

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

24 February 2022

**To:- Councillors Mackay (Chair), Brennan-Whitefield, A. Campbell, D. Campbell, Fitzsimmons, Grant, Lyons, Pollock and Toner.**

Dear Councillor

**SOUTH AYRSHIRE LICENSING BOARD**

You are requested to participate in the meeting of the above Board to be held **on Thursday, 10 March 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. The meeting will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

**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 – Thursday 19 April 2022 at 10.00 am
3. Minutes of previous meeting of Thursday 10 February 2022.  
(copy herewith)

**4./**

4. Report by Licensing Standards Officer.
5. Personal Licences Revoked – Submit report by Clerk to The Licensing Board (copy herewith). Page 8 - 10
6. Transfers Granted Under Delegated Powers – Submit Report by Clerk to the Licensing Board (copy herewith). Page 11
7. **Licensing (Scotland) Act 2005**
  - (a) Application for Premises Licence (copy herewith). Pages 12 - 17
  - (b) Application for Variation of Premises Licence (copy herewith). Pages 18 - 19
  - (c) Application for Occasional Licence (copy herewith). Pages 20 - 24
  - (d) Application for Review of Premises Licence (copy herewith). Page 25 - 27
  - (e) Application for Review of Personal Licence (copy herewith). Pages 28 - 30
8. Additional Items
  - (a) Application for Variation of Premises Licence (copy herewith). Pages 31 - 48
  - (b) Application for Extended Hours (copy herewith). Pages 49 - 53

For more information on any of the items on this agenda, please telephone  
Courtney Buchanan, Committee Services, at 01292 612169 at Wellington Square, Ayr or e-  
mail: [committee.services@south-ayrshire.gov.uk](mailto:committee.services@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting held remotely on 10 February 2022 at 10.00 a.m.

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

Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; J. McClure, Committee Services Lead Officer and C. Buchanan, Committee Services Officer.

### **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 March 2022 at 10.00 a.m.

#### **3. Minutes of Previous Meeting**

The Minutes of the Meeting of South Ayrshire Licensing Board of 10 February 2022 (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; whilst the start of the year had been quiet in trading terms for the licensed trade in South Ayrshire, it had been busy with premises making plans and changes for the future and the Board would see that reflected in applications to vary operating plans and layout plans over the coming months.
- (2) Additional financial support was allocated to the licensed trade as a result of restricted trading over the festive period and in the majority of cases payment had been made. The Licensing (Scotland) Act removed the 'categories' of premises, however over the Covid period it had been assumed that premises fitted in to a 'category' and this had determined how and when they were permitted to trade and how much funding they were awarded. The Licensing Standards Officer said that the task was not straightforward and processing the Covid grants had been a very large task and said she would like recognition for her colleagues in the Business Gateway Team who had worked hard to ensure the process had been as straightforward as possible and had kept in touch with the Licensing team throughout, enabling updates to the licensed trade.
- (3) The training of staff continued to be a main concern regarding the licensed trade complying with requirements. Having trained staff was not only a part of the legislation but also helped to

ensure the smooth running of premises and the safety of staff and customers alike. The minimum training requirement of 2hrs documented training delivered by a personal licence holder was not being complied with correctly in a number of cases. This ranged from incomplete declarations, lack of direct training (with staff simply being given a book to read) and training in practical tasks rather than the 16 specific points required by legislation.

- (4) As many new staff had entered the licensed trade over the past few years it was essential that training had been undertaken and the Licensing Standards Officer said that her work over the next few months would concentrate on delivering that message to the licensed trade.

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 27 January 2022 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 27 January 2022 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) 144-146 Hillfoot Road, Ayr - transferred to Jasbir Kaur Bath on 24 January 2022;

**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:

**Applicant**

Co-operative Group Food Limited

**Premises**

51 Kirkoswald Road  
Maybole

Retail Sale of Alcohol (Off Premises) – Every day 10:00 a.m. to 22:00 p.m.

The Board first considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that the town of Maybole would be the appropriate locality for consideration of this application.

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

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

The Board considered the following applications:

<u>Applicant</u>	<u>Premises</u>
(1) Aldi Stores Limited	Aldi 33 Main Street Ayr

Add to operating plan "Click and collect service and online sales/deliveries may also take place during and outwith core hours."

Increase capacity of premises –

- The permanent capacity is increased to 32.77sq m.
- The seasonal capacity is increased to 7.2sq m.
- The overall capacity is increased to 39.97sq m.

An amendment to the seasonal capacity is also sought so that the seasonal display is in effect:

Christmas: 1 December to 31 December annually.

Easter: Seasonal display to commence a week prior to Easter Sunday (as it falls) for a duration of 21 days.

The Board noted that this application had been continued to the next Board meeting, at the request of the licence holder.

<u>Applicant</u>	<u>Premises</u>
(2) Buzzworks Hospitality Limited	Quei Bravi Ragazzi 18 West Portland Street Troon

Existing Licensed Hours

On-Sales

Monday	10.00 a.m. to 12.00 a.m.
Tuesday	10.00 a.m. to 12.00 a.m.
Wednesday	10.00 a.m. to 12.00 a.m.
Thursday	10.00 a.m. to 12.00 a.m.
Friday	10.00 a.m. to 12.00 a.m.
Saturday	10.00 a.m. to 12.00 a.m.
Sunday	10.00 a.m. to 12.00 a.m.

Off-Sales

N/A
N/A
N/A
N/A
N/A
N/A
N/A

Proposed Licensing Hours

On-Sales

Monday	10.00 a.m. to 12.00 a.m.
Tuesday	10.00 a.m. to 12.00 a.m.
Wednesday	10.00 a.m. to 12.00 a.m.
Thursday	10.00 a.m. to 12.00 a.m.
Friday	10.30 a.m. to 01.00 a.m.
Saturday	10.30 a.m. to 01.00 a.m.

Off-Sales

N/A
N/A
N/A
N/A
N/A
N/A

Sunday 10.00 a.m. to 12.00 a.m. N/A

Amend licensed hours as above

Add seasonal variations – one additional hour 1<sup>st</sup> December to 2<sup>nd</sup> January

Add conference facilities during and outwith core licensed hours. Include restaurant facilities outwith core licensed hours.

Include weddings, funerals, birthdays, retirements and other receptions outwith core licensed hours. Also include club or group meetings within and outwith core licensed hours.

Include recorded music and live performances outwith core licensed hours, include films, gaming, indoor/outdoor sports and televised sports within and outwith core licensed hours.

Include conference facilities, restaurant facilities, receptions, meetings and staff meetings, staff events and televised sport may take place outwith core licensed hours but no alcohol will be served outwith these hours without reference to the Board.

Include karaoke, quiz, live bands, comedians, darts, theme nights, fruit machine and golf simulator.

Children to be allowed access to the premises when accompanied by an adult until 22:30 for the purpose of having a meal or attending a function. Young persons will be allowed entry to the premises to 22:30 for the purpose of having a meal or attending a function.

Change name of the premises to "The Fox"

Having heard from the applicant and their representative, the Board continued this application to the next Board meeting to obtain further information from Building Standards.

**Applicant**

**Premises**

(3) Iceland Foods Ltd

Food Warehouse  
Unit 1, Heathfield Retail Park  
Ayr

Increase capacity from 17.1m<sup>2</sup> to 30.4m<sup>2</sup>

Having heard from the applicant's representative, the Board granted the above application.

**(c) Application for the Grant of an Occasional Licence**

Unfortunately, the applicant experienced some technical difficulties and was unable to un-mute to speak to the following applications.

**Applicant**

**Premises**

(1) Ms Nan Li

Blairquhan Castle  
Straiton  
(3<sup>rd</sup> – 5<sup>th</sup> June 2022)

The application is for a Wedding Celebration which will begin at 3pm on Friday 3<sup>rd</sup> June until 12 midnight and resume at 12noon and extend until 1am the following morning and begin again on Sunday 5<sup>th</sup> June from 12noon until 12 midnight.

Having heard from the Licensing Standards Officer, the Board granted the application.

**Applicant**

**Premises**

(2) Ms Nan Li

Blairquhan Castle  
Straiton

(12<sup>th</sup> – 13<sup>th</sup> March 2022)

The application is for a one-day Wedding Celebration which will begin at 12noon on Saturday 12<sup>th</sup> March and extend until 1am the following morning.

Having heard from the Licensing Standards Officer, the Board granted the application.

**Applicant**

**Premises**

(3) Ms Nan Li

Blairquhan Castle  
Straiton  
(27<sup>th</sup> – 29<sup>th</sup> May 2022)

The application is for a Wedding Celebration which will begin at 3pm on Friday 27<sup>th</sup> May and extend until 12 midnight and resume at 12 midday on Saturday 28<sup>th</sup> May with a terminal hour of 1am the following morning.

Having heard from the Licensing Standards Officer, the Board granted the application.

