

Application for Occasional Licence

Applicant	Premises	Event	Dates Requested	Times Requested
Alastair McClymont	The Shed Parkhouse Stables Symington	21 st Birthday Party	8 th July 2023	19.00 – 01.00* *Outwith Board Policy LSO Report (copy herewith)
Hawthorn Leisure Scotco Limited	Car Park Adjacent to the Red Lion 9 The Cross Prestwick	Beer garden, external dining, service of food and drink	19.06.2023 – 02.07.2023	11.00 – 22.00 LSO Report (copy herewith)
Hawthorn Leisure Scotco Limited	Car Park Adjacent to the Red Lion 9 The Cross Prestwick	Beer garden, external dining, service of food and drink	03.07.2023 – 16.07.2023	11.00 – 22.00 LSO Report (copy herewith)
Hawthorn Leisure Scotco Limited	Car Park Adjacent to the Red Lion 9 The Cross Prestwick	Beer garden, external dining, service of food and drink	17.07.2023 – 30.07.2023	11.00 – 22.00 LSO Report (copy herewith)
Hawthorn Leisure Scotco Limited	Car Park Adjacent to the Red Lion 9 The Cross Prestwick	Beer garden, external dining, service of food and drink	31.07.2023 – 13.08.2023	11.00 – 22.00 LSO Report (copy herewith)

Alastair McClymont – Personal Licence Holder
Occasional Licence Application – 8th July 2023
Report by Licensing Standards Officer

I refer to the Occasional Licence application made by Alastair McClymont for a 21st Birthday party at 'The Shed', Parkhouse Stables, Symington.

The application requests a terminal hour of 1.00am, which is outwith the Board's Policy. The location of the event is a large shed near the A77, which is a predominantly used as a horse riding arena. There are a few other houses in the area, however as these are also bordering the main road they are likely to experience significant traffic noise also on a regular basis and thus the licensing objective 'Preventing Public Nuisance' is unlikely to be an immediate concern with regards to noise.

This venue has not been the subject of previous Occasional Licences, however the applicant is a personal licence holder who is known to the Board as a regular applicant for alcohol provision at rural locations and no negative feedback has been received as a result.

I note with interest that no under 18's will be present at this event and have no objections to the grant of this application as I am satisfied it is in keeping with what has previously been granted by this Board.

Catrina Andrew
Licensing Standards Officer
23rd May 2023

L.S.O Report to South Ayrshire Licensing Board
Occasional Licence Application – Red Lion, Prestwick

As you will be aware the Red Lion premises is accessed off the main Prestwick/Monkton Road, Crofthead Road runs up the side of the building and current car park and Saunterne Road is at the rear of the premises.

Since the Licensing (Scotland) Act came into force in 2009, the premises have had permission for 'outside drinking' and the current operating plan for the premises allows food to be consumed in the outside area from 9am Monday to Sunday, and alcohol from 10am Monday to Sunday with the terminal hour for both being 10pm.

The 'currently approved' outside drinking area can be seen in the photograph labelled as Photograph 1.

Since hospitality premises were permitted to re-open following the Covid 19 Lockdown, these premises (like others in South Ayrshire) benefitted from Occasional Licences which allowed use of the car park area as an extension to the permitted area for outside drinking.

In 2020, a total of 8 Occasional Licence applications were granted consecutively which permitted the use of the car park area for consumption of alcohol from 6th July to 25th October inclusive. There were a total of 15 Occasional Licences granted in 2021, which in turn allowed use of the area from 26th April to 21st November inclusive. Also in 2022 there were a further 8 consecutive Occasional Licences granted from 27th May to 15th September inclusive.

The area that is proposed for use in terms of this current application has been operated over the winter months as a car park and storage area for the 'huts' that form part of the seating for the outside dining. Therefore at this current time the side adjacent to Crofthead Road (as shown in picture 2, the site plan) is open. However I understand that the applicant proposes to erect a fence around the perimeter which aims to help to keep the area secure, to ensure no alcohol leaves the designated area and also act as a noise and behaviour 'barrier' to local residents and those using the footpath.

As the applicant has indicated with a 'red line' the area around the licensed premises and full car park, I am not clear on the proposed full extent of the applicant site and whether this is to include the area which is labelled as 'existing car park'. The Board may wish to clarify with the applicant if the site is to remain the same size and layout as per previous years, or if it is the intention to make use of the additional space as this may have further impact on the ability to meet the licensing objective of 'preventing public nuisance'.

In 2021 the then Depute Clerk of the Licensing Board was in correspondence with local residents who had reported concerns in relation to noise and alleged 'anti-social language' as a result of the external drinking area. This resulted in the Depute Clerk contacting the applicants representative to advise that if the concerns escalated to an objection then this would affect the ability to grant Occasional Licences under delegated powers.

Later in 2021, the complaint was passed to me as LSO and I spoke to residents who had concerns with the operation of outside areas for this and other licensed premises in the local area. These discussions also included making it clear what the powers and restrictions were in relation to each Council department and outside agencies and how concerns could best be dealt with. There was also an acceptance that the trading restrictions that had been placed on the hospitality trade throughout the Covid period and the fact that more people were spending

time at home during what would previously have been considered 'normal working hours' had perhaps made local residents more aware of 'outside noise' than they had been previously.

An objection was made by a member of the public in 2021 to the application for further Occasional Licences at the car park area at the Red Lion and this was heard at the licensing Board in August 2021. At the time the Board heard from Police Scotland and Environmental Health who were both able to report that a number of checks over a set period of time had led them to the conclusion that the area was generally well managed and the management team had an awareness of noise concerns and had mitigations in place to prevent any issues. As a result of the information provided, the Board granted the Occasional Licences as they did not consider there to be any breach of the licensing objectives, however the objector was given further information about how to deal with any future concerns and the Board took note of the comment that due to the Occasional Licence process there was limited opportunity for the community to be aware of the applications and object if they felt it was necessary.

