

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting held remotely on 19 April 2022 at 10.00 a.m.

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

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 Wednesday 20 April 2022 at 10.00 a.m.

3. Minutes of Previous Meeting

The Minutes of the Meeting of South Ayrshire Licensing Board of 10 March 2022 (issued) were submitted. There was a question around the timing which Councillor A. Campbell left the meeting on 10 March 2022, and it was agreed that the recording would be listened to and amended as appropriate for final approval.

4. Update by Licensing Standards Officer

The Licensing Standards Officer advised:

- 1) That over the past month there had been an increase in the number of Occasional Licence applications received. The applications range from Weddings and family events to gala days and concerts.
- 2) That staff training remained an issue and now that more course providers are running SCPLH courses more regularly, she continues to remind Premises Managers that South Ayrshire Board's policy 'expects' a personal licence holder to be on the premises at all times.
- 3) That the minimum mandatory training of 2hrs is lacking or inadequate on a number of premises and now that regular routine checks are taking place again, she anticipates a number of premises will require to tackle this issue as a matter of urgency., The Coronavirus legislation brought in a relaxation of timings for training for personal licence holders, however this did not relate to the overall requirement for all staff to be trained and she remained concerned about the number of staff who have entered the hospitality trade over the past two years and have not received the required training.

- 4) There are special provisions for Members' Clubs in the Licensing (Scotland) Act 2005, which include no need for a premises manager and a lower annual fee, however this type of premises also has specific requirements such as they should only be open to members and correctly signed-in guests, unless an occasional licence is in place. This means that members clubs should not be advertising 'open to all' and must operate in accordance with their constitution. The Licensing Standards Officer said that she had been made aware of a number of members clubs in South Ayrshire who have changed the way in which they operate after opening post-covid and will therefore require to vary their licence accordingly. She is currently in the process of contacting all clubs to request up to date information and to arrange a visit and will report on this piece of work to a future meeting of South Ayrshire Licensing Board.
- 5) The Scottish Grand National festival was earlier than usual this year and took place at Ayr Racecourse on Friday 1st and Saturday 2nd April 2022. In preparation for the event she met with the Premises Manager of the Racecourse and attended the meeting with the representatives from the agencies who provide licensed staff on race days to re-enforce the need for documented training, challenge 25 and refusal of sales. She attended the Racecourse on Saturday 2nd April to complete checks on the bars and the staff and to observe the general running of the event which also benefitted from an Occasional Licence. As this was the first large scale event in South Ayrshire since the lockdowns it undoubtedly attracted a number of patrons who were very keen to be out socialising again and who had perhaps not been out for some time. It was very disappointing to note the high levels of drunkenness and the resulting behaviour of some individuals leading to complaints from local residents and members of the public and has raised some issues that have been brought to the attention of the Racecourse and will be dealt with prior to the next large-scale race meeting the Ayr Gold Cup. She was also concerned to note that many of the staff who were brought in via agencies for race day appeared overwhelmed by the queues and volumes of customers at the various bars and as a result their ID checks and judgements may have been forgotten in many circumstances. On the day, she met with the Premises Manager who acknowledged the challenges he and his staff faced and further discussions have been arranged for the near future.

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

Decided: to note the report and requested that a further report regarding the Scottish Grand National Festival be brought to the June Board

5. **Revocation of Personal Licences**

There was submitted a report (issued) of 5 April 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 5 March 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) Bryson's, 1 Monkton Road, Prestwick - transferred to TG Convenience Stores Ltd on 15 March 2022;
- (2) Stag, 7 Boswell Park, Ayr - transferred to Tamjam Holding on 21 March 2022;

Decided: to note the transfer granted under delegated powers.

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

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

Councillor L. Brennan-Whitefield lost connectivity and was therefore unable to participate in the vote for Item 7(a).

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.

The Board considered the issue of locality for the purposes of this application and decided (with the agreement of the applicant's representative) that locality would be 500 metres.

Having heard from the applicant's representative and considered the market research and other documentation lodged by the applicant's representative, the Board;

Decided: to grant the above application.

Councillor L. Brennan-Whitefield re-gained connectivity at this point in the meeting.

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

The Board considered the following applications:

Applicant

(1) Premier Masonhill

Premises

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 license hours for the sale on non-alcoholic products. For the avoidance of doubt alcohol will only be sold during the core licensed hours".

Having heard from the applicant's representative, the Board;

Decided: to grant the above application.

Councillor I. Fitzsimmons left the meeting at this point.

Applicant

(2) Praetura Properties

Premises

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.

Having heard from the applicant's representative , , the Board;

Decided: to grant the above application, subject to the Licence variation not coming into effect until the completion certificate for the alterations has been granted.

<u>Applicant</u>	<u>Premises</u>
(3) Ultimate Leisure (Scotland) Limited	Vinyl 1-5 Arthur Street Ayr

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, 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.

