

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

6 April 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 Tuesday, 19 April 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held remotely. 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 – Wednesday 20 April 2022 at 9.30 a.m. (for minutes approval only).
3. Minutes of previous meeting of Thursday 10 March 2022. (copy herewith)

Pages 1 to 7

4./

4. Report by Licensing Standards Officer.
5. Personal Licences Revoked – Submit report by Clerk to The Licensing Board (copy herewith). Pages 8 to 13
6. Transfers Granted Under Delegated Powers – Submit Report by Clerk to the Licensing Board (copy herewith). Page 14
7. **Licensing (Scotland) Act 2005**
 - (a) Applications for Premises Licence (copy herewith). Pages 15 to 45
 - (b) Application for Variation of Premises Licence (copy herewith). Pages 46 to 48
 - (c) **Application for Personal Licence (Members only).** Page 49
 - (d) Application for Occasional Licence (copy herewith). Page 50
 - (e) Application for Extended Hours (copy herewith). Page 51
8. Any Other Business.

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: courtney.buchanan@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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Minutes of a meeting held remotely on 10 March 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; K. Briggs, Service Lead – Legal and Licensing; C. Andrew, Licensing Standards Officer; C. Buchanan, Committee Services Officer; E. Moore, Clerical Assistant and C. McCallum, Clerical Assistant.

Also Attending: 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

Councillor A. Campbell declared an interest in item 7(d) and 7(e) of this Minute and advised that he would leave the meeting during consideration of these items.

2. Date of Next Board Meeting

The Chair advised that the next Board meeting would be held on Tuesday, 19 April 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; Over the past month there has been an increase in the number of Occasional Licences received by the Licensing Team and that many premises were indicating their intention to apply for variations to their operating plans in future. However staffing issues continue to be a challenge and the upcoming rising costs, particularly in relation to heating and power costs are of concern to the Trade who worry that an inevitable rise in price for on sales may force customers back to drinking and socialising at home.
- (2) the Scottish Grand National Festival is due to take place at Ayr Racecourse next month and the Licensing Standards Officer informed the Board that she had been involved in discussions with the Designated Premises Manager at The Racecourse and the representatives from the various agencies who will be providing staff to the licensed areas of the Racecourse. She said that, the intention of the meeting was to ensure correct training of all staff and that plans are in place to protect against any staff shortages on the day. Checks will take place on the day by selecting staff from each bar area and considering the records held for them. The Scottish

Grand National will be one of the largest capacity licensed events to be held in South Ayrshire since the Coronavirus pandemic.

- (3) finally, the Licensing Standards Officer stated that she intended to re-form the local Trade Alliance groups who meet in Girvan, Maybole, Ayr, Prestwick and Troon periodically to discuss licensing and related issues. She highlighted that, the first of these meetings has been organised to take place on Monday 21st March for members of the on-trade in Ayr Town Centre. The purpose of the meeting is to provide an update on licensing, introduce new Police personnel and update on the Covid requirements which members will be aware change on that day. The Licensing Standards Officer said that she will keep the Board updated on the progress with these groups as they will provide a good source of contact and consultation for the future.

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 24 February 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 24 February 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) 2A Paterson Street, Ayr - transferred to Ankit Parekh on 7 February 2022;
- (2) Barr Community Shop and Café, Barr - transferred to Barr Community Shop and Café Ltd on 7 February 2022;

Decided: to note the transfer granted under delegated powers.

7. **Licensing (Scotland) Act, 2005**

(a) **Application for Provisional Premises Licence**

The Board: continued this application at the Applicant's request

Applicant

Penny Petroleum (Scotland) Limited

Premises

Tam O Shanter
2 Station Bridge Road
Ayr

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

(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.

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

Decided: to grant the above application.

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

The Board agreed to consider the following applications together:-

<u>Applicant</u>	<u>Date</u>	<u>Premises</u>
(1) Ms Nan Li	29 th June	Blairquhan Castle Straiton
(2) Ms Nan Li	14 th September	Blairquhan Castle Straiton
(3) Ms Nan Li	28 th September	Blairquhan Castle Straiton
(4) Ms Nan Li	2 nd November	Blairquhan Castle Straiton

Having heard from the Licensing Standards Officer, the Board granted these applications from 12noon – 01:00 each day.

(d) Application for the Review of a Premises Licence

Having previously declared an interest in this application, Councillor A. Campbell left the meeting at this point.

Premises

The Carrick
15 Whitehall
Maybole
KA19 7DR

The Board considered;

- (1) a letter from the Chief Constable, Police Scotland dated 17th January 2022 (issued to members only) in terms of Section 36(3) (b) of the Act, 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; Security Public Safety; and Preventing Public Nuisance; and requesting that the Board take such steps as it considered necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2A) of the Act;
- (2) reports by the Licensing Standards Officer dated 24th January 2022 and 21st February 2022 and;
- (3) a report (issued) by the Clerk to the Board dated 23rd February 2022 outlining the options open to the Board on review; and

The Board then heard from Police Scotland, the Licensing Standards Officer and from the licence holder in response and the Board, following an adjournment

Decided:

- (1) To suspend licence with immediate effect for a minimum of two weeks or until:
 - CCTV to the satisfaction of Police Scotland was installed, and
 - Provision of a written drugs policy and clarification of the premises Challenge 25 policy.

In addition, licence to be varied so that

- no under 18s permitted on premises,
- SIA approved stewards to be on duty from 9pm on Friday and Saturday nights.
- only staff who hold an SCPLH certificate or staff who have been trained by a personal licence holder other than Mr Lothian may serve on the premises

The Board also requested increased visits to the premises by the LSO and an update report from the LSO to be presented to the August Board.

(e) Application for the Review of a Personal Licence

The Board reviewed the following personal licence:-

<u>Application Number</u>	<u>Applicant</u>
(1) SA/18/00152/LAPRS	Michael Benny Lothian

The Board considered;

(a) a letter from the Chief Constable, Police Scotland dated 17 January 2022 (issued to members only) in terms of Section 84A of the Licensing (Scotland) Act 2005 that Michael Benny Lothian has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely, Preventing Crime and Disorder; Securing Public Safety; Preventing Public Nuisance; Protecting and Improving Public Health and Protecting Children from Harm; and requesting that the Board take such steps as it considered necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 84(7) of the Act; and

(b) a report (issued) of 10 March 2022 by the Clerk to the Board outlining the options open to the Board on review.

The Board then heard from Police Scotland and from Mr Lothian in response and the Board, following an adjournment

Decided: that the grounds for review had been established and that the licence should be revoked.

Councillor A. Campbell re-joined the meeting at this point.

8. **Additional Agenda Items**

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

The Board considered the following application:

Applicant

Ultimate Leisure (Scotland) Limited

Premises

Vinyl
1-5 Arthur Street
Ayr

	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

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, discos, 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.

The Board then heard from the applicant’s representative and the Board;

Decided: following an adjournment requested that this application is continued to the next Board meeting.

Councillors D. Campbell and L. Brennan-Whitefield left the meeting at this point.

(b) Application for Extended Hours

Applicant

Premises

(1) Ultimate Leisure Ltd

Vinyl
1-5 Arthur Street
Ayr
(2nd April 2022)

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’.

Having heard from the applicant’s representative and Licensing Standards Officer, the Board granted the application.

Applicant

Premises

(2) Sprig Ltd

Furys Nightclub
154 High Street
Nile Court
Ayr
(2nd April 2022)

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’.

Having heard from the applicant’s representative and Licensing Standards Officer, the Board granted the application.

Applicant

(2) Sprig Ltd

Premises

Furys Nightclub
154 High Street
Nile Court
Ayr
(17th April 2022)

The application requests a terminal hour of 3.30am on the evening of Sunday 17th April (extending into the morning of Monday 18th April) and the application refers to an 'Easter Sunday Bank Holiday'.

Having heard from the applicant's representative and Licensing Standards Officer, the Board granted the application.

Applicant

(4) Ultimate Leisure Ltd

Premises

Vinyl
1-5 Arthur Street
Ayr
(17th April 2022)

The application requests a terminal hour of 3.30am on the evening of Sunday 17th April (extending into the morning of Monday 18th April) and the application refers to an 'Easter Sunday Bank Holiday'.