**(d) Application for the Review of a Premises Licence**

**Premises**

The Carrick  
15 Whitehall  
Maybole  
KA19 7DR

The Board noted that this application had been continued to the next Board meeting, at the request of the licence holder.

**(e) Application for the Review of a Personal Licence**

The Board reviewed the following personal licence:-

**Application Number**

**Applicant**

(1) SA/18/00152/LAPRS

Michael Benny Lothian

The Board noted that this application had been continued to the next Board meeting, at the request of the licence holder.

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

The Board noted that the following licence had been surrendered:

**Premises**

Jade Dragon  
9 Templehill  
Troon



Having heard from the Depute Clerk to the Board, the Board decided to note the report.

**(g) Unpaid Fees – Premises Licence Reviews (Under Section 14(2))**

<b><u>Premises Licence Holder</u></b>	<b><u>Premises</u></b>
Buckley's Limited	Buckley's 59 Main Street Prestwick
Lochgreen House Hotel Limited	Costleys 156/158 Main Street Prestwick
LAL (Public House) Limited	Horseshoe Bar 81-83 George Street Ayr
John McCallum	McCallums of Troon The Oyster Bar Harbour Road Troon
Ambassador (Prestwick) Limited	Prestwick Indoor Bowling Bellevue Road Prestwick
Gavin Speirs	<del>Units 29 and 32 Queens Court Sandgate Ayr</del>
Andrea Sargent	Willie Wastles 30 New Bridge Street Ayr

The Depute Clerk to the Board highlighted that fees had now been paid for Units 29 and 32 Queens Court, Sandgate, Ayr.

Having heard from the Depute Clerk to the Board, the Board decided to suspend the licences detailed within the report (excepting those for Units 29 and 32 Queens Court, Sandgate) from 12:00a.m. on 13 February 2022 and granted delegated powers to the Clerk to reinstate the licences upon payment of the outstanding fees .

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

**(a) Application for Unlicensed Family Entertainment Centre**

The Board considered the above application:

**Premises**

- (1) Inspired Gaming UK Ltd  
Sundrum Castle Holiday Park  
Main Arcade

Coylton

- (2) Inspired Gaming UK Ltd  
Craig Tara Holiday Park  
Dunure Road  
Ayr

Having heard from the Depute Clerk to the Board, the Board granted the above applications.

**9. Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 10:54 a.m.

DRAFT

**SOUTH AYRSHIRE COUNCIL**

**REPORT BY THE CLERK  
TO THE LICENSING BOARD  
OF 10 MARCH 2022**

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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**

A number of licence holders were due to have completed their refresher training before the coronavirus pandemic struck in March 2020 and under normal circumstances their licences would have been revoked three months after the expiry of the five-year period from the date of issue of their licence. E.g.- if a licence was granted on 30 January 2015, refresher training should have been completed by 30 January 2020 and a certificate forwarded to the Board no later than 30 April 2020. Since the licence holders listed on Appendix 1 have not complied with the refresher training requirements, their licences have now been revoked.

Person to Contact                      Morag Douglas, Depute Clerk, County Buildings, Wellington  
Square, Ayr Tel 01292 617687  
Email: morag.douglas@south-ayrshire.gov.uk

Date: 24<sup>th</sup> February 2022

# South Ayrshire Licensing Board

## Revoked Personal Licences - Sorted by Name

for the period 14/02/2022 to 14/02/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Mrs Christina Balfour	SA/15/00145/LAPRS	14/02/2022
Mr Andrew Robert Brown	SA/15/00143/LAPRS	14/02/2022
Mr Cameron Alexander Brown	SA/15/00142/LAPRS	14/02/2022
Mr Paul John Thomas Campbell	SA/15/00134/LAPRS	14/02/2022
Mr Robert Clark	SA/15/00165/LAPRS	14/02/2022
Mr William Duncan	SA/15/00136/LAPRS	14/02/2022
Miss Louisa Ferrante	SA/15/00144/LAPRS	14/02/2022
Miss Paige Findlay	SA/15/00138/LAPRS	14/02/2022
Mr Wesley Fulton	SA/15/00125/LAPRS	14/02/2022
Mr John William Galloway	SA/15/00148/LAPRS	14/02/2022
Mr Peter Gibson	SA/15/00155/LAPRS	14/02/2022
Mr Alistair David Goodwin	SA/15/00147/LAPRS	14/02/2022
Mrs Karen Agnes Greenwood	SA/15/00123/LAPRS	14/02/2022
Mr Dennis King	SA/15/00126/LAPRS	14/02/2022
Mr Daniel David Larson	SA/15/00154/LAPRS	14/02/2022
Miss Emma Louise Leslie	SA/15/00139/LAPRS	14/02/2022
Miss Ainsley Logan	SA/15/00127/LAPRS	14/02/2022
Miss Nicola Jane MacDonald	SA/15/00146/LAPRS	14/02/2022
Mr Muhammad Aftab Mahmood	SA/15/00156/LAPRS	14/02/2022
Mr Barrie McCurdie	SA/15/00128/LAPRS	14/02/2022
Mrs Lorraine McGinness	SA/15/00124/LAPRS	14/02/2022
Mr Christopher McSorley	SA/15/00129/LAPRS	14/02/2022
Mr Ryan Muir	SA/15/00160/LAPRS	14/02/2022
Ms Shirley Ann Munro	SA/15/00137/LAPRS	14/02/2022
Mr Alexander George Price	SA/15/00150/LAPRS	14/02/2022
Miss Valerie Anne Reid	SA/15/00130/LAPRS	14/02/2022
Mrs Linda Roberts	SA/15/00159/LAPRS	14/02/2022
Ms Melissa Roche	SA/15/00141/LAPRS	14/02/2022
Mr Gavin James Russell	SA/15/00162/LAPRS	14/02/2022
Miss Amber Jacqueline Smart	SA/15/00131/LAPRS	14/02/2022
Mr Christopher Luke Smith	SA/15/00158/LAPRS	14/02/2022
Mr Carl James Warner	SA/15/00157/LAPRS	14/02/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Mrs Sheena Watt	SA/15/00163/LAPRS	14/02/2022

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**Number of Licences Revoked:** 33

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**REPORT BY CLERK TO THE LICENSING BOARD  
TO LICENSING BOARD OF 10 MARCH 2022**

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**SUBJECT: APPLICATIONS FOR TRANSFER GRANTED BETWEEN 10 FEBRUARY 2022  
AND 10 MARCH 2022**

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**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) 2A Paterson Street, Ayr**

The above premises licence was transferred to Ankit Parekh on 7<sup>th</sup> February 2022.

**(2) Barr Community Shop and Café, Barr**

The above premises licence was transferred to Barr Community Shop and Café Ltd on 7<sup>th</sup> February 2022.

**5. Resource Implications.**

None

**6. Results of Public Consultation.**

None

**Background Papers.** Nil

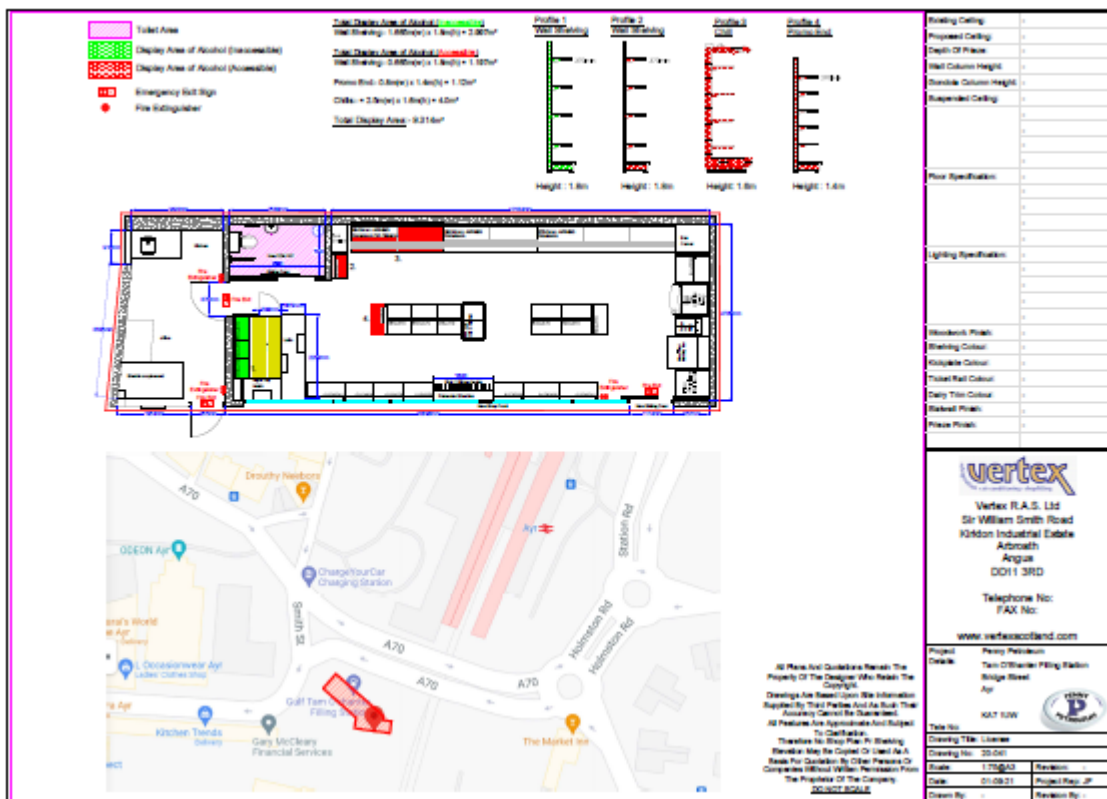
**Author and Person to Contact.**

Morag Douglas, Depute Clerk, County Buildings, Wellington  
Square, Ayr, KA7 1DR  
Tel. (01292) 617687