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

Councillor L. Brennan-Whitefield lost connectivity and was therefore unable to participate in the vote for Item 7(b) 3, Ultimate Leisure (Scotland) Limited.

Decided: to grant the above application subject to the variation not coming into effect until such time as the completion certificate for the alterations has been granted and subject to the following conditions:-

1. The Terminal hour for the outside drinking area to remain at 22:00 p.m.
2. The external area must be appropriately stewarded as necessary whenever in use, on a risk assessed basis.

3. The premises must operate a policy in relation to the safe and controlled access, egress and dispersal of customers from the external area.
4. The premises must observe and maintain a noise impact assessment and noise management plan in respect of the use of the external area.

Further, the applicant gave an undertaking that a temporary barrier will be deployed to restrict access to the lane at the rear. Should a vehicle require access, the barrier can be removed temporarily. There will be a staff presence to monitor this.

Councillor L. Brennan-Whitefield re-gained connectivity at this point in the meeting.

Applicant

Premises

(4) SXA Retail Ltd

MacIntyres Bar
11 Templehill
Troon

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".

Having heard from the applicant's representative, the Board;

Decided: to grant the above application.

(c) Application for the Grant of a Personal Licence

Application Number

Applicant

(1) SA/22/00024/LAPRS

Ronald McDowall

Having heard that the applicant was unable to attend

Decided: to continue the application

(d) Application for the Grant of an Occasional Licence

Applicant

Date

Premises

(1) Ayr Railway Club

16 December 2022
18:00 – 01:00*

Ayr Railway Club
20 James Street

Ayr

Having heard from the applicant and the Licensing Standards Officer, the Board;

Decided: to grant the above application.

(2) Alistair McClymont	7 May 2022 Saturday 19:00 – 01:00*	The Carrick Centre Culzean Road Maybole
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Having heard from the Licensing Standards Officer, the Board;

Decided: to grant the above application.

(3) Alistair McClymont	21 May 2022 Saturday 21:00 – 01:00*	The Lairage Shed Whitefordhill Ayr
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Having heard from the Licensing Standards Officer, the Board;

Decided: to grant the above application.

(4) Alistair McClymont	4 June 2022 Saturday 19:00 – 00:30*	Colmonell Community Centre Main Street Colmonell
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Having heard from the Licensing Standards Officer, the Board;

Decided: to grant the above application

(5) Alistair McClymont	13 - 14 August 2022 Saturday 14:00 – 01:00* Sunday 15:00 – 00:00	The Yard Field Millenderdale Farm Pinmore
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Having heard from the Licensing Standards Officer, the Board;

Decided: to grant the above application

(6) Nan Li	22 – 24 July 2022 Friday 14:00 – 23:00 Saturday 11:00 – 01:00 Sunday 11:00 – 15:00	Blairquhan Castle Straiton
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(7) Nan Li	8 – 12 August 2022 Monday 12:00 – 01:00* Tuesday 12:00 – 01:00* Wednesday 12:00 – 01:00* Thursday 12:00 – 01:00*	Blairquhan Castle Straiton
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(8) Nan Li	28 – 29 April 2022 Thursday 12:00 – 01:00*	Blairquhan Castle Straiton
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Friday 12:00 – 15:00

Having heard from the Licensing Standards Officer, the Board;

Decided: to grant the above applications

The following application from Claude Hamilton Community Hall has been withdrawn by the applicant;

(9) Claire Burnside	30 April 2022 18:00 – 00:00	Claude Hamilton Community Hall 25 Hillhead Coylton
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(e) **Application for Extended Hours**

Applicant

Premises

(1) Sprig Ltd

Furys Nightclub
154 High Street
Nile Court
Ayr
(1st May 2022)

The application requests a terminal hour of 3.30am on the evening of Saturday 1st May (extending into the morning of Monday 2nd May) and the application refers to the May Bank Holiday. The applicant has not stated whether they consider this event to be ‘an event of local or national significance’ or ‘an event to be catered for on the premises’, however I am aware that premises in Ayr Town Centre have traditionally enjoyed extended hours for a Sunday before a holiday Monday.

Having heard from the Licensing Standards Officer , the Board

Decided: to grant the application.

Applicant

Premises

(2) Ultimate Leisure Ltd

Vinyl
1-5 Arthur Street
Ayr
(1st May 2022)

The application requests a terminal hour of 3.30am on the evening of Saturday 1st May (extending into the morning of Monday 2nd May) and the application refers to the May Bank Holiday. The applicant has not stated whether they consider this event to be ‘an event of local or national significance’ or ‘an event to be catered for on the premises’, however I am aware that premises in Ayr Town Centre have traditionally enjoyed extended hours for a Sunday before a holiday Monday.

Having heard from the Licensing Standards Officer , the Board

Decided: to grant the application.

9. **Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 11:46 p.m.