Having heard from the applicant's representative and Licensing Standards Officer, the Board granted the application.

9. Closing Remarks.

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 13:30 p.m.

SOUTH AYRSHIRE COUNCIL

**REPORT BY THE CLERK
TO THE LICENSING BOARD
OF 19 APRIL 2022**

Subject: Revocation of Personal Licences

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, 2 and 3 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: 5th April 2022

South Ayrshire Licensing Board

Revoked Personal Licences - Sorted by Name

for the period 28/02/2022 to 28/02/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Mr Conner Colin Allan	SA/15/00218/LAPRS	28/02/2022
Miss Elizabeth Kilpatrick Andrews	SA/15/00196/LAPRS	28/02/2022
Mr Henrik Barsy	SA/15/00197/LAPRS	28/02/2022
Mrs Adrienn Barsy Magyar	SA/15/00198/LAPRS	28/02/2022
Mr Christopher Jordan Bates	SA/15/00225/LAPRS	28/02/2022
Mrs Susan Elizabeth Carter	SA/15/00195/LAPRS	28/02/2022
Miss Siobhan Creighton	SA/15/00180/LAPRS	28/02/2022
Miss Pauline Cummings	SA/15/00223/LAPRS	28/02/2022
Miss Ashleigh Davidson	SA/15/00199/LAPRS	28/02/2022
Miss Lauren Dodds	SA/15/00173/LAPRS	28/02/2022
Miss Janet Downie	SA/15/00166/LAPRS	28/02/2022
Mr Craig Stewart Dunbar	SA/15/00188/LAPRS	28/02/2022
Mr Ryan Royden Evans	SA/15/00204/LAPRS	28/02/2022
Mr Alexander Laird Ferguson	SA/15/00181/LAPRS	28/02/2022
Mr Neil Samuel Findlay	SA/15/00172/LAPRS	28/02/2022
Miss Holly Louise Firth	SA/15/00176/LAPRS	28/02/2022
Mrs Laura Fisher	SA/15/00209/LAPRS	28/02/2022
Mr Ross Gibson	SA/15/00217/LAPRS	28/02/2022
Miss Lindsay Jenny Hand	SA/15/00214/LAPRS	28/02/2022
Miss Jolene Hill	SA/15/00219/LAPRS	28/02/2022
Miss Davina Langlands	SA/15/00187/LAPRS	28/02/2022
Mrs Margaret MacAlpine	SA/15/00208/LAPRS	28/02/2022
Miss Martyna Malgorzata Majer	SA/15/00194/LAPRS	28/02/2022
Mr Lewis Manson	SA/15/00202/LAPRS	28/02/2022
Miss Angela McCamley	SA/15/00200/LAPRS	28/02/2022
Mr Peter McCarry	SA/15/00221/LAPRS	28/02/2022
Mr Daniel Mark McHugh	SA/15/00215/LAPRS	28/02/2022
Mrs Alison McKenzie	SA/15/00169/LAPRS	28/02/2022
Miss Jane Miller	SA/15/00201/LAPRS	28/02/2022
Mrs Pamela Mills	SA/15/00171/LAPRS	28/02/2022
Mr Shaun Muir	SA/15/00220/LAPRS	28/02/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>	<u>Premises Manager?</u>	<u>Premises Licence</u>	<u>Premises Name</u>
Miss Samantha Anne Murdoch	SA/15/00182/LAPRS	28/02/2022			
Mr Josh Norman	SA/15/00222/LAPRS	28/02/2022			
Mr Ross Paxton	SA/15/00216/LAPRS	28/02/2022			
Miss Jenna Dee Pollock	SA/15/00206/LAPRS	28/02/2022			
Mr Gareth Quaey	SA/15/00168/LAPRS	28/02/2022			
Mr Michael Quinn	SA/15/00174/LAPRS	28/02/2022			
Mr Robert Reid	SA/15/00167/LAPRS	28/02/2022			
Mr Forbes Robertson	SA/15/00212/LAPRS	28/02/2022			
Miss Kerry Louise Sharkey	SA/15/00210/LAPRS	28/02/2022			
Mr Mark Robert Taylor	SA/15/00224/LAPRS	28/02/2022			
Miss Michelle Urquhart	SA/15/00184/LAPRS	28/02/2022			
Mrs Elizabeth Jane Telfer Wason	SA/15/00183/LAPRS	28/02/2022			
Mr Alan Mackay Wilson	SA/15/00161/LAPRS	28/02/2022			
Mr Alastair Wilson	SA/15/00178/LAPRS	28/02/2022			
Miss Helen Marie Wilson	SA/15/00185/LAPRS	28/02/2022			
Mr Brogan Carlyle Young	SA/15/00203/LAPRS	28/02/2022			
Miss Stephanie Zikmann	SA/15/00177/LAPRS	28/02/2022			
Number of Licences Revoked:		49			

South Ayrshire Licensing Board

Revoked Personal Licences - Sorted by Name

for the period 04/03/2022 to 04/03/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Miss Catlin Helen Allsopp	SA/16/00011/LAPRS	04/03/2022
Miss Heather Andrew	SA/15/00259/LAPRS	04/03/2022
Mr Ryan Mark Beattie	SA/15/00228/LAPRS	04/03/2022
Gary Black	SA/16/00003/LAPRS	04/03/2022
Mr Joshua Alexander Douglas Brown	SA/15/00245/LAPRS	04/03/2022
Miss Ffion Emily Chambers	SA/15/00235/LAPRS	04/03/2022
Mr Chung Cheung	SA/15/00239/LAPRS	04/03/2022
Miss Lyndsey Clark	SA/15/00256/LAPRS	04/03/2022
Mrs Carla Hope Claxton	SA/15/00244/LAPRS	04/03/2022
Mr Charles Crossan	SA/15/00254/LAPRS	04/03/2022
Mrs Samantha Danielle Louise Crothers	SA/15/00231/LAPRS	04/03/2022
Mrs Alison Cuthbertson	SA/16/00004/LAPRS	04/03/2022
Miss Yvonne Joan Davies	SA/15/00247/LAPRS	04/03/2022
Miss Tracy Douglas	SA/16/00009/LAPRS	04/03/2022
Mrs Shona Duncan	SA/16/00008/LAPRS	04/03/2022
Mr Scott Forson	SA/16/00006/LAPRS	04/03/2022
Mr Adam Gilbert	SA/16/00010/LAPRS	04/03/2022
Mr James John Gray	SA/15/00240/LAPRS	04/03/2022
Miss Hayleigh Green	SA/15/00233/LAPRS	04/03/2022
Mrs Geraldine Teresa Haylen	SA/15/00252/LAPRS	04/03/2022
Mr David Robert McLarty Henderson	SA/15/00227/LAPRS	04/03/2022
Miss Sarah Alexandra Jess	SA/15/00249/LAPRS	04/03/2022
Mr Andrew Michael Jones	SA/15/00237/LAPRS	04/03/2022
Mr Gavin Alexander Kerr Logan	SA/15/00243/LAPRS	04/03/2022
Mr Ewan McCrindle MacFarlane	SA/15/00260/LAPRS	04/03/2022
Ms Elisabeth McClung	SA/15/00238/LAPRS	04/03/2022
Miss Sharman McCluskey	SA/15/00251/LAPRS	04/03/2022
Miss Jacqueline Sarah McDowall	SA/15/00241/LAPRS	04/03/2022
Mr Jamie Andrew McGilvary	SA/15/00255/LAPRS	04/03/2022
Miss Gemma McIntosh	SA/15/00230/LAPRS	04/03/2022
Miss Kimberley Perallos	SA/15/00258/LAPRS	04/03/2022
Miss Lauren Provan	SA/16/00007/LAPRS	04/03/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>	<u>Premises Manager?</u>	<u>Premises Licence</u>	<u>Premises Name</u>
Miss Lauren Scobie	SA/15/00253/LAPRS	04/03/2022			
Mr Kyle Charles Smith	SA/16/00002/LAPRS	04/03/2022			
Mr Glen Wilson Sutherland	SA/15/00246/LAPRS	04/03/2022			
Number of Licences Revoked:		35			