**Date.** 24<sup>th</sup> February 2022

Application for Premises Licence

Applicant	Premises
1. Penny Petroleum (Scotland) Limited	Tam O Shanter 2 Station Bridge Road Ayr
Retail Sale of Alcohol (Off Premises)	Every day 10:00 – 22:00



**REPORT BY THE CLERK TO THE  
LICENSING BOARD OF 10<sup>th</sup> MARCH 2022**

**SUBJECT: APPLICATION FOR  
PREMISES LICENCE**

**TAM O'SHANTER  
2 STATION ROAD  
AYR  
KA7 1UW**

**APPLICANT**

**PENNY PETROLEUM (SCOTLAND) LIMITED  
GLOBAL HOUSE  
303 BALLARDS LANE  
LONDON  
N12 8NP**

**APPLICATION REPORT**

**1 Background:**

An application for a premises licence for a petrol station with additional retail (groceries/derv and petrol/diesel).

The core hours sought are 10:00- 22:00 daily for off sales only.

The applicant advises that background music will be played at all times that the premises are open.

The applicant states on the operating plan that the primary activity undertaken at the premises is the retail sale of the following commodities to the general public: -

Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non-foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and spirits and other fermented distilled and spirituous liquors.

The applicant may operate a national lottery within the outlet and/or a pay point bill payment service.

The applicant is seeking an alcohol display area of 9.14 square metres which has been agreed with Building Standards

**2 Reports**

There have been no objections or representations.

Section 50 Certificates from Planning, Building Standards and Environmental Health have been lodged along with the application.

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

The applicant has not provided details of how it will meet the licensing objectives and the applicant should address this in their submission to the Board.



### 3. Board Options

The Board should establish what it considers to be locality. Generally, in this area the Board has considered a radius of 500 metres. The premises in that area are:-

<b>Address</b>	<b>Capacity</b>
Drinks Cellar 17-19 Burns Statue Square Ayr	Off Sale – 22.6m2
Morrisons Cattle Market Castlehill Road Ayr	Off Sale - 215.42m2
Mota's Indian Restaurant 54 Alloway Street Ayr	On Sale – 60 persons
Ayrshire & Galloway Hotel 1 Killoch Place Ayr	On Sale – 225 persons
Budds Bar 6-7 Union Arcade Burns Statue Square Ayr	On and Off Sale – 60 persons
Crumbs and Cocktails 58 Kyle Street Ayr	On and Off Sales – 128 persons
Tempura 13 Beresford Terrace Ayr	On and Off Sales – 55 persons
Hotel Kylestrome Bar and Grill 11 Miller Road Ayr	On and Off Sales – 201 persons
LA Bowl 17 Miller Road Ayr	On Sale – 300 persons
Lychees Ayr 17 Miller Road Ayr	On Sale – 250 persons
Market Inn 2 Castlehill Road Ayr	On and Off Sale – 160 persons
Matha Dickies 20 Smith Street Ayr	On and Off Sale – 60 persons
Mr Basrai's World Buffet And Bar 5 Beresford Terrace Ayr	On Sale – 222 persons
No 22 Bar and Grill 22 Beresford Terrace Ayr	On and Off Sale – 130 persons
O'Briens 56 Smith Street Ayr	On and Off Sale – 84 persons
Rabbies Bar 23 Burns Statue Square Ayr	On and Off Sale – 270 persons
Smiths 13 Dalblair Road Ayr	On and Off Sale – 300 persons
The Ghillie Dhu 11 Burns Statue Square Ayr	On and Off Sales – 100 persons

The Growler 2 Beresford Terrace Ayr	On and Off Sale – 100 persons
Twa Dugs 4 Killoch Place Ayr	On and Off Sales – 100 persons
Tudor Restaurant 8 Beresford Terrace Ayr	On Sale – 90 persons
Vitos 25 Burns Statue Square Ayr	On and Off Sale – 100 persons
Wishing Well 55 Alloway Street Ayr	On Sale – 30 persons

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

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

The grounds for refusal are—

**(a) that the subject premises are excluded premises. Excluded premises are defined as premises used as a garage or which form part of premises which are so used. Premises are used as a garage if they are used for one or more of the following-**

- (b) the sale by retail of petrol or derv  
 (c) the sale of motor vehicles, or  
 (d) the maintenance of motor vehicles**

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

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

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

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

(E) that, having regard to—

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

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

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

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

**Person to Contact:**

Morag Douglas  
 Depute Clerk  
 County Buildings  
 Wellington Square, Ayr  
 Telephone (01292) 617687  
 Date 23<sup>rd</sup> February 2022

# DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(iia)*

## **Question 1**

### **Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES / NO*
1(b)	Do you have facilities for those with a disability	YES / NO*
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES / NO*
<i>*Delete as appropriate</i>		

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

## **Question 2**

### **Disabled access to, from and within the premises**

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

<p>Aisle widths will be wheelchair accessible.</p> <p>Signage will be present advising customers to ask staff for assistance if required</p> <p>Entrance and fire exit are wide enough to accommodate wheelchairs</p> <p>The premises are on one level.</p> <p>There is parking available</p>
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## **Question 3**

### **Facilities available**

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

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The service counter will be wheelchair accessible

The payment pin pads will not be fixed and will be accessible

#### **Question 4**

##### **Other provisions**

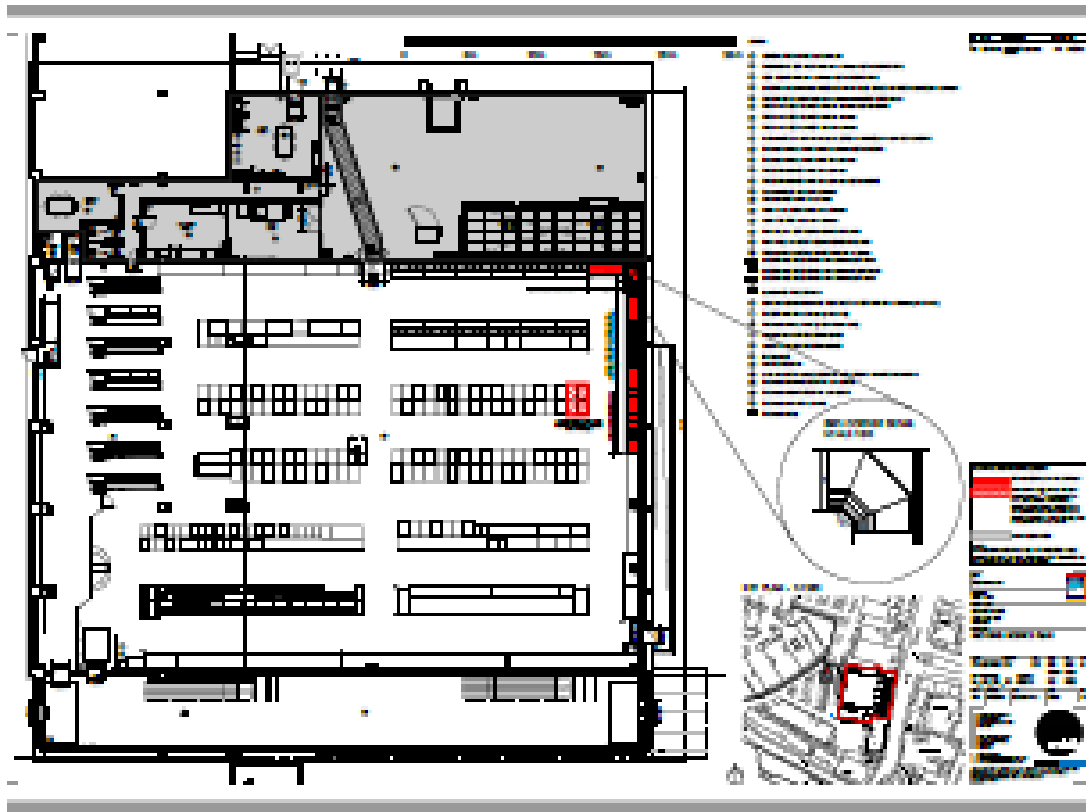
Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