Due to this and other similar situations elsewhere in South Ayrshire the Board advised premises in the area that if they intended to continue to use the additional outdoor spaces post-covid legislation then they would expect premises to make an application to vary the licence to include the use of these areas permanently. Following this process would mean that an application would involve consultation with other Council departments and would in turn be notified to neighbours and the local community and give them the opportunity to make representation or objection.

Applications for Occasional Licences were subsequently granted in 2022 and no objections or complaints were received by Licensing Services as a result.

Following the history of these premises, who have shown an awareness of potential noise and disturbance to the local community and managed to put systems in place to mitigate this, I have no objections to the grant of the Occasional Licences as applied for.

However the Board may wish to clarify the following points;

- If area proposed for the Occasional Licence applications that are currently lodged, reflect the position and size of the area that has been the subject of previous licences over the past few years
- If the applicant is in the process of/intends to vary the licence to include the use of the area permanently as a licensed area (even if this is to be on a seasonal basis during specific months annually)

Catrina Andrew

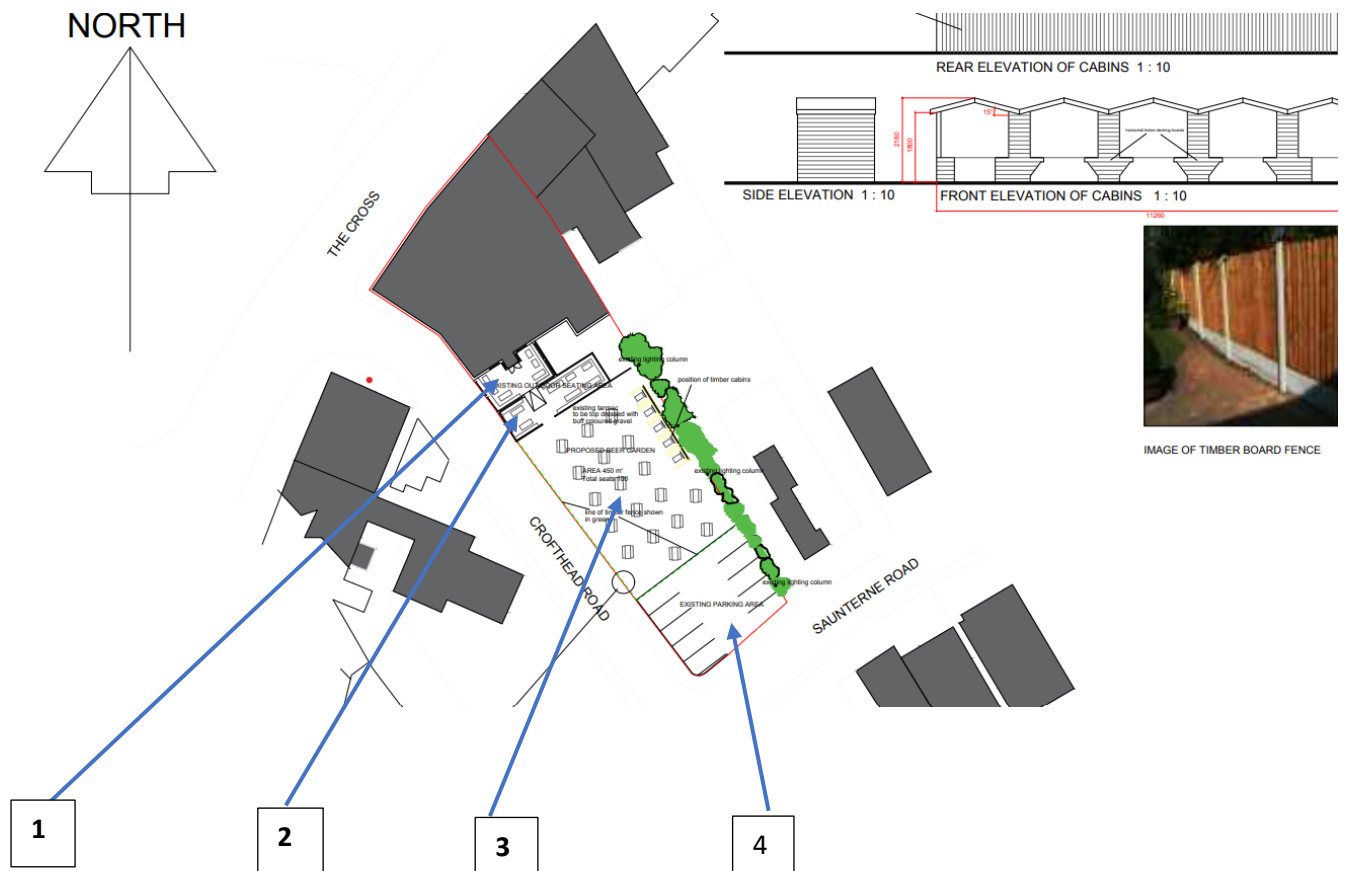
Licensing Standards Officer

5th June 2023

Photograph 1 – Showing the external drinking area as currently approved for permanent use



Photograph 2 – Shows the plan provided by the applicant, showing the area and layout of the external area to be covered by the Occasional Licence



- 1 = Existing outside drinking area, under cover, accessed via the back door of the premises
- 2 = Existing outside drinking area providing further seating and currently open to 'car park'
- 3 = Current car park area that has previously been the subject of Occasional Licences
- 4 = Additional car park area that was not previously included in Occasional Licence area

Photograph 3 – Shows the area set up previously when Occasional Licences were in force