South Ayrshire Licensing Board

Revoked Personal Licences - Sorted by Name

for the period 23/03/2022 to 23/03/2022

<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Miss Joanne Boden	SA/16/00018/LAPRS	23/03/2022
Miss Laura Buchanan	SA/16/00017/LAPRS	23/03/2022
Miss Lisa Crossan	SA/16/00020/LAPRS	23/03/2022
Mr Peter James Dunsmuir	SA/16/00016/LAPRS	23/03/2022
Miss Victoria Caroline Fitch	SA/16/00015/LAPRS	23/03/2022
Mr Andrew Irvine	SA/16/00028/LAPRS	23/03/2022
Miss Carol McLaughlin	SA/16/00022/LAPRS	23/03/2022
Miss Katie Parker	SA/16/00024/LAPRS	23/03/2022
Mr Colin John Reid	SA/16/00023/LAPRS	23/03/2022
Mr Jon Rogerson	SA/16/00029/LAPRS	23/03/2022
Mr Robin Lee Smith	SA/16/00021/LAPRS	23/03/2022

Number of Licences Revoked:	11
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**REPORT BY CLERK TO THE LICENSING BOARD
TO LICENSING BOARD OF 19 APRIL 2022**

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

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) 1 Monkton Road, Prestwick

The above premises licence was transferred to TG Convenience Stores Ltd on 15th March 2022.

(2) Stag, 7 Boswell Park, Ayr

The above premises licence was transferred to Tamjam Holding on 21st March 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. 5th March 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

Link to plan

<https://ww20.south-ayrshire.gov.uk/ext/licensing/Licensing%20Documentation/2200033LAPREM/2200033LAPREMLYPLN2.pdf>

**REPORT BY THE CLERK TO THE
LICENSING BOARD OF 19th APRIL 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:-

Address	Capacity
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 23rd 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>

Question 3

Facilities available

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

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

Licensing Objectives Statement

Tam O'Shanter Filling Station, 2 Station Road, Ayr, KA7 1UW

General

- 1 The licence holder will maintain detailed written policies to be kept under review regarding licensing due diligence. This will be periodically monitored by third party licensing consultants and updated as required.
- 2 The licence holder will have a comprehensive training programme for all staff which will include refresher training in relation to the sale of alcohol and other age restricted products.

Preventing crime and disorder

- 1 The premises is a filling station which also sells additional retail in relation to groceries and other goods. No alcohol is consumed on the premises. The premises will be carefully managed and any incidents of crime and disorder are extremely rare. All incidents are recorded in an incident book routinely checked by the licence holder. The incident records can be made available for inspection on request.
- 2 The premises will operate a Challenge 25 policy.
- 3 Staff will monitor the age of customers seeking to purchase alcohol and will challenge anyone who appears to be under the age of 25 to produce prescribed ID.
- 4 A refusal log is kept with staff required to update it with details of any challenges made relating to age restricted products which result in a refusal to sell.

Securing public safety

- 1 Procedures will be in place for evacuation and accident/incident reporting.
- 2 The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.
- 3 There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of the relevant legislation.
- 4 The premises will have CCTV.

Preventing public nuisance

- 1 Normal operation of the premises will not give rise to public nuisance.

Protecting and improving public health

- 1 Material promoting responsible drinking will be displayed.
- 2 Staff will be trained to refuse service of alcohol to anyone who appears intoxicated
- 3 All relevant environment health regulations will be observed.
4. Minimum unit pricing will be diligently adhered to.

Protecting children and young persons from harm

- 1 Procedures for prevention of the sale of alcohol to persons under the age of 18 years will be in place (see Challenge 25 above).
- 2 The licence holder will train staff specifically in relation to identifying and dealing with proxy purchases.

Penny Petroleum - Code of Conduct

Purpose

The purpose of this code is to provide a clear framework within which employees of Penny Petroleum are expected to conduct themselves. As a Company, we strive to maintain a work environment for our employees in which honesty, integrity and respect for fellow employees and customers is constantly reflected in personal behaviour and standards of conduct.

The code refers to other Company policies and procedures which can be found in the Employee Handbook at each site.

Principles

- Employees are expected to have regard for the impact of their personal behaviour on the Company, colleagues and customers.
- This code covers some of the most important issues relating to personal conduct, and gives a framework of standards and behaviour guidelines, but it is not intended to be exhaustive.

Standards of personal behavior

Punctuality

Poor timekeeping causes operational difficulties and compromises our customer service and efficiency, and it is therefore essential that all employees arrive and leave work on time.

Harassment and bullying

The Company is committed to ensuring that everyone is able to work without fear of harassment, bullying or intimidation. Everyone in the Company has a part to play by ensuring that their own behaviour, whether intentional or unintentional, does not constitute harassment. We will take action against inappropriate behaviour which shows lack of respect for others or which leads people to feel threatened. See our Bullying and Harassment policy for more detail.

Performance

We expect all employees to follow all reasonable rules and instructions given by those supervising or managing their activities.

Misuse of drugs and alcohol

It is a disciplinary offence to attend work when under the influence of alcohol or non-medically prescribed drugs. See our Alcohol and Drugs policy for more information.

Conduct outside work

We do not seek to dictate how employees conduct themselves in their personal lives outside work. However, unlawful, anti-social or other conduct by employees which may jeopardise the Company's reputation or position will be dealt with through the disciplinary procedure.

Appearance

All employees are provided with a Company polo shirt. Employees must ensure that they wear their polo shirt and other appropriate smart clothing at all times. See our Personal Appearance and Hygiene policy for more information.

Site management

It is important that we take pride in our shops and forecourts and create a positive image of the Company. All employees share responsibility for keeping the shop and forecourt clean, tidy and well presented.

Respect for customers

All employees are expected to treat customers courteously and with respect. We expect that all employees will respond helpfully to customer queries, thereby pre-empting and avoiding complaints.

Use of personal mobile phones or other devices

Employees are only allowed to use personal mobile phones (or other devices) during break periods, and these should be kept out of sight whilst serving customers.

Data protection

The Company holds and processes information about employees, and other data subjects for administrative and commercial purposes. When handling such information, the Company, and all staff or others who process or use any personal information, must comply with the requirements of UK data protection legislation. See our Data Protection policy for more detail.

Gross Misconduct

Employees will usually be dismissed without warning and without notice if they are found to have committed an act of gross misconduct. The disciplinary policy contains examples of the types of conduct which we view as gross misconduct. In particular, employees should be aware that any of the following will almost certainly result in summary dismissal:

1. Taking or consuming items of stock which have not been paid for. (Even if the intention was to pay at a later time.)
2. Any action which is in breach of our alcohol license. Examples include:
 - opening the site doors at night;
 - allowing customers inside the shop at night;
 - failing to apply the Challenge 25 rule;
3. Smoking anywhere on Company property
4. Using scratch cards whilst on duty.
5. Misuse of loyalty schemes (Nectar, Clubcard etc.)

Breaches of this code

This code of conduct has been drawn up to provide a source of guidance to our employees. It is not a contractual document and can be amended at any time by the Company. All employees must comply with both the provisions of this code and the Company's policies and procedures, breaches of which will be taken seriously and may result in disciplinary action up to and including dismissal.

I confirm that I have read and understand the Penny Petroleum Code of Conduct, and I agree to abide by the principles.

Name:

Signature:

Date:

Gulf Tam O'Shanter Service Station
2 Station Road, Ayr, Ayrshire, KA7 1UW.
Customer Profiling Research Report
October 2021

Research & Reporting by

Taylor McKenzie Research & Marketing Ltd (TMcK)

TMcK



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Executive Summary Page Gulf Tam O'Shanter Service Station

Introduction

The following report outlines the findings from a customer research interviewing program carried out between Tuesday 19th October and Saturday 30th October at Gulf Tam O'Shanter Service Station, 2 Station Road, Ayr, Ayrshire, KA7 1UW. The research explored the buying behaviours of persons' resident in the locality of the site. Customers were asked to provide information on; their place of residence in relation to the premises, their means of travel to the premises and their purchasing behaviour in relation to fuel and groceries.

This summary page contains the results from the key objective of the research as outlined below.

Key Research Objective

[Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board (5th April 2011)* whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Materially disadvantaged or inconvenienced?