The service counter will be wheelchair accessible and have an induction hearing loop installed

Signage will be present advising customers to ask staff for assistance if required

Application for Variation of Premises Licence

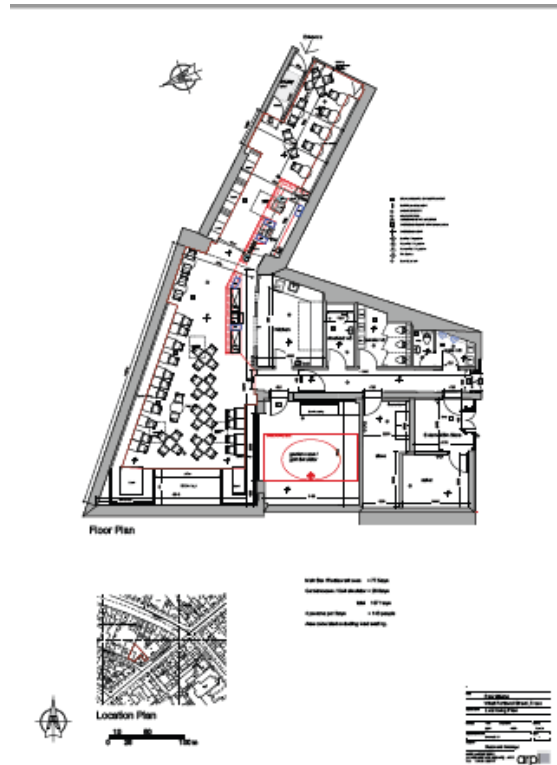
1.	Aldi Stores Limited	Aldi 33 Main Street Ayr
<p>Add to operating plan "Click and collect service and on line sales/deliveries may also take place during and outwith core hours."</p> <p>Increase capacity of premises -</p> <ul style="list-style-type: none"><li>• The permanent capacity is increased to 32.77 sq m.</li><li>• The seasonal capacity is increased to 7.2 sq m.</li><li>• Overall capacity is increased to 39.97 sq m.</li></ul> <p>An amendment to seasonal capacity is also sought so that the seasonal display is in effect: Christmas: 1 December to 31 December annually. Easter: Seasonal display to commence a week prior to Easter Sunday (as it falls) for a duration of 21 days.</p>		



2.

Buzzworks Hospitality Limited	Quei Bravi Ragazzi 18 West Portland Street Troon			
	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	10:00 – 00:00	N/A	10:00 – 00:00	N/A
Tuesday	10:00 – 00:00	N/A	10:00 – 00:00	N/A
Wednesday	10:00 – 00:00	N/A	10:00 – 00:00	N/A
Thursday	10:00 – 00:00	N/A	10:00 – 00:00	N/A
Friday	10:00 – 00:00	N/A	10:30 – 01:00	N/A
Saturday	10:00 – 00:00	N/A	10:30 – 01:00	N/A
Sunday	10:00 – 00:00	N/A	10:00 – 00:00	N/A

Amend licensed hours as above  
 Add seasonal variations – one additional hour 1<sup>st</sup> December to 2<sup>nd</sup> January  
 Add conference facilities during and outwith core licensed hours. Include restaurant facilities outwith core licensed hours.  
 Include weddings, funerals, birthdays, retirements and other receptions outwith core licensed hours. Also include club or other group meetings within and outwith core licensed hours.  
 Include recorded music and live performances outwith core licensed hours, include films, gaming, indoor/outdoor sports and televised sports within and outwith core licensed hours.  
 Include conference facilities, restaurant facilities, receptions, meetings and staff meetings, staff events and televised sport may take place outwith core licensed hours but no alcohol will be served outwith these hours without reference to the Board.  
 Include karaoke, quiz, live bands, comedians, darts, theme nights, fruit machine and golf simulator.  
 Children to be allowed access to the premises when accompanied by an adult until 22.30 for the purpose of having a meal or attending a function. Young persons will be allowed entry to the premises to 22.30 for the purpose of having a meal or attending a function.  
 Change name of the premises to “The Fox”  
 Building Standards advise that a completion certificate for the premises has not as yet been issued



### Application for Occasional Licence

<b>Applicant</b>	<b>Premises</b>	<b>Event</b>	<b>Dates Requested</b>	<b>Times Requested</b>
Nan Li	Blairquhan Castle Straiton	Brand Induction Trip	29 <sup>th</sup> June 2022	Wednesday 12:00 – 01:00* *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Education and Training Conference	14 <sup>th</sup> September 2022	Wednesday 12:00 – 01:00* *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Brand Induction Trip	28 <sup>th</sup> September 2022	Wednesday 12:00 – 01:00* *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Brand Induction Trip	2 <sup>nd</sup> November 2022	Wednesday 12:00 – 01:00* *Outwith Board Guidelines

Nan Li– Blairquhan Castle, Straiton  
Occasional Licence Application – 29<sup>th</sup> to 30<sup>th</sup> June 2022  
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a 'Brand Induction Trip' in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a group of around 30 adults who will be staying at the Castle on Wednesday 29<sup>th</sup> until Thursday 30<sup>th</sup> June 2022. The application is to allow those who wish to have the option of alcoholic refreshment until 1am on the Wednesday, extending to the Thursday morning. The reason for the late hour is that this is a specific trip in conjunction with Wm Grant Distillery, a local company, and the licence will allow those in attendance to continue to sample and learn about the brands as well as enjoying hospitality.

The terminal hour of 1am is not able to be granted under delegated powers and thus the application has to be considered at a Licensing Board meeting.

Members will be aware of the pattern of Occasional Licences which have been applied for by this venue over the past few years with a 1am close and I am not aware of any complaints or issues as a result.

Considering the above and the rural location of the venue I do not believe the grant of this licence would be contrary to any of the licensing objectives.

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



Nan Li– Blairquhan Castle, Straiton  
Occasional Licence Application – 14<sup>th</sup> to 15<sup>th</sup> September 2022  
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for an 'Education and Training Conference' in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a group of up to 70 adults, some of whom will be staying at the Castle (and others locally) on Wednesday 14<sup>th</sup> until Thursday 15<sup>th</sup> September 2022. The application is to allow those who wish to have the option of alcoholic refreshment until 1am on the Wednesday, extending to the Thursday morning. The reason for the late hour is that this is a specific trip in conjunction with Wm Grant Distillery, a local company, and the licence will allow those in attendance to continue to sample and learn about the brands as well as enjoying hospitality.

The terminal hour of 1am is not able to be granted under delegated powers and thus the application has to be considered at a Licensing Board meeting. Members will be aware of the pattern of Occasional Licences which have been applied for by this venue over the past few years with a 1am close and I am not aware of any complaints or issues as a result.

Considering the above and the rural location of the venue I do not believe the grant of this licence would be contrary to any of the licensing objectives.

Catrina Andrew  
Licensing Standards Officer  
15<sup>th</sup> February 2022

Nan Li– Blairquhan Castle, Straiton  
Occasional Licence Application – 28<sup>th</sup> to 29<sup>th</sup> September 2022  
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a 'Brand Induction Trip' in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a group of around 30 adults who will be staying at the Castle on Wednesday 28<sup>th</sup> until Thursday 29<sup>th</sup> September 2022. The application is to allow those who wish to have the option of alcoholic refreshment until 1am on the Wednesday, extending to the Thursday morning. The reason for the late hour is that this is a specific trip in conjunction with Wm Grant Distillery, a local company, and the licence will allow those in attendance to continue to sample and learn about the brands as well as enjoying hospitality.

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Considering the above and the rural location of the venue I do not believe the grant of this licence would be contrary to any of the licensing objectives.

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

Nan Li– Blairquhan Castle, Straiton  
Occasional Licence Application – 2<sup>nd</sup> to 3<sup>rd</sup> November 2022  
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a 'Brand Induction Trip' in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a group of around 30 adults who will be staying at the Castle on Wednesday 2<sup>nd</sup> until Thursday 3<sup>rd</sup> November 2022. The application is to allow those who wish to have the option of alcoholic refreshment until 1am on the Wednesday, extending to the Thursday morning. The reason for the late hour is that this is a specific trip in conjunction with Wm Grant Distillery, a local company, and the licence will allow those in attendance to continue to sample and learn about the brands as well as enjoying hospitality.

