

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

9 May 2023

To:- Councillors Grant (Chair) Brennan-Whitefield, Ferry, Kilbride, Pollock, Scott and Townson.

Dear Councillor

SOUTH AYRSHIRE LICENSING BOARD

You are requested to participate in the meeting of the above Board to be held on **Thursday, 18 May 2023 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis in County Hall for Elected Members with a remote option, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Please note that a briefing meeting will take place for all Board Members at 9.15 a.m., online and in the Prestwick Committee Room.

Yours sincerely

**CATRIONA CAVES
Clerk to the Licensing Board**

B U S I N E S S

1. Declarations of Interest.
2. Date of Next Board Meeting – Thursday 15 June 2023 at 10:00 a.m.
3. Minutes of previous meeting of Thursday 20 April 2023.
(copy herewith)

4. Report by Licensing Standards Officer.
5. Personal Licences Revoked – report by Clerk to the Board (copy herewith) Pages 10 to 11
6. **Licensing (Scotland) Act 2005**
 - (a) Application for Variation of Premises Licence (copy herewith). Pages 12 to 28
 - (b) Applications for Occasional Licences (copy herewith). Pages 29 to 32
7. Report from Clerk regarding Statement of Licensing Policy (Report to follow).
8. Any Other Business.

For more information on any of the items on this agenda, please telephone Courtney Buchanan, Committee Services, at 01292 612101 at Wellington Square, Ayr or e-mail: courtney.buchanan@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a hybrid webcast meeting held on 20 April 2023 at 10.00 a.m.

Present: Councillors William Grant (Chair), Martin Kilbride, Bob Pollock, Gavin Scott and Duncan Townson.

Present
Remotely: Councillors Laura Brennan-Whitefield and Stephen Ferry.

Attending: K. Briggs, Service Lead – Legal and Licensing and Depute Clerk to the Licensing Board; L McChristie, Co-Ordinator, Legal and Licencing; C. Andrew, Licensing Standards Officer; Inspector Ian McColl, Police Scotland; C. Buchanan and E. Moore, Committee Services 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 Thursday 18 May 2023 at 10.00 a.m.

3. Minutes of Previous Meeting

The [Minutes](#) of the Meeting of South Ayrshire Licensing Board of 9 March 2023 (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 several significant dates for events were due to take place in the near future, bringing significant visitor numbers to Ayr, which the LSO stated she hopes to see reflected positively within the local hospitality trade.
- 2) The LSO highlighted that she would submit a report to a future board meeting detailing key findings of the events observed as requested by the Board.
- 3) Additionally, the LSO stated that she would wish to remind applicants that any information and or guidance requested in relation to applications can be obtained by contacting the Licensing Standards Officer.

Decided: to note the terms of the report.

5. **Revocation of Personal Licences**

There was submitted a **report** (issued) of 6 April 2023 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 6 April 2023 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of a Licence between the last Board meeting and this Board:-

- The Anchorage Hotel, 149 Templehill, Troon transferred to AHT Properties on 20th March 2023.

Decided: to note the transfers granted under delegated powers.

7(a) **Application for the Provisional Grant of a Licence**

The Board considered the following application:

Applicant

Patrick Dunne
(Agent for James Kirkwood)
Clocktower Café Bar

Premises

Clocktower Café Bar
1 Gibbs Yard
Auchincruive
KA6 5HW

Retail Sale of Alcohol (On Premises) - Every day 10:00 – 00:00

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

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

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

The Board considered the following application:-

Applicant

(1) CJ Lang And Son Limited

Premises

Spar Convenience Store
74 Main Road
Whitletts
Ayr

The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio prior to the commencement of core hours, this is background level only.

National Lottery tickets/cards can be purchased prior to core hours.

The primary activity is general retail sales with Charity collection point and charitable events taking place.

Food to Go.

Click and collect.

Home Deliveries.

Paypoint payment.

National Lottery outlet.

External automated cash machine.

Sampling and promotional activities.

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

7(c) Applications for Extended Hours

The Board considered the following applications:-

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

Early May bank Holiday – 30th April 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

<u>Applicant</u>	<u>Premises</u>
(2) Vinyl (Ultimate Leisure Ltd)	Vinyl 1-5 Arthur Street Ayr

Coronation of King Charles – 6th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

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

Spring Bank Holiday – 28th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

Applicant

Premises

(4) Sprig Limited

Printhouse
154 High Street
Nile Court
Ayr

Coronation of King Charles – 6th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

Having heard from the Licensing Standards Officer the Board granted the above application, as a special event of local or national significance.