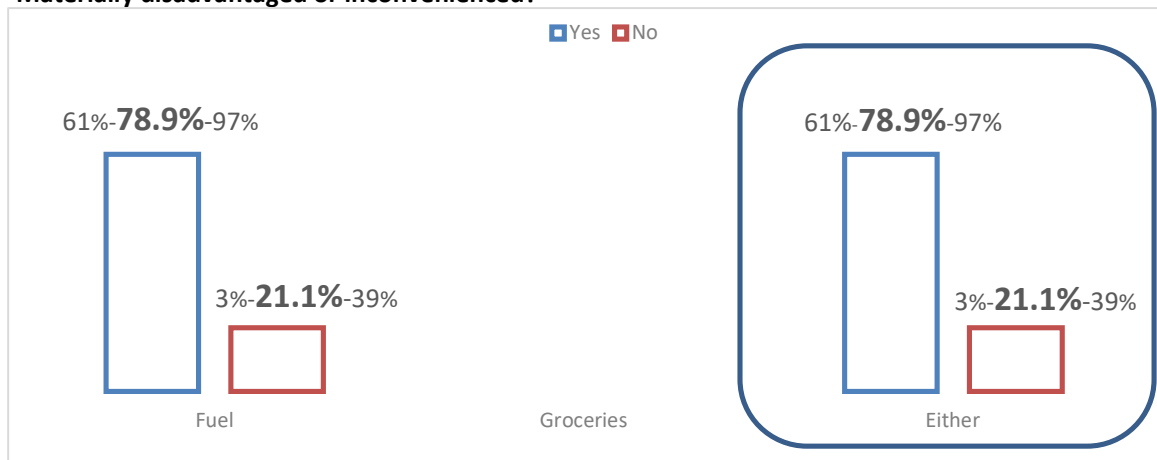


Figure 1 – Fuel Base 19

Groceries Base 0

Either Base 19

Conclusion

The results show that a statistically significant* proportion of persons (78.9% (+/-18.35%) in the locality) see and treat this service station on Station Road as the principal source from which they, in ordinary course, purchase groceries or fuel and would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

* *Statistically significant* - In statistics, a result is called **statistically significant** if it is unlikely to have occurred by chance. The likelihood that a result or relationship is caused by something other than mere random chance.

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Research Methodology

Gulf Tam O'Shanter Service Station

A quantitative research study was carried out from Tuesday 19th October to Saturday 30th October at Gulf Tam O'Shanter Service Station, 2 Station Road, Ayr, Ayrshire, KA7 1UW with 508 customers (or 'participants'). All of whom were selected as they were exiting the store. Fieldwork was stratified to cover the core hours of off-sale of alcohol on the premises 10am until 10pm.

The structured questionnaire (please see Appendix 2 for full questionnaire) was executed via Computer Assisted Personal Interviewing (CAPI) with the use of an iPad. The screen was shared with participants so that they could view all images and questions. All participants were asked to give their full postcode in order to help map travel time and distance to location.

Sample Size

All intercepts (interviews) were conducted as participants were exiting via the main front entrance/exit; participants were selected at random to ensure sampling confidence. Upon completion of each survey, interviewers were under strict instruction to approach the second customer that passed them. By completing 508 interviews with current service station users we can be sure that the data and attitudes collected will be statistically representative of the customer base. Importantly this large number of 'base' participants allowed for statistical comparison of sub-groups.

An important sub-group within this research that will form the 'population of interest' are participants who live within a 500m locality of the premises AND use the garage as their principal source for purchasing Fuel or Groceries [Base – 19]. This figure represents 3.7% of the entire customer population.

Population of Interest

This sub-group of 19 participants will be used to answer the key objective of the research. Whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

Defining the Population of interest

Q2 – How far from this Station do you live? (Map 1)

Within 1 mile = continue

1 mile+ = record postal code & close

(Responses recorded for all within 1 mile and then filtered during analysis for 500m locality)

Q7 – In the ordinary course of your purchasing habits, do you treat these premises as the principal source of: a) Petrol or DERV (Fuel)? b) Groceries?

Yes to a) or b) = Continue

No to a) and b) = Close



Research Findings – Locality Gulf Tam O'Shanter Service Station

Locality to Premises

Q2 – How far away from this Service station do you live?

If the Postcode recorded lay within 500m of the Service Station then respondent was categorised as **living within the locality**.

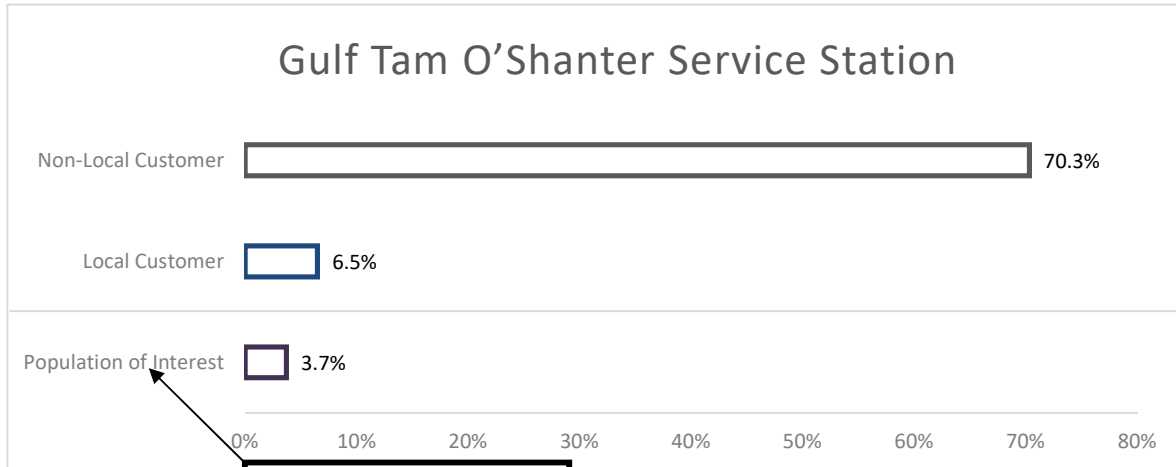


Figure 2 – Base – 508

As defined on page.4

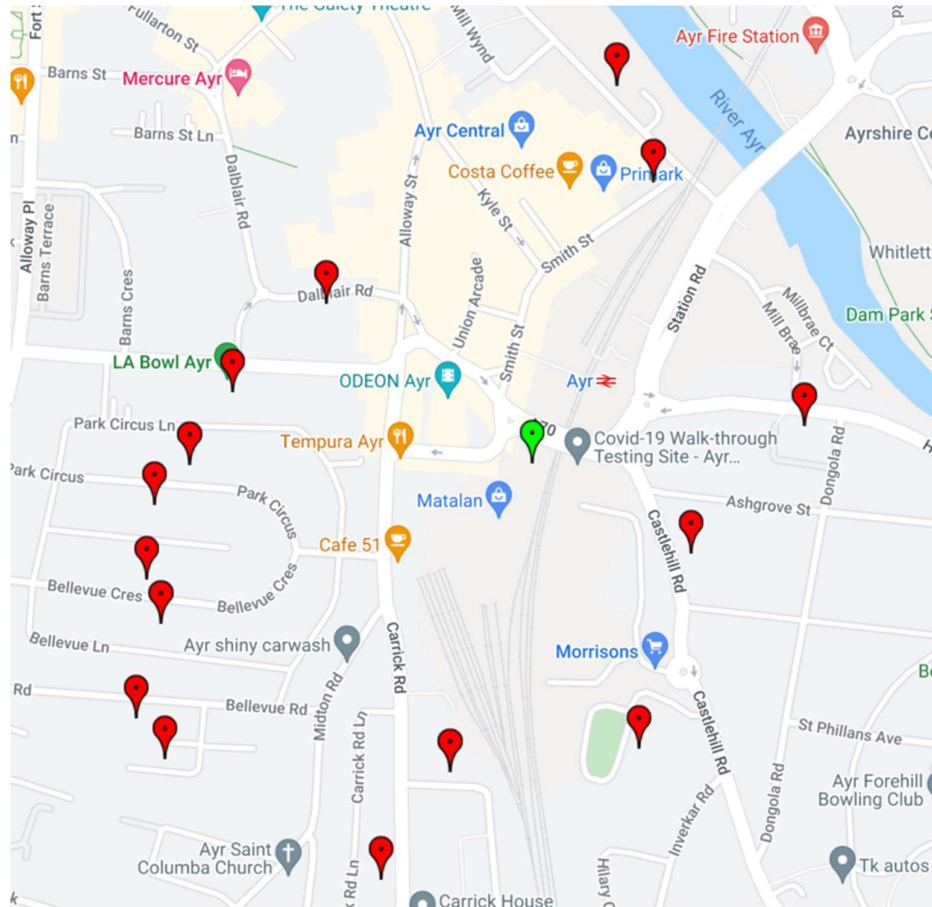
Research Findings–Geo-mapping

Gulf Tam O'Shanter

Service Station

All participants were asked to provide their postcode in order to allow for them to be geo-tagged on a map. Out of the 15 participants who fell into **the population of interest** 15 provided a full and complete postcode. They are represented below as red icons, in some cases the same postcode has been given and will be represented by only 1 icon.