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

**Premises Licence Review**  
**Under Section 36 of the Licensing (Scotland) Act 2005**

<b>Licence Holder</b>	<b>Premises</b>
Michael Benny Lothian	The Carrick 15 Whitehall Maybole

**REPORT BY THE CLERK TO THE  
LICENSING BOARD: 10 MARCH 2022**

<b>SUBJECT: PREMISES</b>	<b>THE CARRICK 15 WHITEHALL MAYBOLE KA19 7DR</b>
<b>PREMISES LICENCE HOLDER</b>	<b>MICHAEL BENNY LOTHIAN 49 BAINESHILL DRIVE MAIDENS</b>
<b>PREMISES MANAGER</b>	<b>MICHAEL BENNY LOTHIAN 49 BAINESHILL DRIVE MAIDENS</b>
	<b>PERSONAL LICENCE NUMBER SA/18/00152/LAPRS</b>

**APPLICATION REPORT**

**1. Background:**

An application for a premises licence review (Appendix 1 – members only) dated 17<sup>TH</sup> January 2022 been made by the Chief Constable, Police Scotland in respect of the premises formerly known as The Carrick, 15 Whitehall, Maybole.

The application is made in terms of Section 36(3) (b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting Children from Harm
- Protecting and Improving Public Health

**2. Reports:**

The Licensing Standards Officer has provided a report dated 24<sup>th</sup> January 2022 (Appendix 2- members only) and an updated report dated 21<sup>st</sup> February 2022 (Appendix 3 members only)

A copy of the review request, the Licensing Standards Officer's report and this report has been sent to the premises licence holder.

### 3. **Board Options**

At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps as detailed below as the Board considers necessary or appropriate for the purposes of any of the licensing objectives

Those steps are—

- (a) to issue a written warning to the licence holder,
- (b) to make a variation of the licence,
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence.

#### **Person to Contact:**

Morag Douglas,  
Depute Clerk  
County Buildings,  
Wellington Square,  
Ayr  
Telephone (01292) 617687  
Date 23<sup>rd</sup> February 2022

**Personal Licence Review  
Under Section 84(A) of the Licensing (Scotland) Act 2005**

Licence Number	Name
SA/18/00152/LAPRS	Michael Benny Lothian

**REPORT BY THE CLERK TO THE  
LICENSING BOARD: 10<sup>th</sup> March 2022**

<b>PERSONAL LICENCE HOLDER</b>	<b>MICHAEL BENNY LOTHIAN 49 BAINESHILL DRIVE MAIDENS KA26 9NP</b>
<b>PERSONAL LICENCE NUMBER</b>	<b>SA/18/00152/LAPRS</b>

**APPLICATION REPORT**

**1. Background:**

MICHAEL BENNY LOTHIAN, 49 Baines Hill Drive, Maidens was granted a personal licence on 20<sup>th</sup> November 2018 which is valid until 19<sup>th</sup> November 2028.

The Chief Constable of Police Scotland by letter dated 17<sup>th</sup> January 2022 has requested a review of Mr Lothian's personal licence on the basis that his conduct has been inconsistent with the licensing objectives of: -

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting Children from Harm
- Protecting and Improving Public Health

(Appendix 1 (members only))

**2. Board Options**

If satisfied that it is necessary to do so for the purposes of any of the licensing objectives, the Licensing Board may make an order under Section 84(7) of the Licensing (Scotland) Act 2005

(a) revoking

(b) suspending for such period not exceeding 6 months, as the Board considers appropriate, or

(c) endorsing,

the personal licence held by the licence holder

Where, at the hearing, the Licensing Board are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a personal licence, the Board must make an order revoking the licence. (Section 84(7) (A) of the Licensing (Scotland) Act 2005.

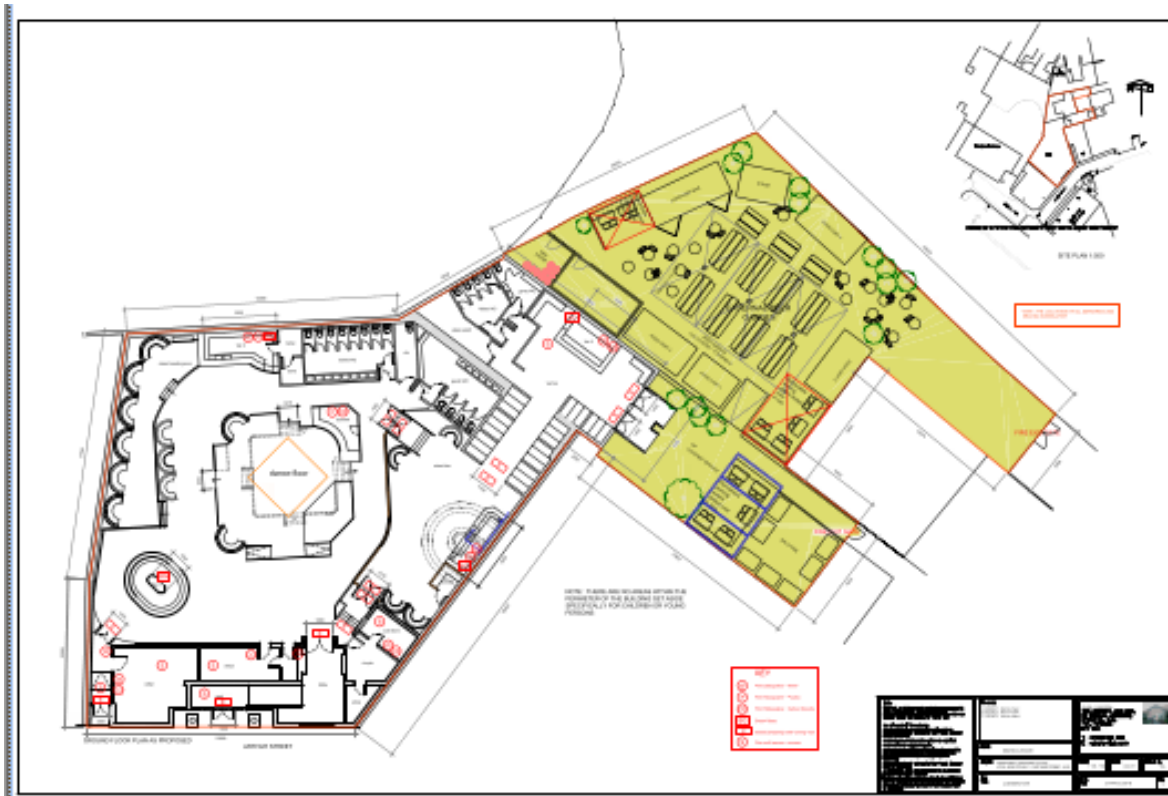


**Person to Contact:**

Morag Douglas,  
Depute Clerk  
County Buildings,  
Wellington Square,  
Ayr  
Telephone (01292) 617687  
Date 26<sup>th</sup> January 2022.

**Application for Variation of Premises Licence**

1.	<p>Ultimate Leisure (Scotland) Limited                  Vinyl                  1-5 Arthur Street                  Ayr</p>																																												
	<table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Existing Licensed Hours</th> <th colspan="2">Proposed Licensing Hours</th> </tr> <tr> <th>On Sales</th> <th>Off Sales</th> <th>On Sales</th> <th>Off Sales</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Tuesday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Wednesday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Thursday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Friday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Saturday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> <tr> <td>Sunday</td> <td>12:00 – 02:30</td> <td>12:00 – 22:00</td> <td>12:00 – 02:30</td> <td>10:00 – 22:00</td> </tr> </tbody> </table>		Existing Licensed Hours		Proposed Licensing Hours		On Sales	Off Sales	On Sales	Off Sales	Monday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Tuesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Wednesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Thursday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Friday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Saturday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00	Sunday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
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	<p>To amend commencement hours of off sales to 10.00am Monday – Sunday (*Different commencement time from on sales).                  To include wording at Q5 as follows:                  “The outside area may be used outwith core hours by patrons for the provision of coffees, teas, snacks, non alcoholic refreshments and hot and cold food.”                  To amend wording at Q5(f) as follows:                  “The premises has gaming machines, pool tables and dartboards which can be used by patrons”.                  The following list of activities may take place on the premises, but is not restricted to; small stakes poker/bingo nights, discoes, karaoke nights, live bands, comedy nights, quiz nights, race nights, fun casino nights, theme nights, charity events, promotional events, live entertainment, dance troupes, male/female review shows, rodeo bull riding (or other attachments), psychic nights, fashion shows, celebrity guests, hypnotists and live appearances.                  The external area will be used for markets, community, commercial and entertainment events.”                  To amend wording at 6(b) as follows:                  Children or young persons may attend a market or other event pre core hours.                  To amend wording at 6(d) as follows:                  Children or young persons may attend a market or other event pre core hours.                  To include the external eating and drinking area in the licensed footprint, as shown on the layout plan.</p>																																												
	<p>Noise Management Plan attached</p>																																												
	<p>Environmental Health - advise that the recommended Noise Management Plan by the consultant is strictly adhered to</p>																																												
	<p>Building Standards – building warrant required for proposed works.</p>																																												
	<p>Police – no objections</p>																																												



# Proposed use of outdoor area Vinyl nightclub – Arthur Street, Ayr

Noise Impact Assessment and Noise Management Plan

KSG Acoustics

Prepared for Vinyl

27 January 2022

# Contents

1. Introduction	3
2. Site description	3
3. Proposed development	4
4. Assessment methodology and consultation	5
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6. Noise impact assessment – Day to day operations	7
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Appendix A: Limitations of the report

## Proposed outdoor area

### Vinyl - Arthur Street, Ayr

## Noise Impact Assessment and Noise Management Plan

### 1. Introduction

Vinyl nightclub is located on Arthur Street, Ayr, adjacent to other night time entertainment and restaurant / bar uses.