Applicant

Premises

(5) Sprig Limited

Printhouse
154 High Street
Nile Court
Ayr

Late May bank Holiday – 28th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

Applicant

Premises

(6) Skinny Malinky's
(Thisway Scot Ltd)

Skinny Malinky's
7-9 Arthur Street
Ayr

Scottish Grand National Meeting
21st and 22nd April 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

Applicant

Premises

(7) Skinny Malinky's
(Thisway Scot Ltd)

Skinny Malinky's
7-9 Arthur Street
Ayr

Ayr Pavilion Festival After Party
29th April 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

	<u>Applicant</u>	<u>Premises</u>
(8)	Skinny Malinky's (Thisway Scot Ltd)	Skinny Malinky's 7-9 Arthur Street Ayr

Early May Bank Holiday - 28th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

	<u>Applicant</u>	<u>Premises</u>
(9)	The Buf (Thisway Scot Ltd)	The Buf 36 Main Street Prestwick

Scottish Grand National Meeting
21st and 22nd April 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

	<u>Applicant</u>	<u>Premises</u>
(10)	Number Forty Seven (Christopher Morrison)	Number Forty Seven 47 Templehill Troon

Early May Bank Holiday – 30th April 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

	<u>Applicant</u>	<u>Premises</u>
(11)	Number Forty Seven (Christopher Morrison)	Number Forty Seven 47 Templehill Troon

Coronation of King Charles – 6th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

Having heard from the Licensing Standards Officer the Board granted the above application, as a special event of local or national significance.

<u>Applicant</u>	<u>Premises</u>
(12) Number Forty Seven (Christopher Morrison)	Number Forty Seven 47 Templehill Troon

Late May Bank Holiday – 28th May 2023 – 02:30 a.m. to 03:30 a.m.*

*Outwith Board Policy

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

<u>Applicant</u>	<u>Premises</u>
(13) Westcliffe Hotel (Elizabeth Brown)	Westcliffe Hotel 15 Louisa Drive Girvan

Girvan Folk Festival –
Friday 28th April 2023 – 00:30 a.m. to 02:00 a.m.*
Saturday 29th April 2023 – 00:30 a.m. to 02:00 a.m.*
Sunday 30th April 2023 – 00:00 a.m. to 02:00 a.m.*

*Outwith Board Policy

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

7(d) **Applications for Occasional Licences**

<u>Applicant</u>	<u>Premises</u>
(1) Alastair McClymont	The Lairage Shed Whitefordhill Ayr

Annual County Prizegiving (Over 18s Only Event)
20th May 2023 – 21:00 p.m. – 01:00 a.m.*

*Outwith Board Guidelines

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

<u>Applicant</u>	<u>Premises</u>
(2) Alastair McClymont	The Min Cow Shed Catraig Farm Craigie

21st Birthday Party (Over 18s Only Event)

27th May 2023 – 19:00 p.m. – 01:00 a.m.*

*Outwith Board Guidelines

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

Applicant

Premises

(3) Alastair McClymont

The Main Shed
Carcluie Farm
Dalrymple

21st Birthday Party (Over 18s Only Event)
2nd June 2023 – 19:00 p.m. – 01:00 a.m.*

*Outwith Board Guidelines

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

Applicant

Premises

(4) Gary Welsh

Wellington House
On the Square
25 Wellington Square
Ayr

Welcome Drinks and Canapes (Scottish Grand National)
Friday 21st April 2023 – 13:00 p.m. – 23:45 p.m.
Saturday 22nd April 2023 – 13:00 p.m. – 23:45 p.m.

*Outwith Board Guidelines

The Applicant withdrew the above application.

Applicant

Premises

(5) Gary Welsh

Wellington House
On the Square
25 Wellington Square
Ayr

Snacks and Drinks for Music Festival Ayr
Saturday 29th April 2023 – 13:00 p.m. – 23:45 p.m.
Sunday 30th April 2023 – 13:00 p.m. – 23:45 p.m.

*Outwith Board Guidelines

Members highlighted their concerns in relation to the lack of detail outlined and knowledge of the proposed event, including potential impact on multi-agency arrangements for the major music festival.

Having heard from the applicant, the Licensing Standards Officer and a representative from Police Scotland, the Board refused the above application on the

grounds that the granting of the application would be inconsistent with the Licensing Objectives of Preventing Public Nuisance and Securing Public Safety.

<u>Applicant</u>	<u>Premises</u>
(6) Gary Welsh	Wellington House On the Square 25 Wellington Square Ayr

Pop up Restaurant (Over 18s Event)
Saturday 6th May 2023 – 13:00 p.m. – 23:45 p.m.

*Outwith Board Guidelines

Members highlighted their concerns in relation to the applicant's lack of detail and knowledge of the proposed restaurant event.

Having heard from the applicant and the Licensing Standards Officer, the Board refused the above application on the grounds that the granting of the application would be inconsistent with the Licensing Objective of Protecting and Improving Public Health.