Average distance from filling station – 0.22 miles (354 meters)



Map 2

Analysis of the postcode data has shown that the participants from the 'population of interest' live within a locality of 0.22 miles (354 meters) from the service station (green icon) on average.

Research Findings – Demographics Gulf Tam O'Shanter

Service Station

Gender

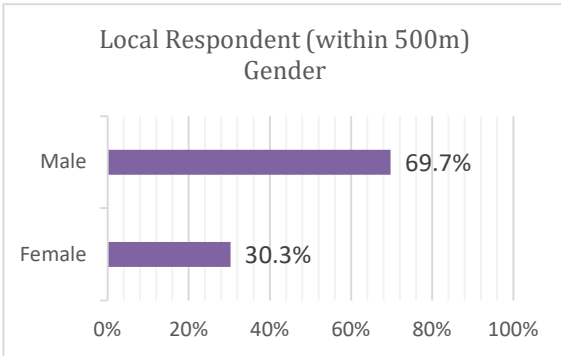


Figure 3 – Base 33

Average visits per week (local users)

Grocery Shopping Base - 22	1.52 visit per week
Fuel Purchase Base - 26	1.35 visits per week

Table 1 – Base varied

Age

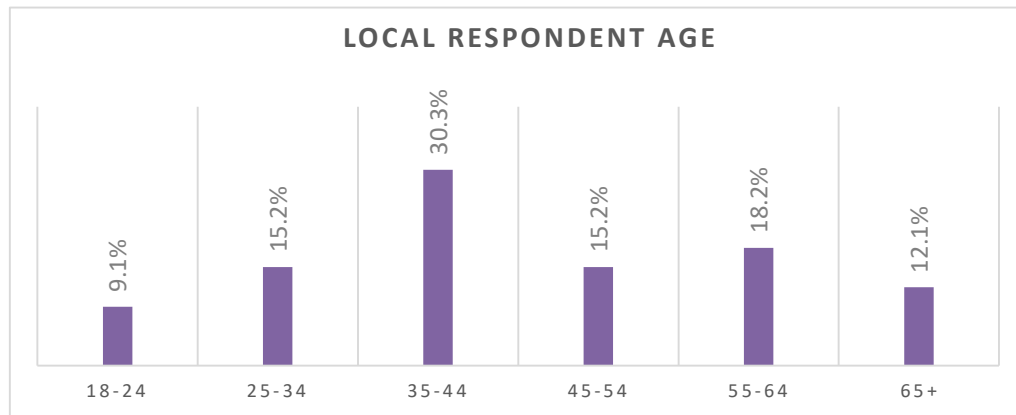


Figure 4 – Base 33

Respondent travel habits

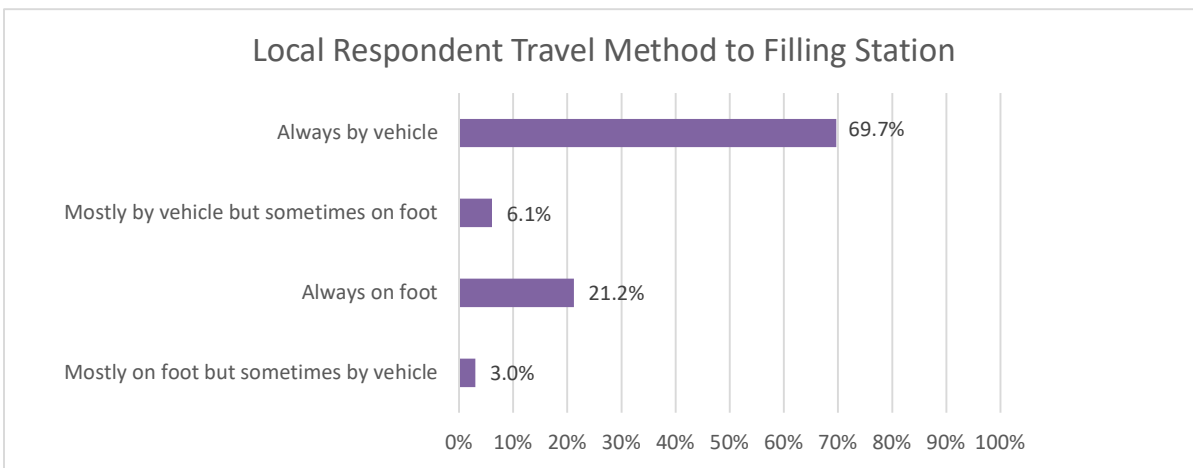
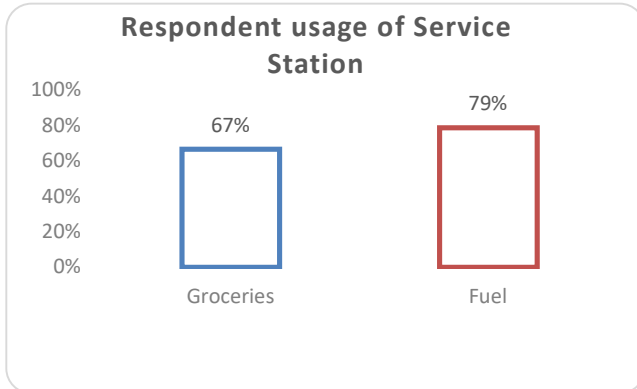


Figure 5 – Base 33

Research Findings – Premises Usage Gulf Tam

O'Shanter Service Station

How Gulf Tam O'Shanter Service Station is being used



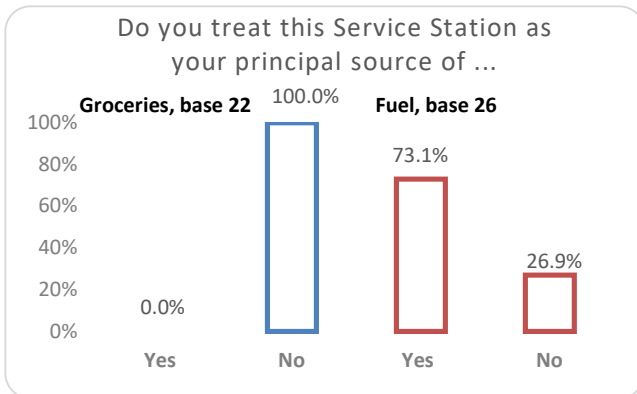
22 participants (66.7%)

Use service station as a source of **Groceries**

26 participants (78.8%)

Use service station as a source of **Petrol/DERV (Fuel)**

Figure 6 – Base 33



Defining the population of interest

Participants, who live within the locality (within 500m) of the service station [Base 33], were asked how they currently use the Service Station – **Figure 6**.

They were then asked if, in the ordinary course of their purchasing habits, they treated this Service Station as their principal source of Petrol/DERV or Groceries – **Figure 7**.

Figure 7 – Base Varied

19 (57.6%) local customers (participants) answered 'yes' to treating the service station as their principal source of either groceries or fuel. This forms the population of interest as outlined in the introduction – **Figure 8**.

