

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting held remotely on 13 January 2022 at 10.00 a.m.

Present: Councillors Craig Mackay (Chair), Laura Brennan-Whitefield, Andy Campbell, Douglas Campbell, Ian Fitzsimmons, William Grant, Lee Lyons and Bob Pollock.

Apology: Councillor Margaret Toner.

Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; J. McClure, Lead Committee Services Officer; C. Buchanan, Committee Services Officer and E. Moore, Clerical Assistant – Democratic and Governance.

Also Attending: Inspector I. McCall and Sergeant S. Syme, Police Scotland.

Opening Remarks

The Chair welcomed everyone to the meeting and outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Declarations of Interest

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

2. Date of Next Board Meeting

The Chair advised that the next Board meeting would be held on Thursday, 10 February 2022 at 10.00 a.m.

3. Minutes of Previous Meeting

The Minutes of the Meeting of South Ayrshire Licensing Board of 18 November 2021 (issued) were submitted.

Decided: to approve the Minutes of the previous meeting.

4. Update by Licensing Standards Officer

The Licensing Standards Officer advised:

- (1) that; additional guidance and regulations for the hospitality trade were introduced just before Christmas and these 'changes' had a considerable impact on the liquor licensed trade. One of the main challenges posed by the new guidance was the lack of clarity and information available and the late hour that this was resolved. This meant that there was a large number of cancellations, many last minute which left the trade, and those that supply them, with the issue of what to do with food and drink and how to pay for the losses;
- (2) there had been the promise to the liquor licence trade of a payment from the Government to compensate for the losses as a result of the regulations and guidance which would be either £4500 or £6800 depending on the rateable value of the premises. Premises had been invited to apply for this from this week in South Ayrshire and the payment was expected this month, however the general view of the licensed trade in South Ayrshire was that this would in no way represent what revenue could have been made over the festive period, regardless of whether it was a food led premises or mainly wet sales. For food led premises the restriction on the number of households and the advice against Christmas

Parties had the biggest impact and for the smaller and wet sales venues it had been the 'table service only' and 'only drinking whilst seated' that had prevented many from trading viably;

- (3) In addition to this came the announcement that 'Nightclubs' must close in Scotland. As Members would be aware, the Licensing (Scotland) Act 2005 removed the categories of licence and as a result there were no venues licensed as a 'Nightclub' in South Ayrshire, instead they simply had a Premises Licence. This once again led to some confusion as there were smaller capacity venues or venues who opened during the day that also had core hours which extended as late as 2.30am. However, throughout the pandemic, premises had required to provide various Covid Risk Assessments and a Covid Compliance Plan to Environmental Health which would identify them as a particular 'type' of premises. Once the Covid pandemic and associated regulations and guidelines were finished, the 'category' of 'Nightclub' may be the subject of future debate, certainly among operators in South Ayrshire who had already indicated they would be looking for clarification;
- (4) In previous years (pre-pandemic) the month of January had always been a quiet one for the liquor licensed trade (both on and off). However, 2022 in particular, many operators were choosing not to open and instead were using the time to offer staff holidays, catch up on paperwork and take the opportunity to clean and refresh the premises. With the wider issue of so many people currently isolating and/or staying away from anything other than essential outings, the traditional wet sales premises in particular had noticed it to be much quieter than expected; and
- (5) Staff training was an issue that she hoped to address further this year as many new employees had entered the hospitality trade over the past two years. Monthly courses were available locally for the Scottish Certificate for Personal Licence holders, and she hoped to deliver the 2-hour staff training project again later this year once guidelines allowed.

The Board, having thanked the Licensing Standards Officer for her update,

Decided: to note the report.

5. **Revocation of Personal Licences**

There was submitted a **report** (issued) of 23 December 2021 by the Clerk to the Licensing Board advising the Board of revocation of personal licences.

Decided: to note the terms of the report.

6. Applications for Transfers Granted Under Delegated Powers

There was submitted a report (issued) of 23 December 2021 by the Clerk to the Licensing Board advising of the following determination of an application for the Transfer of a Licence between the last Board meeting and this Board:-

- (1) The Carrick, 15 Whitehall, Maybole - transferred to Michael Lothian on 30 November 2021;

Decided: to note the transfer granted under delegated powers.