The Operators plan to develop an area of land to the rear of the nightclub, which is currently overgrown and derelict, as a flexible space for a range of uses. This includes activities such as pop-up food and drink, markets and other community interest activities, sports screenings and other occasional events.

Vinyl is acutely aware of the need to involve and respect the local community and be a good neighbour. As such, this document sets out a Noise Impact Assessment (NIA) and Noise Management Plan (NMP) to achieve this aim.

### 2. Site description

Vinyl is located in Ayr town centre in an area featuring a range of other night time, hospitality and leisure uses. The wider area also includes mixed residential, commercial and retail uses, with nearby dwellings located on High Street and Newmarket Street to the east and north respectively. The closest dwellings are at a separation distance of approximately 28m from the Application site boundary to the north and 55m to the east.

The Application site is to the north of Vinyl and can be accessed through the nightclub itself, or from the side of the block adjacent to the Eight Ball Pool Club at the rear of the car park.

The land was previously incorporated into an outdoor area for an adjacent bar / restaurant use and provided additional space and a children's' play area. The site has since fallen into a state of disrepair and has become overgrown and derelict.

The Arthur Street Kitchen, adjacent to Vinyl, already operates an outdoor area, which was the subject of a separate NIA / NMP. This area is used for consumption of food and drink, however it also features ambient background music and occasional live music. Consultation with South

Ayrshire Council (SAC) has confirmed that there have been no recorded complaints associated with use of the outdoor space, which provides a positive context against which to consider the current Application at Vinyl.

Despite the town centre location, ambient noise levels at the rear of Vinyl during the day are moderate and dominated by distant road traffic, local vehicle movements, operational fixed plant items, birdsong etc.

Arthur Street Kitchen has external refrigeration plan which operates daily and sets back at 1900h. When meteorological conditions allow, the outdoor area at Arthur Street Kitchen is in use and the soundscape changes accordingly, including patron noise, music etc.

### 3. Proposed development

Application proposals are set out in Architectural Services Drawing reference 21/VINYL/LIC/01B Rev C, which has been submitted in support of the current Application.

Briefly, proposals include improvements to the existing smoking area outside the VIP bar, including additional seating space and a permanent awning. Beyond this, in the area that is currently disused, an external beer garden area is proposed centrally, including seating and standing areas, with some areas under retractable awnings. Space is marked out for up to four food trucks, or other market uses, a containerised bar and a small stage / screening area located in the north corner facing back into the beer garden area. The area is compact and the stage is close to the seating area, lending itself to control over sound levels.

Beyond these day to day uses of the space, Vinyl may host small events commensurate with the size of the outdoor area. These might include local bands, DJs, spoken word or comedy performed on the stage indicated. As it is recognised that such events may have a more significant noise impact than the day to day operation of the space, these have been assessed separately and the option of limiting the number and timing of such events may be appropriate.

## 4. Consultation

Consultation has been undertaken with the SAC Department of Environmental Health to establish an acceptable approach to the assessment of operational noise from the Application site.

While acknowledging the similarity with existing activities at Arthur Street Kitchen and the lack of reported complaints from the local community, SAC was keen to understand more details of the proposals. They expressed some concern over the potential for levels of amplified sound to draw complaint from local residents and the potential for a nuisance to occur.

SAC agreed that separating day to day activities from occasional events was an appropriate method to address the assessment and formulate a targeted NMP.

The importance of addressing low frequency sound egress and subsequent impact has also been discussed and Vinyl has undertaken to optimise the design, in so far as is reasonably practicable, to minimise the potential adverse effects of day to day and occasional music and entertainment noise in these frequencies.

## 5. Baseline noise data

A site walkover was undertaken and predominantly unattended measurements of environmental noise carried out between 20 and 24 January 2022. These measurements were undertaken to define the typical acoustic environment representative of the closest identified noise sensitive dwellings to contextualise the assessment.

All measurements were made using a 01dB Duo sound level meter (serial number 10454) fitted with a GRAS 40CD 1/2" pre-polarised free-field condenser microphone (serial number 145009). The sound level meter was calibrated at the beginning and end of the measurement period using a 01dB Metravib CAL31 acoustic calibrator (serial number 34113670) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Weather conditions during the surveys were suitable for the monitoring of environmental noise, being cold with wind speeds below 5 m/s and no precipitation.



All measurements were taken in the free field at a height of approximately 1.6m above local ground height.

The following table summarises the results of the baseline measurements at times relevant to the Application.

*Table 1: Summary of baseline noise measurements*

Period	Average LAeq,T (dB)	Average LA90,1h (dB)
1200 - 1900h	48	43
1900 - 2300h	40	36
2300 - 0000h	35	32

*Source data for amplified spoken word (screenings) and outdoor music*

Predictions of amplified sound levels have been undertaken using library data for the spectral shape of amplified spoken word (screenings), and electronic and rock / pop music. The following Tables 2 and 3 present spectral data corresponding to a total A-weighted value of 65dB LAeq,15min for day-to-day use and 75dB LAeq,15min for occasional events. These are considered reasonable source levels for each use.

*Table 2: Source data for amplified spoken word (screenings) (Leq,15min at site boundary)*

Octave band centre frequency (Hz)	63	125	250	500	1000	2000	4000	A
Day to day levels	71	68	63	61	59	59	54	65
Occasional event levels	81	78	73	71	69	69	64	75

*Table 3: Source data for amplified music (Leq,15min at site boundary)*

Octave band centre frequency (Hz)		63	125	250	500	1000	2000	4000	A
Electronic / dance music (dB lin)	Day to day levels	82	64	60	61	60	57	54	65
	Occasional event levels	92	74	70	71	70	67	64	75
Rock and pop music (dB lin)	Day to day levels	77	67	63	63	60	56	51	65
	Occasional event levels	87	77	73	73	70	66	61	75

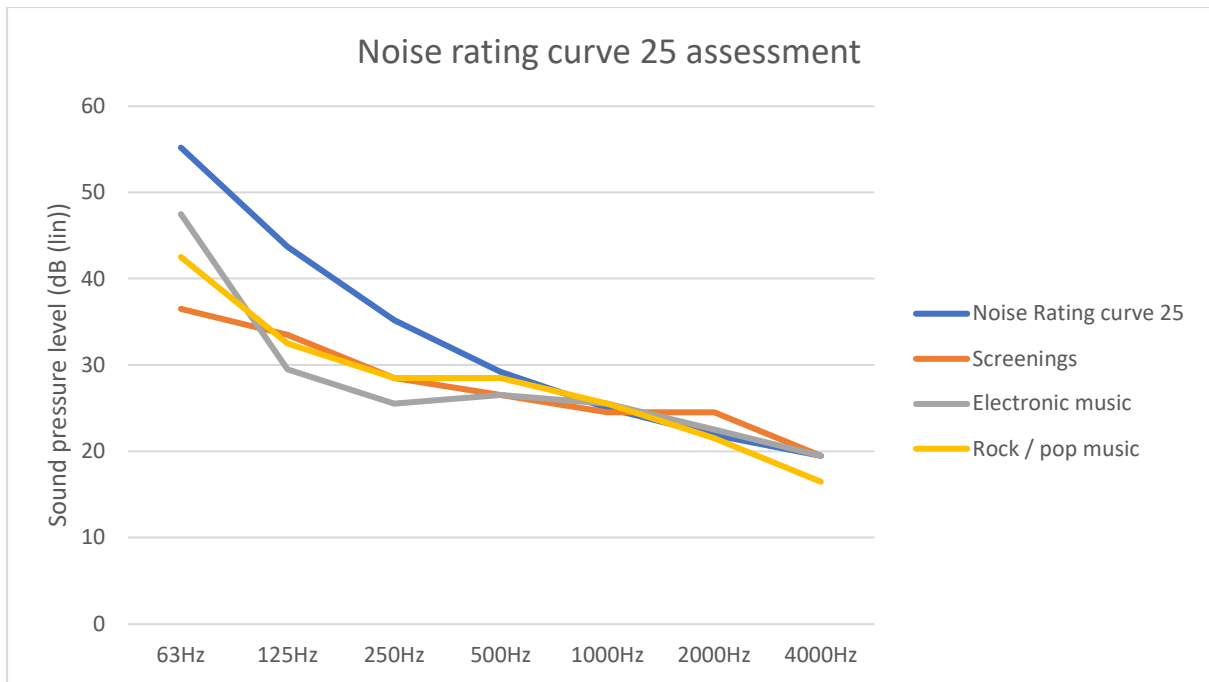
## 6. Noise impact assessment – Day to day operations

For the purpose of this assessment, a conservative assessment of propagation of day to day amplified sound has been applied to minimise the potential for underestimating levels at the closest existing dwellings. The following parameters have been applied:

- 15log correction (-4.5dB per doubling of distance)
- Hemispherical propagation
- Source level (LAeq,15min) is applicable at 3m from source
- Receiver is 28m from source
- -5dB reduction for a partially obscured sight line
- No correction for angle of view or intervening screening, ground cover etc.