Population of interest
19 participants

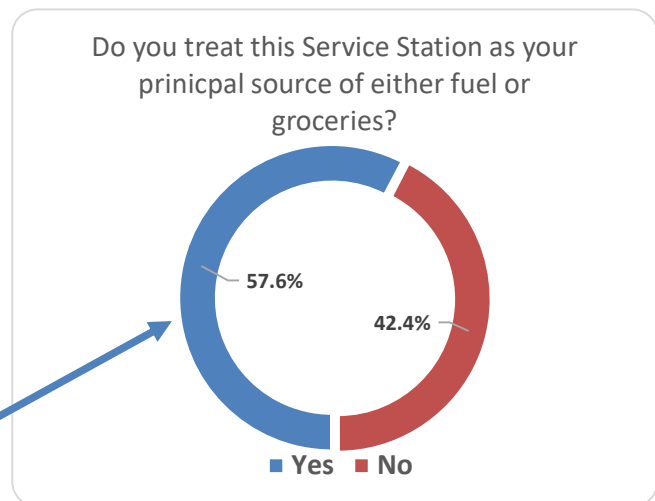


Figure 8 – Base 33

Research Findings – Key Findings Usage ^{Gulf}

Tam O'Shanter Service Station

Once the population of interest had been defined (Base 19), these participants were asked:
 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?

Materially disadvantaged or inconvenienced?

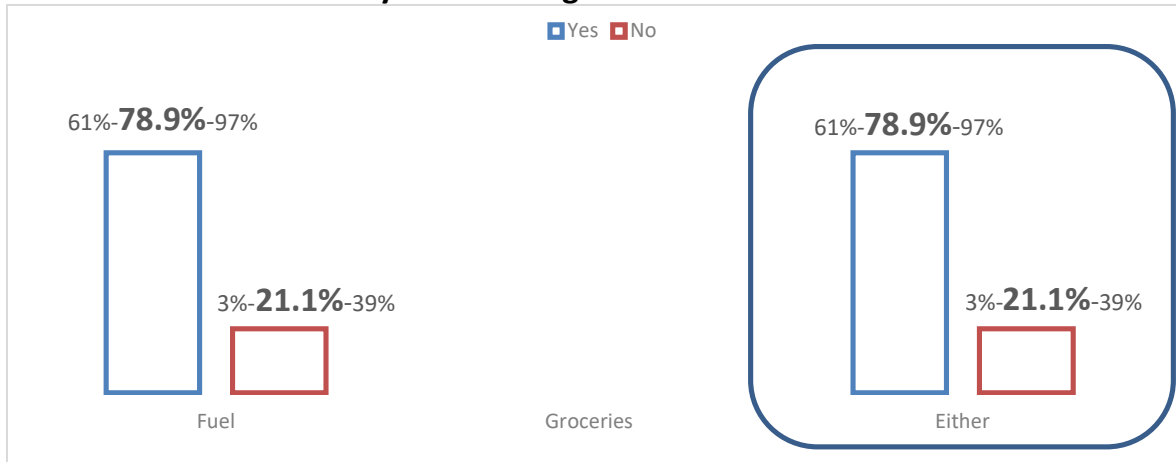


Figure 9 – Fuel Base 19

Groceries Base 0

Either Base 19

The results show that a statistically significant proportion of persons in the locality (78.9%) see and treat the premises as the principal source from which they, in ordinary course, purchase groceries or fuel and that they would properly consider themselves materially disadvantaged or inconvenienced were any of these retail facilities to no longer be provided from said premises.

Bases explained

Fuel: Overall 19 participants from the locality stated that they used the station as their principal source of fuel, of these participants 78.9% (15) stated that they would be materially disadvantaged if the premises could no longer provide them with fuel.

Groceries: N/A

Either: The combined base and response for fuel and groceries.

Research Findings – Key Findings

Gulf Tam O'Shanter

Service Station

In order to qualify the result all participants who coded yes to being materially disadvantaged if the service station could no longer provide fuel were asked **'Would you have an alternative fuel source you could use?'** Base 15

Yes – 93.3% (14)

No – 6.7% (1)

Those who answered 'Yes' to having an alternative fuel source – 93.3% (14) were then asked: **Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?** Base 14

Yes – 0% (0)

No – 100% (14)

Results show that the alternative fuel and grocery sources available to 93.3% of participants would cause 100% of this group to be inconvenienced.

100% (15) of those materially disadvantaged (base 15) confirmed this was still the case after considering alternatives.

Research Findings – Key Findings

Gulf Tam O'Shanter

Service Station

The graph below highlights participants who live locally and use the garage as their principal source of either fuel or groceries and who, after considering local alternatives, still feel they would be materially disadvantaged or inconvenienced if the premises could no longer provide them with either.

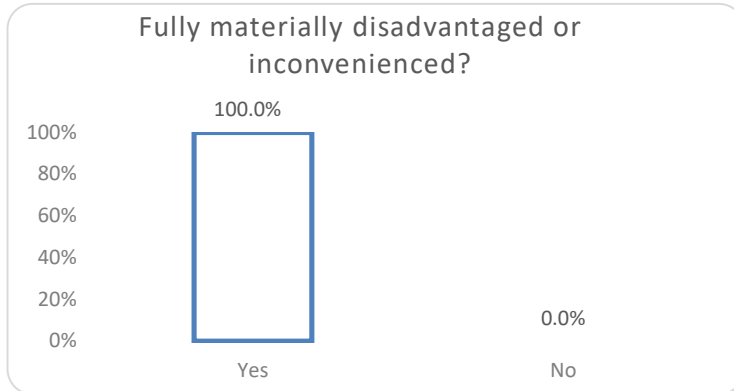
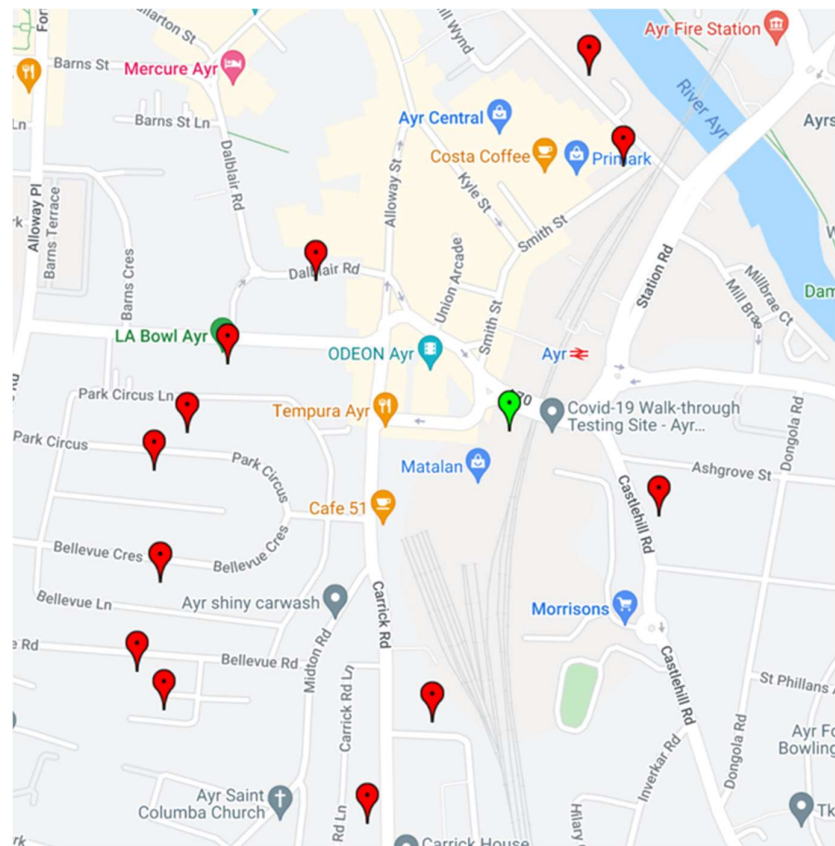


Figure 10, Base 15

The geo-map below shows where all participants (15) who coded 'yes' live; on average 0.23 miles (370m) from the station. They are represented below as red icons, in some cases the same postcode has been given and will be represented by only 1 icon.



Map 3

Research Findings – Key Findings Gulf Tam O'Shanter

Service Station

The graphs below highlight the demographic of those who are materially disadvantaged or inconvenienced after having considered local alternatives.

