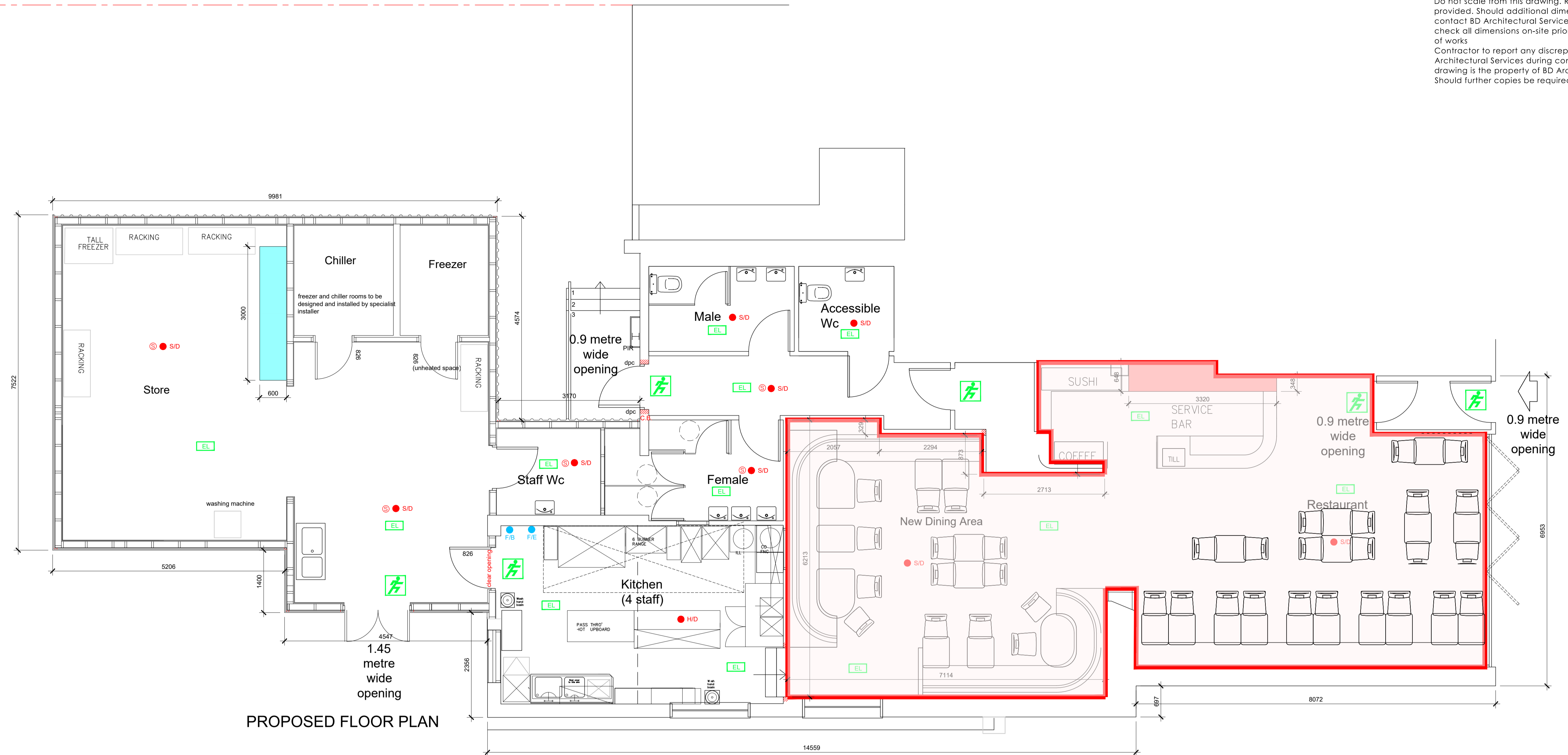


Application for Variation of Premises Licence

- | | | |
|----|---|--------------------------------|
| 1. | Thai Phanya Limited | @Home
95/97 New Road
Ayr |
| | Additional dining area created, bar relocation and new store created with new alcohol storage.
Change in capacity from 50 persons to 62 persons. | |
| | No objections
Layout plan (copy herewith) | |
-
- | | | |
|----|--|--|
| 2. | Sandie Graham | The Carrick
15 Whitehall
Maybole |
| | a) Addition of Live music performances along with recorded music in the lounge area.
b) Removal of condition requiring licensed door stewards on Friday and Saturday nights from 9pm.
c) Allow under 18s on the Premises if accompanied by an adult for consumption of hot food. | |
| | Report by Depute Clerk including previous Minutes from Licensing Board of 10 March 2022
2 public objections
Police Scotland representation (Members Only)
Environmental Health Memorandum | |

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant Approval from the local authority and is for information purposes only. Do not scale from this drawing. Refer to dimensions provided. Should additional dimensions be required contact BD Architectural Services. Contractor to check all dimensions on-site prior to commencement of works. Contractor to report any discrepancies on-site to BD Architectural Services during construction. This drawing is the property of BD Architectural Services. Should further copies be required please contact.