8(a) **[Application for Unlicensed Family Entertainment Gaming Machine Permit](#)**

The Board considered the following application:

<u>Applicant</u>	<u>Premises</u>
Inspired Gaming UK Ltd (Agent for James Kirkwood) Clocktower Café Bar	Craig Tara Holiday Park (Lighthouse) Dunure Road Ayr

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

8(b) **[Gambling Premises Ceasing to Exist](#)**

The Board noted that the following Gambling Premises licence had ceased to exist:

<u>Premises</u>	<u>Reason for Ceasing to Exist</u>
Mecca Bingo Limited Mecca Bingo Club Playhouse Boswell Park Ayr	Licence surrendered.

Decided: to note terms of the report.

9. **Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 11:21 a.m.

DRAFT

SOUTH AYRSHIRE COUNCIL

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

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

Since the last report to the Board, a further 17 personal licences as per appendix 1 have been revoked under delegated powers. All licence holders affected have been advised by post to their last known address of the revocation of their licences. Revoked licence holders can still take refresher training and then reapply for another personal licence although there is a cost of £50 for the new application. (There is no fee payable if the refresher training is completed and intimated to the Board on time.)

Author and Person to Contact.

Karen Briggs, Depute Clerk, County Buildings,
Wellington Square, Ayr, KA7 1DR
Tel. (01292) 612416

Date. 4th May 2023

South Ayrshire Licensing Board

Revoked Personal Licences - Sorted by Name

for the period 04/04/2023 to 02/05/2023

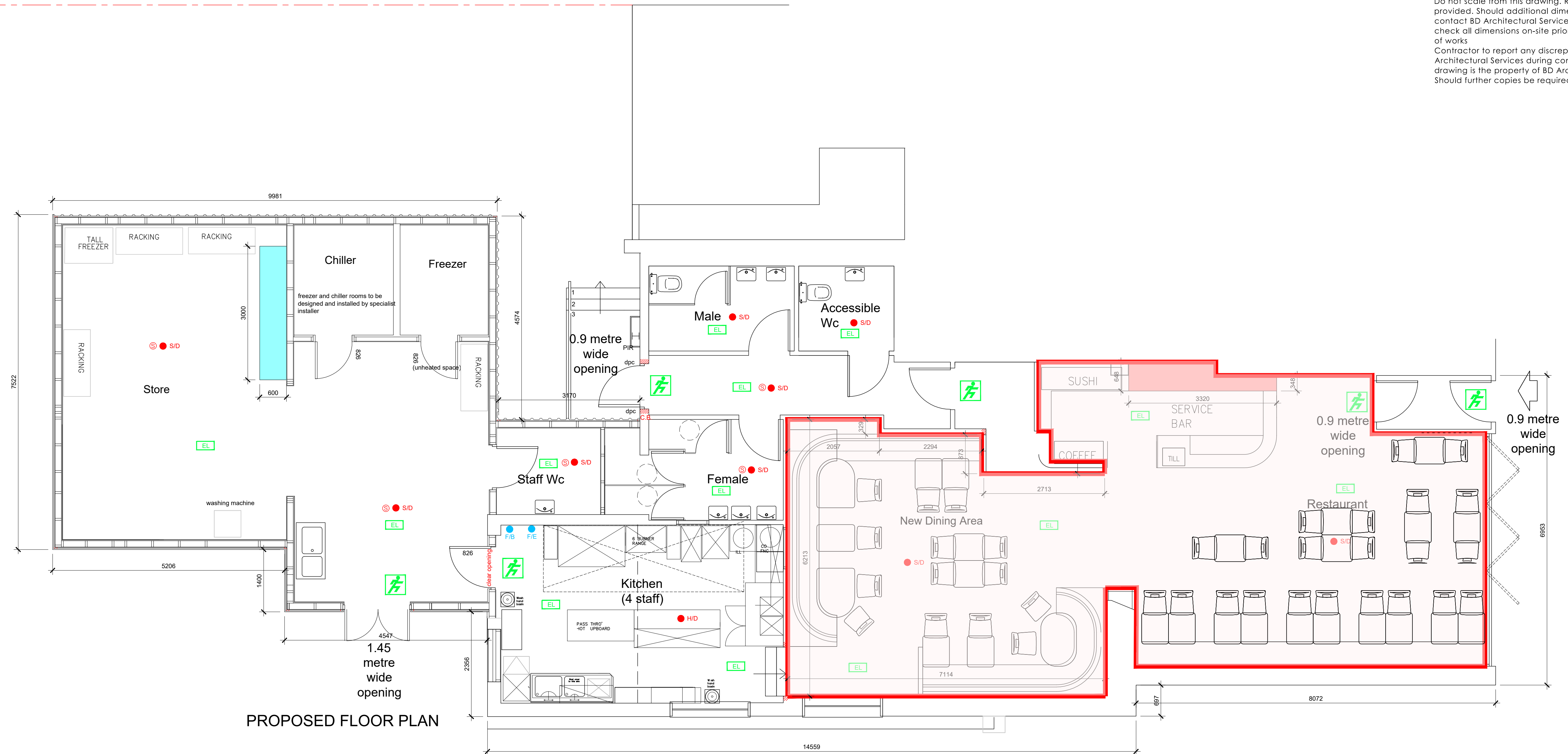
<u>Name</u>	<u>Personal Licence</u>	<u>Date Revoked</u>
Miss Rebecca Louise Brown	SA/17/00196/LAPRS	04/04/2023
Mrs Sharon Brownlie	SA/17/00197/LAPRS	04/04/2023
Mrs Joanna Cieslik	SA/18/00002/LAPRS	02/05/2023
Miss Kimberly Mary Donald	SA/18/00004/LAPRS	02/05/2023
Mr Jack McWhirter Donnelly	SA/17/00191/LAPRS	04/04/2023
Mr Conor Brian David Gibson	SA/18/00009/LAPRS	02/05/2023
Mr Liam Andrew Haining	SA/18/00005/LAPRS	02/05/2023
Mr Andrew Stewart Johnston	SA/17/00188/LAPRS	04/04/2023
Mr John Watt McCreath	SA/18/00011/LAPRS	02/05/2023
Mr Liam McGee	SA/18/00008/LAPRS	02/05/2023
Mr Andrew McGuire	SA/17/00192/LAPRS	04/04/2023
Mr Aidan Mark McKenzie	SA/18/00010/LAPRS	02/05/2023
Mrs Linda McLean	SA/17/00187/LAPRS	04/04/2023
Mr Kyle Pinho	SA/17/00195/LAPRS	04/04/2023
Mr Nicholas Hugh Smith	SA/18/00006/LAPRS	02/05/2023
Mr Frazer Wesencraft	SA/18/00007/LAPRS	02/05/2023
Mr Michael William Withers	SA/17/00198/LAPRS	02/05/2023