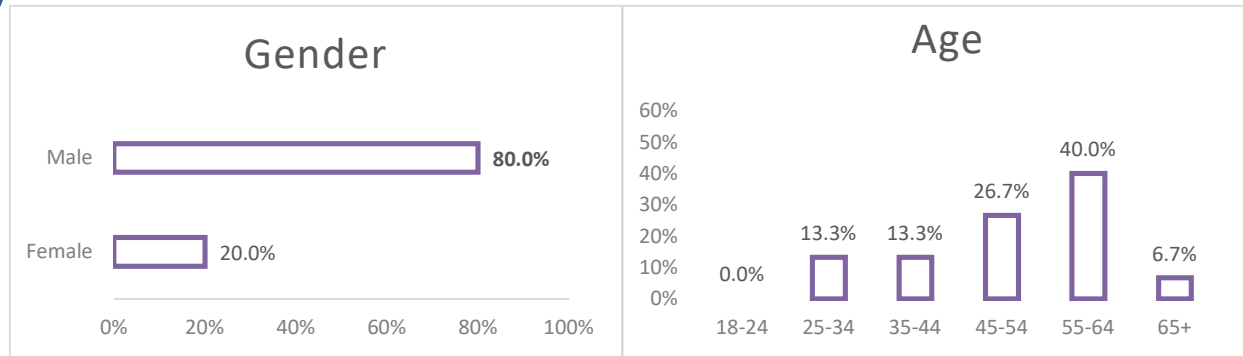


Figure 11 – Base 15

Figure 12 – Base 15

Average visits per week

Grocery Shopping <i>Base 10</i>	1.87 visits per week
Fuel Purchase <i>Base 15</i>	1.95 visits per week

Table 2 – Base Varied

About TMcK

Taylor McKenzie Research & Marketing (TMcK) are a full service agency and provide all stages in the market research process from fieldwork and recruitment, through to interviewing and analysis of data. We are also proud to host one of the UK's best viewing facilities, known as 'The Glasgow View'.

Based in Glasgow since formation in 2001 our steady growth over the past nineteen years has been down to the dedication of our skilled, reliable and creative staff.

TMcK's research team is headed up by Research Director Nicky Taylor who has extensive knowledge of consumer research in Scotland. In the past 12 months he has headed up similar quantitative research projects for KPMG, Tennent's, AXA amongst others. Nicky acts as the main contact for client and will attend briefings and debriefs and will be aided in the completion of the project by Laura Taylor (Director) and TMcK field. TMcK are Company Partners of the Market Research Society and abide by their code of conduct. This demonstrates that we are one of a small number of Scottish companies who work with the Market Research Society in ensuring that quality standards are consistently upheld within the research industry.

About Market Research Society (MRS)

In the competitive world of market research, one name assures you of instant recognition and respect - that of MRS.

MRS is the 'voice of your profession'. Their role is to represent and communicate good practice in research to the business community, government and the public; to award accreditation and to provide support for our members.

Professional standards

All members of the Society must comply with the [MRS Code of Conduct](#) which is enforced through a disciplinary process. This is the primary means by which market research remains a self-regulated profession. A range of guidelines and advisory services provide support to members in practical implementation of the *Code*.

The *Code of Conduct* embodies the principles of confidentiality and transparency. It provides protection to research users, participants and to researchers themselves. The *Code* has the confidence of the business community, government and regulators. It embraces the principles of data protection legislation. Membership of MRS is your way of showing that you subscribe to these ethical and legislative principles.

Appendix 1 – Research Background

The Licensing (Scotland) Act 2005 defines premises that operate in whole or in part as a garage for the sale of petrol or derv as “excluded premises”. Subject to the provisions of section 123(5) of the Act, garage premises are “excluded premises”. Where premises are “excluded premises”, sale of alcohol is not permitted. The Client wishes to explore the motivations and buying behaviours of the consumers who visit affected forecourt premises with the purpose of ascertaining whether or not their forecourt premises fall to be determined as “excluded premises” or within the exception contain under section 123(5). Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5th April 2011) whether a recognisable number of persons in the **locality**¹ see and treat the said premises as the **principal source**² from which they, in **ordinary course**³, purchase **groceries**⁴ or fuel and who would properly consider themselves **materially disadvantaged** or **inconvenienced**⁵ were these retail facilities to no longer be provided from said premises.

Should the research prove that a substantial % of a **representative sample**⁶ local residents who use the outlet as their principal source of groceries and would be materially disadvantaged or inconvenienced if the outlet stopped selling groceries then it would help to form a case to include the outlet as being ‘not excluded’ from the changing legislation.

¹ **Locality** will be defined on a premises by premises basis. This will be determined via respondent answering what will be Q1 (How far away from this station do you live?) and will be confirmed with geo-mapping postcode software. Those living within the chosen distance will be deemed suitable to represent persons living in the locality and they will be further questioned on purchasing habits. Those living out with the chosen distance will be asked for their postcode and interview will be terminated.

²⁻³ **Principal source / Ordinary course**; these points must be answered by asking each respondent a question that will be interpreted consistently and fully understood.

Generally speaking, do you treat this premises as your principal source for a) Petrol or DERV (a full description of DERV will be provided in Showcard to help understanding) b) Groceries. A simple yes or no answer will be collected.

This will provide the research with its population of interest.

⁴ **Groceries**; will be defined as being food or other things used within the home.

Appendix 1 – Research Background

(continued)

⁵ **Materially disadvantaged or inconvenienced;** the term materially disadvantaged is perhaps not in the general diction of the average respondent, and we would not expect it to be used by a respondent if asked to describe how they felt about a retail outlet closing. However, when it is combined with the word inconvenienced in the Q. “Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with a) petrol (DERV) b) Groceries?”) we would expect a good understanding. An open question asking why participants would feel materially disadvantaged or inconvenienced will be asked if ‘yes’ is coded at either a) petrol (DERV) or b) groceries.

⁶ **Representative sample;** in quantitative market research studies which are to be conclusive it is very important that the data collected and the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection should be stratified in terms of opening hours and weekend / weekday footfall and respondent selection should be entirely random.

Statistical Representation

In order for the findings to be conclusive it is very important that the data collected, the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection was stratified in terms of opening hours and weekend / weekday footfall and respondent selection was entirely random.

The table below indicates achieved error thresholds for the overall base of participants and for the population of interest base. Error bars are present throughout each table to represent statistical relevance of each figure.

<u>Population</u>	<u>%GIVING PARTICULAR ANSWER</u>		
	<u>10%/90%</u>	<u>30%/70%</u>	<u>50%</u>
Total Base 508	+ 2.61	+ 3.99	+ 4.35
Local Base 33	+ 10.24	+ 15.64	+ 17.06
Pop of interest Base 19	+ 13.49	+ 20.61	+ 22.48
Inconvenienced Base 15	+ 15.18	+ 23.19	+ 25.30

Appendix 2 – Research Questionnaire

Good morning/afternoon my name is & I am work for Taylor McKenzie Research & Marketing Ltd, an independent Scottish research agency. We are here today to better understand how this filling station is being used by its customers. We only have a few questions to ask and it is important you help so that we can ensure a representative view of all customers. It should only take 2 minutes.

Q1 Interviewer select filling station

Gulf Tam O'Shanter Service Station

Q2 How far away from this Service station do you live?

Showcard s2

Within 1/4 of a mile

Go to Q3

Within 1/2 a mile

Within 1 mile

Within 1.5 miles

Within 1.5 to 2 miles CLOSE

Within 2 to 10 miles (approx.) CLOSE

More than 10 miles away (approx.) CLOSE

Q3 Which of these best describes how you travel to this station?

Showcard s3

Always by vehicle

Go to Q4

Always on foot

Go to Q4

Mostly by vehicle but sometimes on foot

Go to Q4

Mostly on foot but sometimes by vehicle

Go to Q4

Other (write in).....

Go to Q3

Q4 Including today, in the past 6 months have you used this station as a source of ...

Showcard s4

Interviewer - Read out...

Petrol or DERV (fuel)

Go to Q5

Groceries

Go to Q6

Both for Petrol or DERV (fuel) and Groceries

Go to Q5

**Interviewer note - if respondent queries what qualifies as 'groceries' please give the following description -
Groceries - 'food or other things used within the home'**

Appendix 2 – Research Questionnaire

(Continued)

Q5 How often do you visit this station for the purchase of petrol or DERV (fuel)?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit

Q6 How often do you visit this station for the purchase of groceries?

