access to the most up to date information.

10.0 **Statement of Licensing Policy**

10.1 The Board's Statement of Licensing Policy was approved in November 2018. It is available at [Licensing Board - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/licensing-board)

11.0 **Conclusion**

11.1 The Board recognises that this has been an exceptionally difficult period for the licensed trade, particularly the hospitality venues which have faced long periods of lockdown and restricted trading. It commends the efforts which all premises have made to comply not only with the licensing objectives but also with all of the restrictions imposed on them because of Covid-19.

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 2020/221

Income

Liquor licensing fees	£165,408
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Expenditure

Staff Costs	£101,606
Other expenditure	£70,967
Total Expenditure	£172,573
Deficit (Income – Expenditure)	£7,165

Note

The income comprises application fees and annual fees. There are some annual fees from 20/21 which are still outstanding.

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. One additional member of staff was appointed on a one-year fixed term contract to assist with processing renewal of personal licences.

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 1

Provisional and full premises licences granted in 2019/20

1. Stag, 7 Boswell Park, Ayr
2. The Plough Inn, 10 Cunninghame Street, Tarbolton
3. Ropes Harbour Road, Maidens (Confirmed)
4. Straiton Stores, 44 Main Street, Straiton
5. Community Shop, Ground Floor, McCosh Hall, 17 Patna Road, Kirkmichael

Appendix 2

Premises licences surrendered or ceasing to exist

1. McIntyre's, Prestwick International Airport, Prestwick
2. Iannotti Bros Ltd, 62 Viewfield Road, Ayr

Appendix 3

Premises suspended due to non-payment of annual fees

1. The Village Store, 2 Kennedy Drive, Dunure
2. River Cottage, 4 River Terrace, Ayr
3. Blossom Place, 41 South Harbour Street, Ayr
4. Cosses Country House, Ballantrae
5. L And M's 1A Bath Place Ayr
6. Brunston Castle Golf Course, Golf Course Road, Dailly
7. Geordie's Byre, 103 Main Street, Ayr
8. Harbour Bar, 46 North Harbour Street, Ayr
9. McIntyres Bar, 11 Templehill Troon.
10. Kirkland Stores, 40 Kirkland Street, Maybole
11. Douneburn Stores, 29 Kirkpatrick Street, Girvan