Number of Licences Revoked: 17

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 | |

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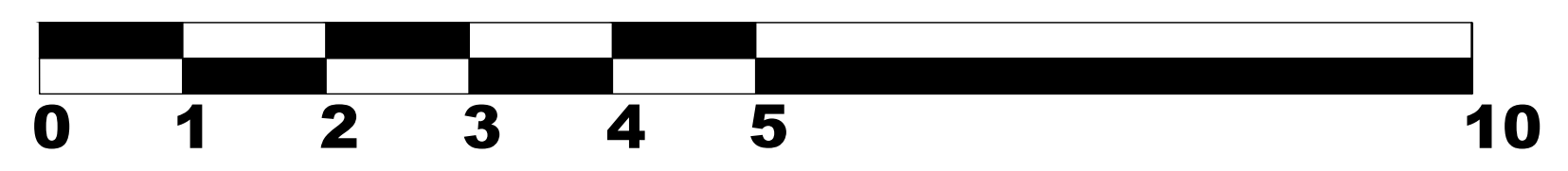
PROPOSED FLOOR PLAN

- 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



SCALE BAR 1:50

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	



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.:-

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.

Application for Occasional Licence

Applicant	Premises	Event	Dates Requested	Times Requested
Nan Li	Blairquhan Castle Straiton	Wedding	8 th August 2023	Monday 12.00 – 01.00* *Outwith Board Policy
Nan Li	Blairquhan Castle Straiton	Birthday Celebration	12 th August 2023	Saturday 15.00 – 01.00* *Outwith Board Policy
Nan Li	Blairquhan Castle Straiton	Wedding	17 th and 18 th August 2023	Thursday 13:00 – 00.00 Friday 12:00 – 01:00* Outwith Board Policy

Nan Li– Blairquhan Castle, Straiton
Occasional Licence Application – 8th August 2023
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a Wedding to be held in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a Wedding Celebration which will begin at 12noon on Tuesday 8th August and extend until 1am the following morning.

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

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

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

Catrina Andrew
Licensing Standards Officer
4th May 2023

Nan Li– Blairquhan Castle, Straiton
Occasional Licence Application – 12th August 2023
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a Wedding to be held in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a Birthday Celebration which will begin at 3pm on Tuesday 12th August and extend until 1am the following morning.

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

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

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

Catrina Andrew
Licensing Standards Officer
4th May 2023

Nan Li– Blairquhan Castle, Straiton
Occasional Licence Application – 17th and 18th August 2023
Report by Licensing Standards Officer

I refer to the Occasional Licence application made for a Wedding to be held in the public rooms and grounds of Blairquhan Castle at Straiton.

The application is for a Wedding Celebration which will begin at 3pm on Thursday 17th August until 12midnight and resume at 12noon on Friday 18th and extend until 1am the following morning.

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

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

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

Catrina Andrew
Licensing Standards Officer
4th May 2023