Showcard s5

- Every day
- 4 - 5 times a week
- 2 - 3 times a week
- Once a week
- 2 - 3 times a month
- Once a month
- Once every 2 months
- 3 - 4 times a year
- Once a year
- Less often
- First visit

Q7 Generally speaking, do you treat this premises as your principal source for:

Showcard s6a & s6b

Interviewer - Read out full statement above for both petrol and groceries

	Yes	No
Purchasing Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Purchasing Groceries	<input type="checkbox"/>	<input type="checkbox"/>

Q8 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with:

Showcard s7

	Yes	No
Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative fuel source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

Appendix 2 – Research Questionnaire

(Continued)

Q9 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with...

Showcard s7b

	Yes	No
Groceries	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative grocery source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is this alternative grocery source available to you without causing you to be disadvantaged or inconvenienced in any way?	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

Q10 Record Gender

- Male
- Female

Q11 Which of these age groups do you fall into?

Showcard s8

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Interviewer Say: Could you please tell me your home postcode, this is so we can get a better understanding of store catchment. This data will never be used for contacting you and will never be passed on with any personal information. Interviewer please enter with a space, as follows.... e.g. G2 4EZ

Postcode

Appendix 3 – Open Ended Responses

"Q8b - Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with Fuel? If yes: Why is this?"

"Only use bp"

"Need to go further"

"Having to go out of way for other bp"

"It's handy for the shop when I want to get straight home. Can get milk and send parcels from here"

"Closest for me"

"This location easier round corner"

"This round corner"

"This so easy to come to"

"Have to travel further"

"Easy access. I'm a taxi driver and most jobs and pick ups within this area"

"This closest bp to home"

"This is literally on doorstep"

"We need to support local places or we lose"

"Live beside it"

"This on route to work"

Q8e: If NO: Why would this fuel source cause you to be disadvantaged or inconvenienced? Include as much detail as possible:

"Have to go further away to next bp"

"Bit further only use bp"

"Other bp out of my way and don't like supermarket fuel for car"

"It doesn't do parcels so would need to do two stops"

"Tesco can be busy and takes longer"

"I live round from here and fill up before days work"

"Need to think about where to go that was easy"

"Like to be loyal to area"

"Poor quality fuel from morrisons"

"Only use bp"

"Need to stop midway on journeys"

"If we lost local place for fuel would mean need to travel out of area every time and would miss it"

"Don't like to use supermarket fuel"

"Need to go different route and longer"

Appendix 4 – Postcodes of Population of Interest

Ka7 2dp	Ka7 2jf
Ka7 2dj	Ka7 2hx
Ka7 2sb	Ka7 3as
Ka7 2ax	Ka7 2dr
Ka7 2rf	Ka7 1uq
Ka7 2sa	Ka7 1th
Ka7 1td	Ka7 2dp
Ka7 2rb	Ka7 2jf
Ka7 2dl	Ka7 1uq
Ka7 2dj	

Application for Variation of Premises Licence

1.	Premier Masonhill	144-146 Hillfoot Road Ayr
A refurbishment of the premises including additional Off Sales display area, relocation of the counter and reconfiguration of shop layout as shown on layout plan. The Operating Plan capacity will be amended from 5.4sqm to 26.7sqm and will state "The premises will open prior to the commencement of the core licensed hours for the sale on non-alcoholic products. For the avoidance of doubt alcohol will only be sold during the core licensed hours".		

Link to layoutplan

<https://www20.south-ayrshire.gov.uk/ext/licensing/Licensing%20Documentation/2200064LAPREV/2200064LAPREVLAYOUTPlan.pdf>

2.	Praetura Properties (Balgarth) Limited	The Balgarth Pines 8 Dunure Road Ayr
Modification to outdoor patio area, to become enclosed within an orangery, to provide undercover, all-year-round, service Modernisation of existing areas and facilities. Upgrades to existing toilet and bar facilities. No change to Current capacity on licence		

Link to layout plan

<https://www20.south-ayrshire.gov.uk/ext/licensing/Licensing%20Documentation/2200086LAPREV/2200086LAPREVLAYOUTplan.pdf>

3.	Ultimate Leisure (Scotland) Limited	Vinyl 1-5 Arthur Street Ayr		
		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
<p>To amend commencement hours of off sales to 10.00am Monday – Sunday. 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>				

Link to layout plan

<https://www20.south-ayrshire.gov.uk/ext/licensing/Licensing%20Documentation/2100547LAPREV/2100547LAPREV-%20Licensing%20Plan.pdf>

4.	<p>SXA Retail Ltd</p> <p>MacIntyres Bar 11 Templehill Troon</p> <p>Add restaurant facilities and provision of bar meals, permit access to children and young persons. Children and young persons permitted access to all public areas of the premises until 9pm for the purpose of having a meal or for the duration of a private function. Children must be accompanied by an adult. Children and young persons aged 0-17 will be permitted entry. Children and young persons to be permitted entry until 9pm for the purpose of having a meal or for the duration of a private function. Allow children and young persons to be permitted entry to all public parts of the premises. Reconfiguration of kitchen area and relocation of bar Change name of premises to "Links".</p>	
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Link to layout plan https://www20.south-ayrshire.gov.uk/ext/licensing/Licensing%20Documentation/2100666LAPREV/2100666LAPREV_LAYOUTPLAN.pdf

Application for the Grant of a Personal Licence

Application Number	Name of Applicant
SA/22/00024/LAPRS	Ronald McDowall

Application for Occasional Licence

Applicant	Premises	Event	Dates Requested	Times Requested
Ayr Railway Club	Ayr Railway Club 20 James Street Ayr	Christmas Party Night	16 th December 2022	18:00 – 01:00* *Outwith Board Guidelines
Alastair McClymont	The Carrick Centre Culzean Road Maybole	Reunion Fundraiser – Carrick Rugby Club	7 th May 2022	Saturday 19.00 – 01.00* *Outwith Board Guidelines
Alastair McClymont	The Lairage Shed Whitefordhill Ayr	Annual County Rally Dance	21 st May 2022	Saturday 21.00 – 01.00* *Outwith Board Guidelines
Alastair McClymont	Colmonell Community Centre Main Street Colmonell	21 st Birthday Party	4 th June 2022	Saturday 19.00 – 00.30* *Outwith Board Guidelines
Alastair McClymont	The Yard Field Millenderdale Farm Pinmore	Wedding Weekend	13 th to 14 th August 2022	Saturday 14.00 – 01.00* Sunday 15.00 – 00.00 *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Wedding	22 nd to 24 th July 2022	Friday 14.00 – 23.00 Saturday 11.00 – 01.00* Sunday 11.00 – 15.00 *Ouwth Board Guidelines
Nan Li	Blairquhan Castle Straiton	Wedding	19 th to 21 st August 2022	Friday 03.00 – 11.00 Saturday 11.00 – 01.00* *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Family Reunion – International Guests	8 th to 12 th August 2022	Monday 12:00 – 01:00* Tuesday 12:00 – 01:00* Wednesday 12:00 – 01:00* Thursday 12:00 – 01:00* *Outwith Board Guidelines
Nan Li	Blairquhan Castle Straiton	Corporate Event	28 th and 29 th April 2022	Thursday 12.00 – 01.00* Friday 12.00 – 15.00 *Outwith Board Guidelines
Claire Burnside	The Claude Hamilton Community Hall 25 Hillhead Coylton	Hypnotist Night and Disco	30 th April 2022	18:00 – 00:00 LSO report Public Entertainment Licence required for Hypnotist part – not yet received

Application for Extended Hours

Applicant	Premises	Event	Dates Requested	Times Requested
Sprig Ltd	Furys Nightclub 154 High Street Nile Court Ayr	May Bank Holiday	01.05.2022	02:30 – 03:30* *Outwith Board Guidelines
Ultimate Leisure Ltd	Vinyl 1-5 Arthur Street Ayr	May Bank Holiday	01.05.2022	02:30 – 03:30* *Outwith Board Guidelines