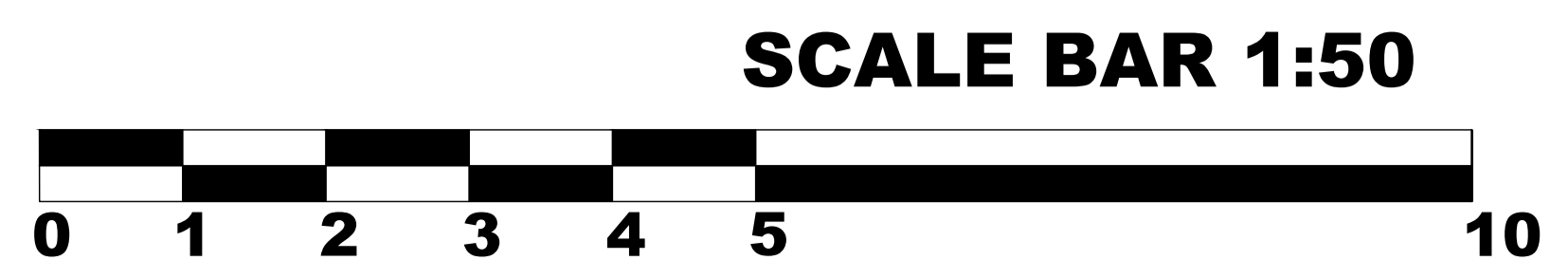


PROPOSED FLOOR PLAN

- LEGEND**
- HD Heat detector/ alarm sounder
 - S/D Smoke detector/ alarm sounder
 - F/B Fire Blanket
 - F/E Fire Extinguisher
 - C/P Fire Alarm Call Point
 - EL Emergency light
 - Fire Escape
 - Alcohol Display
 - Alcohol Storage
 - New Licensed Areas
- All areas available and open to the public are accessible for children



Location Plan 1:1250



REVISION	NOTES	DATE
A	red outlined area increased, scale bar added	13.3.23
PROJECT		
Proposed New Storage Building and Internal Alterations 95-97a New Road Ayr		
@Home Restaurant - Thai Phanya Ltd		
DRAWING TITLE		
Proposed License Plan		
STATUS		
Licensing		
DATE	SCALE	DRAWN BY
Feb 23	1:50	
DRAWING NUMBER:	REVISION	
2223-LIC-001	A	



BD
ARCHITECTURAL SERVICES
bdarchitecturalservices@gmail.com
07767676181

**REPORT BY THE CLERK TO THE
LICENSING BOARD OF 18 MAY 2023**

SUBJECT: APPLICATION FOR NON-MINOR VARIATION OF PREMISES LICENCE

**THE CARRICK
15 WHITEHALL
MAYBOLE**

APPLICANT

**SANDIE GRAHAM
89 MINNOCH CRESCENT
MAYBOLE**

APPLICATION REPORT

1. Background:

An application for a Non-Minor variation of the Premises licence for the Carrick, 15 Whitehall, Maybole.

The application seeks the following variation of the licence:

- a) Addition of Live music performances along with recorded music in the lounge area, in accordance with current sound levels.
- b) Removal of condition requiring licensed door stewards on Friday and Saturday nights from 9pm.
- c) Allow under 18s to access the lounge area for the sole purpose of consuming hot food when accompanied by an adult.

Condition (b) and a condition prohibiting access for under 18s were imposed by South Ayrshire Licensing Board following a review of the premises licence, at the Board meeting of 10 March 2022. A copy of the Board Minute of 10 March 2022 is attached for further information. The Applicant was not the premises licence holder at that time.

2. Reports

Letters of representation have been received from Police Scotland and from the Council's Environmental Health Service. There have also been two letters of objections received from members of the public.

3. Board Options

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

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

The grounds for refusal are—

- (a) that the application must be refused under section 32(2), 64(2) or 65(3),
- (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
- (c) 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 in accordance with the proposed variation,
- (d) 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 (taking account of the proposed variation),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 3rd May 2023

SOUTH AYRSHIRE LICENSING BOARD.

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 A. 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 Licensing Board

Licensing {Scotland} Act 2005 Section 22

Notice of Objection/ Representation

Part 1. [this part should be completed if you are OBJECTING to the Application – see notes for guidance attached. If you are not objecting but wish to make representations, then complete part 2.]

1. Your name and address B [REDACTED] McCulloch, [REDACTED]

2. Name and address of application premises The Carrick, 15 Whitehall, Maybole.

3. Application reference number KB/AR /23/00238/LAPREV

4. Name of Applicant Sandie Graham

5

I would like to express my concern regarding the application to include live and recorded music on the application form., however if this is granted then I would not be in favour of the removal of licensed stewards.

Since this premises was granted a license circa 2017, we have been troubled by excessive noise and unsocial behaviour at weekends. This unsocial behaviour constantly finds its way through the close and into the rear of the premises thus resulting in greater disturbance as the night progresses; our bedrooms face on to the rear of the location. If the application is granted without adequate measures in place for consideration of the immediate neighbourhood, then I fear we will once again find ourselves back in this situation.