Predicted levels have been predicted inside facing habitable rooms with windows partially open for ventilation.

Levels have been assessed against the set of values set out in Noise Rating (NR) curve 25. These are conservative values for daytime hours (0700 – 2300h)., The following Chart presents the results of these predictions.



The results indicate that NR25 is likely to be met in situ, when all other aspects are taken into consideration. The screening predictions show a potential slight exceedance at 2000Hz however the content from spoken word / screenings is variable and may vary from the library data set adopted.

Nonetheless, this emphasises the need for a robust approach to PA design and noise management. These elements are discussed in detail later in this report.

### 7. Noise impact assessment – Occasional events

Amplified sound from occasional events has been considered in accordance with the guidance set out in the Code of Practice on Environmental Noise Control at Concerts (CoP).

Although more suited to far larger organised events, the principle of a sliding scale of permissible sound levels for increasing numbers of events provides a useful framework.

The CoP suggests that, for 1 to 3 events per year up until 2300h, an absolute limit of 65dB LAeq,15min outside the closest dwellings may be acceptable. For additional events, the LAeq,15min outside the closest dwellings should not exceed prevailing background LA90 + 15dB(A).

The following Table sets out predicted A-weighted average sound levels for screenings and amplified music based on the library data set out in Tables 2 and 3 above (occasional event

levels). These levels are applicable to the closest noise sensitive dwelling (circa 28m separation distance) and apply the same set of conservative parameters set out previously for the prediction and assessment of day to day operational noise.

Source	Predicted external LAeq,15min (dB)at closest dwelling (28m separation distance)
Screenings or music	56dB

The predicted level suggests that, without significant intervention, the LAeq,15m would be well within the absolute limit for 1 to 3 events per annum.

Table 1 indicates that the prevailing background sound level with no contribution from Vinyl or Arthur Street Kitchen is circa 36dB LA90,1h between 1900 and 2300h. This is likely to be higher on weekend nights when the night time entertainment and restaurant / bar premises are in operation. On the basis of the advice in the CoP, the maximum music noise limit would therefore be 51dB LAeq,15min. This is 5dB less than the conservative predictions.

Dwellings at distances further from the source will benefit from the additional separation distance from source and, as such, will receive music noise levels that are commensurately reduced.

Nonetheless, there is clearly a need for robust noise management to ensure that the appropriate standards can be achieved in situ. Section 7 sets out the proposed NMP for Vinyl’s outdoor area.

*Amplified sound after 2300h*

Vinyl has indicated that, on a limited number of occasions per annum, they may wish to have amplified sound that continues until midnight. As part of the occasional events discussed above, these events would be scheduled and not part of typical day to day operations.

Care will be required in the planning execution of these events to ensure that sound levels do not constitute a nuisance at the closest dwellings. It is likely that a lower sound limit will apply after 2300h for the final hour. This may be achieved through using smaller, distributed PA boxes that are zoned only in certain areas of the external space, for example in the area

outside the VIP bar only. This approach would significantly reduce the offsite sound impact, while achieving acceptable levels in the event area.

It is suggested that such events are limited to no more than 6 per annum and that robust noise management measures are enforced as set out below.

## 8. Noise Management Plan

This section describes the noise management measures and procedures to which Vinyl is committed. These are central to the protection of the amenity of nearby residents. Vinyl takes its responsibilities as a good neighbour seriously and will endeavour to minimise any adverse impacts, in so far as is reasonably practicable.

It includes:

- Control of music and entertainment noise break-out from day to day and occasional events featuring amplified sound
- Management of build and break, load in and load out activities
- Management of patron ingress and egress
- Community liaison.

It should be noted that the Application area will be subject to control through appropriate Planning Permissions and Licences, issued by SAC. These controls determine the hours of operation of the area and the activities that can be undertaken.

### *Control of music and entertainment noise break out from day-to-day activities and occasional events*

#### *PA design throughout the external area and level setting*

A single in-house PA design will be adopted for the use of the outdoor area on the day-to-day basis. This will be set up in such a way as to minimise noise break-out from the area. Specific measures include the use of a distributed system and highly directional loudspeaker components (where practicable). The design should not be significantly varied without repeating the level setting exercise described below.

Stage sound levels will be kept to a minimum. Any requirement for monitors should employ one or two boxes located in close proximity to the performing artist. No subs shall be permitted on stage as part of the monitoring system. Where live music is included, all artists

must be made aware in advance of the event that stage levels must be minimised and front of house levels will be managed to satisfy the noise management requirements.

Prior to commencement of operations, a level setting exercise shall be carried out. Levels of off-site sound from the front of house system will be correlated with off-site levels representative of the closest dwellings to ensure that acceptable levels are achieved. The venue audio engineer will be present during tests and instructed on the requisite levels of sound. These shall be adhered to at all times during which amplified sound is in use in the space.

Where required, sound management hardware and software can be introduced to facilitate real time monitoring of levels in the Application area and to allow on and off-site access to data by staff and management<sup>1</sup>. The purpose of such a system is to ensure consistency in offsite noise profile at all times, thereby limiting the potential for adverse impacts at sensitive receptors.

All audio settings must be checked daily prior to trading commencing. Any requisite adjustments shall be made to ensure that levels are regularised and meet off-site limits. Regular off-site listening exercises should be carried out to ensure that levels are within acceptable parameters and as expected. It should be remembered that meteorological conditions may have a positive or negative effect on sound propagation from outdoor amplified sound sources.

#### *Management of events featuring amplified sound*

A stringent noise control programme will be exercised throughout events incorporating amplified music and audio to ensure that entertainment noise is routinely minimised in so far as is reasonably practicable and to the satisfaction of SAC.

The noise control procedures that will be adopted are as follows:

- Sound system design

Wherever practicable, the in-house audio system should be used in the approved configuration by all visiting artists. Where events require additional PA, or artists have

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<sup>1</sup> 10Eazy or similar [10EaZy](#)

backline requirements which they fulfil themselves, it is essential that a sound propagation check is carried out with time set aside specifically for this purpose.

For occasional events, sound management hardware and software shall be in place throughout the event to ensure that sound levels remain within acceptable parameters. Care should be taken when monitoring front of house levels only, as stage levels may be contributing to off-site levels. Advice regarding the management of stage levels is set out above. Sound propagation tests are described later in this section.

- Control of low frequency sound

Low frequency sound is an integral component of many genres of music, and, as such, reasonable levels will require to be maintained in the outdoor area. Nonetheless, low frequency sound is often the subject of complaint and, as such, all reasonably practicable steps will be taken in the PA design to ensure that unnecessary off-site spill is limited.

Subs will be arranged in a cardioid configuration, or using other effective technology, which will provide improved cancellation of low frequencies in targeted off-site locations. It is noted that the closest dwellings are behind the stage area, therefore minimising rear rejection from subs will be crucial.

- Sound monitoring and control during sound checks and amplified music and entertainment

For occasional events, the sound management system previously described will be set up to reflect a correlation exercise with off-site levels.

During sound checks, measurements shall be undertaken simultaneously within the outdoor area and at one or more off-site positions representative of the closest dwellings.

Off-site sound limits for the event are discussed in the NIA section of this document. Care should be taken to ensure that the appropriate off-site limit is applied. The level on the front of house sound management system shall be set in accordance with this to ensure that off-site levels are not exceeded during the event. Additional off-site measurements during the event can be undertaken, where required.

Where amplified sound is permitted between 2300 and 0000h, care must be taken to ensure that off-site sound levels are reduced for the final hour, unless otherwise agreed. The reduction is likely to be achieved through limited zoning of amplified sound between 2300 and 0000h and the selective switching off of PA covering other areas of the outdoor venue.

The procedure for dealing with any complaints received is set out later in this document.

### *Management of patron ingress and egress*

Vinyl will undertake to control the flows of patrons on ingress and egress, which can lead to disturbance to local residents. Control measures will be scaled up or down depending on the nature of the event.