7. Licensing (Scotland) Act, 2005

(a) Application for Provisional Premises Licence

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Ayr United Football and Athletic Club Ltd	The Hub 5 Back Hawkhill Avenue Ayr

Retail Sale of Alcohol (On Premises) – Every day 09.30* to 00.00

Retail Sale of Alcohol (Off Premises) – Every day 10.00 to 22.00

*Outwith Board's Policy

Locality for the application was agreed at 500 metres.

Having heard from the applicant's representative, and the Depute Clerk to the Board, the Board granted the above application subject to;

1. Core opening hours for on sale amended to 10:00am in accordance with Board Policy.
2. Young persons to be admitted for the purposes of having a meal unaccompanied by an adult and at all other times young persons to be accompanied by an adult.

(b) Application for Variation of a Premises Licence

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Kirkmichael Village Renaissance	Community Shop McCosh Hall 19 Patna Road Kirkmichael

Existing Licensed Hours

On-Sales

Monday	N/A
Tuesday	N/A
Wednesday	N/A
Thursday	N/A
Friday	N/A
Saturday	N/A
Sunday	N/A

Off-Sales

10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.
10.30 a.m. to 6.00 p.m.

Proposed Licensing Hours

On-Sales

Monday	10.00 a.m. to 12.30 a.m.
Tuesday	10.00 a.m. to 12.30 a.m.
Wednesday	10.00 a.m. to 12.30 a.m.
Thursday	10.00 a.m. to 12.30 a.m.
Friday	10.00 a.m. to 12.30 a.m.
Saturday	10.00 a.m. to 12.30 a.m.
Sunday	10.00 a.m. to 12.30 a.m.

Off-Sales

10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.
10.00 a.m. to 10.00 p.m.

For Alcohol to be sold on and off premises

To add on sales from 10.30 a.m. till 12.30am every day.

To amend terminal hour for on sales to 10.00 p.m. every day.

To include Seasonal Variations.

Update facilities to include;

1. Conference facilities
2. Restaurant
3. Bar Meals
4. Receptions
5. Club Meetings
6. Recorded Music
7. Live Performances
8. Films
9. Theatre
10. Gaming
11. Indoor & Outdoor Sports
12. Outdoor Drinking
13. Include the provision of facilities outside core hours
14. Include children and young person's statement

The main purpose of a child or young person attending the premises will be to use the café or shop, attend a community activity in the hall or attend a function. In any of these activities at least one adult will be present and therefore each situation will vary regarding times. Under 18's will always be supervised when attending these premises.

In the event of the function hall being used for an under 18's activity, the bar will be closed.

Increase Off-Sales Capacity from 2.16m² to 2.4m²

Upper Hall Capacity 120 Persons

Ground Floor Café 12 Persons

Having heard from the applicant's representative, and receiving confirmation from the Depute Clerk that capacity for the upper hall had been agreed at 120, the Board granted the above application.

(c) Application for the Grant of a Personal Licence

The Board considered the following application:-

	<u>Application Number</u>	<u>Applicant</u>
(1)	SA/21/00111/LAPRS	Sean Dempsey

The Board, having considered the observation by Police Scotland and the report from the Clerk and in the absence of the applicant, refused this application on the grounds that having regard to the licensing objectives, the applicant was not a fit and proper person to be the holder of a personal licence.

(d) Premises Licences Surrendered

The Board noted that the following licence had been surrendered:

	<u>Premises</u>	<u>Date of Surrender</u>
(1)	RS McColl 91 High Street Ayr	Licence surrendered 06/11/21
(2)	Pizza Hut 6 Liberator Drive Ayr	Licence surrendered 15/12/21

8. **Gambling (Scotland) Act 2005**

(a) **Gambling Premises Surrendered**

The Board noted that the following licences had been surrendered:

	<u>Premises</u>	<u>Date of Surrender</u>
(1)	Ladbrokes T/A Coral 1-3 Portland Street Troon	07/12/21
(2)	Ladbrokes T/A Coral Unit 1 3 Main Street Coylton	07/12/21

9. **Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 11:44 a.m.