In conjunction with the environmental team at South Ayrshire we previously agreed an acceptable level of volume and I urge you to include this if the request goes ahead, also, in addition to a strict no go area to the rear of the premises.

B [REDACTED] McCulloch

Part2.

REPRESENTATION

This part should be completed if you are not objecting but wish to make representations :-

- in support of the application.
- as to modifications which you consider should be made to the operating Plan accompanying the Application.
- as to conditions which you think should be imposed

Please give details of your representation here, continuing on a separate sheet if necessary.:-

South Ayrshire Licensing Board

Licensing {Scotland} Act 2005 Section 22

Notice of Objection/ Representation

Part 1. [this part should be completed if you are OBJECTING to the Application – see notes for guidance attached. If you are not objecting but wish to make representations, then complete part 2.]

1. Your name and address..... J [REDACTED] McCulloch, [REDACTED]
.....
2. Name and address of application premises... The Carrick, 15 Whitehall,
...Maybole
3. Application reference number KB/AR /23/00238/LAPREV
4. Name of Applicant Sandie Graham
- 5 .Please state and give details of your objection, continue on separate sheet if necessary. [the objection must be RELEVANT to one or more of the grounds on which the Board may refuse an application in terms of section 23 [5] of the Act. These grounds are listed in the Notes for Guidance attached .
Please note that in terms of sections 22 [4] and [5] of the Act a Board may reject a Notice of objection / representation if it considers it to be FRIVOLOUS or VEXATIOUS and may recover from the person making the objection/representation the EXPENSES of considering the Notice.

As a direct neighbour of the premises known as The Carrick in Maybole, I have experienced a number of issues over the years and have previously approached South Ayrshire Licensing Board for their assistance and worked with Environmental Health team at South Ayrshire council. The measures put in place as a result of this have allowed my family and I to live next door to these premises in a functional way, however this application seeks to remove all the controls that make this possible and I therefore feel that to grant this application would be in breach of the licensing objectives:

Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance and Protecting Children and Young People from harm

The application asks for under 18's to be allowed into the premises again, when in the past it was obvious on social media that young people were drinking on the premises and singing karaoke. At one point there was someone in running food service some nights and that seemed to be why children were allowed on the premises but this is not a restaurant and is simply a lot of people drinking and swearing and this is not an environment that under age people should be in. If the application is only to allow children and young people in for food then I would be interested to know how this is going to be monitored as it was never the case in the past. Taking away the need for a door steward and allowing live music will only encourage people to 'hang around' at the door of these premises again and make people use the lane. I feel unsafe with people hanging around at my back door in the dark and I also have witnessed a few 'near misses' when drunk people have come out of the bar door and fell into or run into the road. This could be prevented by a door steward.

Due to excessive noise being heard in our home when there was live music being played in these premises in the past, a decision was taken that the premises were not suitable for this purpose. For recorded music a noise limit was set with the help of Environmental Health. Since then any music on the premises has been through in the lounge bar which is the furthest point from our house and it has made it possible for us to be in our bedroom whilst the premises is open as this is at the back of our property. If live music is permitted again I am concerned that there is nothing that can adequately control the sound levels and there has been no changes to the structure of the building. There is a back door which is a fire exit so it cannot be locked and patrons used to keep that open to go out and smoke and the noise would travel straight into our house. If this application is granted there are no changes that would stop this happening again.

Also without a door steward in place in the evenings at weekends, patrons go into to the archway (between the premises and our property) and urinate, smoke and carry out illegal activities.

I do not understand why this application can be considered again when the Board made these changes in the past. It is the same people who own the premises as they have not been sold and this will now be the 3rd attempt by the person who is running the premises. If there have not been any changes then the problem will still exist and the Board and the Council have already agreed that there is a problem.

If this application is granted it will affect my way of life again.

Part2.

REPRESENTATION

This part should be completed if you are not objecting but wish to make representations :-

- in support of the application.
- as to modifications which you consider should be made to the operating Plan accompanying the Application.
- as to conditions which you think should be imposed

Please give details of your representation here, continuing on a separate sheet if necessary.:-

MEMORANDUM



Tel: [REDACTED]
Email: [REDACTED]
Our Ref: MS/MS23/01040/SECT29
Your Ref: 23/00238/LAPREV
Date: 2 May 2023

From: Service Lead: Trading Standards & Environmental Health
5 – 7 River Terrace
Ayr
KA8 0BJ

To: Licensing Services
County Buildings
Wellington Square
Ayr
KA7 1DR

SUBJECT: Licensing (Scotland) Act 2005
Premises: The Carrick Bar. 15 Whitehall Maybole South Ayrshire KA19 7DR

I refer to the above Section 23 Application for Variation of Premises Licence.

Due to the close location of noise sensitive dwellings to the premises, this service recommends that controls in place with respect to noise control that were in place for the previous licence holder remain in place for the new licence holder.