Wherever possible, events egress will occur via the nightclub and not through the back of the outdoor area onto Arthur Street. This will limit the potential for late night noise affecting the local community.

Vinyl will advise customers in advance of occasional events of the need to be respectful of neighbours and the surrounding area. This will be done via social media and where possible, direct messaging via email.

Pass outs will be expressly forbidden to limit patron gathering and loitering on the streets outside the venue during events.

### *Stewarding*

Vinyl will provide adequate stewarding throughout all events, from patron ingress through to egress pre and post curfew. Stewards will ensure that time spent by patrons outside the venue is limited by rapid processing into events and rapid dispersal after the event has concluded.

### *Communications and community liaison*

Vinyl will provide dedicated means of contact in order that any community concerns can be dealt with immediately. Methods for community communication will be monitored consistently and a log kept of complaints, including timing and detail. Where willing, complainants will be asked to identify their location.



Vinyl will investigate immediately upon receipt of a complaint to ensure that all noise management mechanisms described in this plan are functioning. Where the complaint is justified, adjustments will be made as necessary and the situation will be reviewed for improvement. The actions taken will be relayed back to the complainant.

Any complaints received directly to SAC should also be shared through this mechanism, allowing Vinyl the opportunity to respond quickly and effectively.

Vinyl will give adequate notice to nearby residents of occasional events via email or letter drop, as appropriate.

#### *Potential noise sources during load-in / load-out, deliveries etc.*

Minimising noise from load-in / load-out, deliveries etc. should be undertaken in accordance with Best Practicable Means, as described in the Control of Pollution Act 1974, in so far as is reasonably practicable.

Staff involved in these activities will be inducted by Vinyl and will be made aware of the type of 'common sense' precautions they should be taking to minimise noise impacts at the closest dwellings.

## **9. Conclusions**

KSG Acoustics has carried out a noise impact assessment in relation to use of the proposed outdoor area at Vinyl nightclub, Arthur Street, Ayr.

Consideration has been given to the noise impact of day to day operations, as well as occasional events featuring amplified sound.

It is considered that, providing the measures set out in the NMP are implemented rigorously, the outdoor space can be used as required with minimal risk of significant adverse impact on the local community.

Vinyl undertakes to implement the NMP recommendations and will regularly review operations to ensure that operational noise is minimised off-site.

## Appendix A: Limitations of the report

This report has been prepared for the titled project or named part thereof and should not be used in whole or part and relied upon for any other project without the written authorisation of KSG Acoustics Limited. KSG Acoustics Limited accept no responsibility or liability for the consequences of this document if it is used for a purpose other than that for which it was commissioned. Persons wishing to use or rely upon this report for other purposes must seek written authority to do so from the owner of this report and/or KSG Acoustics Limited and agree to indemnify KSG Acoustics Limited for any and all loss or damage resulting therefrom. KSG Acoustics Limited accepts no responsibility or liability for this document to any other party other than the person by whom it was commissioned, subject to our standards Terms & Conditions. The findings and opinions expressed are relevant to the dates of the site works and should not be relied upon to represent conditions at substantially later dates. Opinions included therein are based on information gathered during the study and from our experience. If additional information becomes available which may affect our comments, conclusions or recommendations KSG Acoustics Limited reserve the right to review the information, reassess any new potential concerns and modify our opinions accordingly.

### Note on calculations, predictions and assessment

All calculations, predictions and assessment presented within this report have been undertaken using third party data sets which have been provided by the project team or from other known resources.

This may include OS tiles, OS Terrain 5 data or other topographical data sets, site plans, finished ground or floor heights, boundary locations, building footprint co-ordinates and dimensions, accommodation floorplans etc. Detailed calculations may also incorporate manufacturers' acoustic performance data for elements including but not limited to building materials, glazing, doorsets etc.

The output from 3D digital modelling using the proprietary environmental noise modelling software SoundPLAN is linked directly to the data sets (detailed above) used to construct the model. As such, predicted sound levels reflect the data available at the time of preparation and may not accurately represent the completed development. This may influence the predicted performance of selected building or other built elements in situ, as environmental

noise levels may be higher or lower than predicted. All building or built element selections are the responsibility of the Developer.

Additional detailed calculations should be requested to reflect changes to any contributing data set to ensure that the modelling and assessment is as accurate as is reasonably practicable. KSG Acoustics cannot take responsibility for the veracity of data sets supplied by or derived from third parties.

**Application for Extended Hours  
Late Applications**

<b>Applicant</b>	<b>Premises</b>	<b>Event</b>	<b>Dates Requested</b>	<b>Times Requested</b>
Ultimate Leisure Ltd	Vinyl 1-5 Arthur Street Ayr	Scottish Grand National	02.04.2022	02:30 – 03:30* *Outwith Board Guidelines
Sprig Ltd	Furys Nightclub 154 High Street Nile Court Ayr	Scottish Grand National	02.04.2022	02:30 – 03:30* *Outwith Board Guidelines
Sprig Ltd	Furys Nightclub 154 High Street Nile Court Ayr	Easter Sunday Bank Holiday	17.04.2022	02:30 – 03:30* *Outwith Board Guidelines
Ultimate Leisure Ltd	Vinyl 1-5 Arthur Street Ayr	Easter Sunday Bank Holiday	17.04.2022	02:30 – 03:30* *Outwith Board Guidelines

Ultimate Leisure (Scotland) Ltd – Vinyl, Arthur Street, Ayr  
Extended Hours Application – 2<sup>nd</sup> April 2022  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Saturday 2nd April (extending into the morning of Sunday 3rd April) and the application refers to the Scottish National at Ayr Racecourse. The applicant has not indicated the reason for the extension however it has previously been accepted as ‘an event of local or national significance’.

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 The Ayr Gold Cup, The Airshow, Girvan Folk Festival etc. and applicants described the reason for the extended hours as ‘an event of local or national significance’. In the past the Board have also recognised ‘Scottish Grand National’ as an event of local or national significance and extended hours have been granted to a variety of premises over the past few years.

Pre-pandemic, South Ayrshire Licensing Board voiced their concerns regarding Extended Hours applications being made for events when the premises themselves are not specifically hosting part of these ‘events’ on the premises, when there is nothing in particular happening on the premises to celebrate the event and/or where the extended hours requested exceed the time of the events themselves, thus negating the need for extended hours.

As this is an annual event on the Racing calendar and one which will bring many visitors to Ayr I am satisfied it is an event of Local or National significance. I am also aware that late night opening venues have been considerably restricted over the past two years and therefore this local event may create demand for later hours.

The Board may wish to hear from the applicant what will be happening on the premises during the additional hours and why this cannot be accommodated during the normal operating hours.

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

Sprig Ltd – Fury’s, Nile Court, Ayr  
Extended Hours Application – 2<sup>nd</sup> April 2022  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Saturday 2nd April (extending into the morning of Sunday 3rd April) and the application refers to the Scottish National at Ayr Racecourse. The applicant has not indicated the reason for the extension however it has previously been accepted as ‘an event of local or national significance’.

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

Sprig Ltd – Furys, Nile Court, Ayr  
Extended Hours Application – 17<sup>th</sup> April 2022  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Sunday 17<sup>th</sup> April (extending into the morning of Monday 18<sup>th</sup> April) and the application refers to an 'Easter Sunday Bank Holiday'. On this Occasion the applicant has not detailed whether they view this to be a 'Special Event to be catered for on the premises, or 'an event of Local or National Significance'. However I am aware that premises in South Ayrshire have traditionally enjoyed extended hours on one day in relation to 'Easter' in the past (the last time being 2019) and I can confirm that Friday 15<sup>th</sup> April and Monday 18<sup>th</sup> April are public holidays in South Ayrshire.

The grant of an additional hour for this event under the Board's current policy, requires a decision to be made at a Board meeting.

I am satisfied the application meets the criteria as this has been a 'calendar event' that has been previously granted Extended Hours by this Board and I am also aware that late night operating venues have been considerably restricted over the past two years.

However the Board may wish to hear from the applicant as to why Extended Hours are required to accommodate any planned activities that cannot take place during standard core hours.

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

Ultimate Leisure (Scotland) Ltd – Vinyl, Arthur Street, Ayr  
Extended Hours Application – 17<sup>th</sup> April 2022  
Report by Licensing Standards Officer

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

The application requests a terminal hour of 3.30am on the evening of Sunday 17<sup>th</sup> April (extending into the morning of Monday 18<sup>th</sup> April) and the application refers to an 'Easter Sunday Bank Holiday'. On this Occasion that applicant has not detailed whether the view this to be a 'Special Event to be catered for on the premises, or 'an event of Local or National Significance'. However I am aware that premises in South Ayrshire have traditionally enjoyed extended hours on one day in relation to 'Easter' in the past (the last time being 2019) and I can confirm that Friday 15<sup>th</sup> April and Monday 18<sup>th</sup> April are public holidays in South Ayrshire.

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