



**REPORT BY THE CLERK TO THE  
LICENSING BOARD OF 27<sup>th</sup> OCTOBER 2022**

<b>SUBJECT: APPLICATION FOR PROVISIONAL PREMISES LICENCE</b>	<b>TH DALLING 5 BURNS STATUE SQUARE AYR KA7 1SU</b>
<b>APPLICANT</b>	<b>TH DALLING LIMITED 5 BURNS STATUE SQUARE AYR KA7 1SU</b>

**APPLICATION REPORT**

**1. Background:**

An application for a provisional premises licence for a retail shop.

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

The premises currently operate as a tobacconist store and wish to have a small, specialist alcohol offering to complement this.

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 Certificate from Planning has been lodged along with the application.

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

The applicant has provided details of how they will meet the licensing objectives – Appendix 2.

### 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
The Drunken Coo 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:**

Karen Briggs  
Depute Clerk  
County Buildings  
Wellington Square, Ayr  
Telephone (01292) 617687  
Date 13th October 2022

## SCHEDULE

## “SCHEDULE 6

Regulation 7

## DISABLED ACCESS AND FACILITIES STATEMENT

*Licensing (Scotland) Act 2005, section 20(2)(b)(ia)***Question 1****Disabled access and facilities**

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	NO
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	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.

Entry to the premises is by a single door from the pedestrian footway outside. There is small 90mm step where there is a ramp allowing wheelchair access onto the shop floor which is level throughout.

**Question 3**

**Facilities available**

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

**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.

## **Licensing Objectives**

### **Protecting Children from Harm**

- No alcohol lines appealing to children or young persons will be available. This is a specialist shop offering specialist products.
- Staff will undergo Licensing training regularly.
- Challenge 25 will be in operation.

### **Protecting and Improving Public Health**

- Staff will undergo Licensing training regularly.
- Staff will be vigilant and not sell to anyone they suspect to be suffering from alcohol addiction issues.

### **Preventing Crime and Disorder**

- Company Policy is to refuse alcohol sales if it is considered necessary and the staff are not comfortable making the sale whether that is because the customer is aggressive, intoxicated or questionable.
- Staff will undergo Licensing training regularly.

### **Preventing Public Nuisance**

- Staff will undergo Licensing training regularly.

### **Securing Public Safety**

- Staff will undergo licensing training regularly.

## Application for Provisional Premises Licence

	Applicant	Premises
1.	T H Dalling Limited	5 Burns Statue Square Ayr
	Retail Sale of Alcohol (Off Premises)	Every day    10:00 – 22:00

