

South Ayrshire Licensing Board Annual Functions & Financial Report 2022/2023



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1.0 Introduction – South Ayrshire Licensing Board

1.1 South Ayrshire Licensing Board (“the Board”) is the licensing authority for the local government area of South Ayrshire. The Board is constituted and operates in accordance with the terms of the Licensing (Scotland) Act 2005 as amended (“the Act”).

Members are placed on the Board following local government elections, and accordingly the Board in place for the reporting period of 1 April 2022 to 31 March 2023 was formed in May 2022, following the election that month, and comprises seven members, all of whom are elected members of South Ayrshire Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within South Ayrshire. The administration team for the Licensing Board is based in County Buildings, Wellington Square, Ayr.

1.2 South Ayrshire is situated in the south west of Scotland and covers an area of 422 square miles, extending from Troon and Symington in the north to Ballantrae in the south. It includes the towns of Ayr, Troon, Prestwick, Maybole and Girvan, together with an extensive rural area containing many small villages. It has a population of 112,450 of which 17% are aged under 18 (source: National Records of Scotland, mid 2021 estimates).

<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2021>

1.3 The Licensing (Scotland) Act 2005 as amended (“the Act”) makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.

1.4 Under the Act, Licensing Boards are responsible for considering applications for:-

- premises licences
- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- extensions of licensing hours

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives (“the licensing objectives”):-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application, for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises

licence, or an occasional licence, may be based on any one or more of the licensing objectives.

- 2.3 In exercising its functions under the Act, the Board is required to have regard to the licensing objectives.

3.0 **Annual Function Report**

- 3.1 Board meetings are held in public but deliberations can be made in private. All decisions taken by the Board must be made in public. In the year from 1 April 2022 to 31 March 2023, the Board has continued to hold hybrid meetings, with remote access through the Connect Remote platform, as well as in person in County Hall, County Buildings. Meetings are also webcast live.

The minutes of the Board and details of webcasts are available at [Search for council meeting papers - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/search-for-council-meeting-papers)

- 3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and the Board's Licensing Policy which had been approved in November 2018. A copy of the Board's current Statement of Licensing Policy is available at: [Licensing policy statement - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/licensing-policy-statement). The Board is currently going through the process of reviewing this Policy, and will require to publish its new Statement of Licensing Policy by November 2023 at latest.

- 3.3 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections. In addition, the Board's Statement of Licensing Policy has a link to a resource developed by Alcohol Focus Scotland to assist anyone wishing to make an objection or representation, which is available at <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

- 3.4 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance is therefore always available on request for those who require special arrangements to access any part of the process. Anyone unfamiliar with Connect Remote, or unable to use them, are given a number and code which they could use to join meetings by phone.

- 3.5 At all meetings during the relevant period, the Board attempted to make the process as informal as possible and consistent with the carrying out of the Board's quasi-judicial function. The Board always attempts to follow best practice in enforcement, to ensure that its actions are proportionate, accountable, consistent, transparent, and targeted. For the remote meetings which were held during the period, all applicants managed successfully to join the meetings, either remotely or in person, and contribute in the same way as they would have previously if the meeting had been held in the normal way.

4.0 **Decisions of the Board**

- 4.1 Each application for a premises licence, provisional premises licence or a major variation of a premises licence was decided on its merits.

The provisional premises licences and premises licences granted in 2022/23 are listed at Appendix A. Of the provisional applications, five were confirmed as at 31 March 2023, with one still to be confirmed.

4.2 During the course of the year, the Board granted 637 occasional licences. This represented a marked increase in the number in the previous financial year (479) and is most likely a reflection of the impact of the lifting of Covid restrictions. The register of occasional licences is available at: - [Occasional licence register - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/occasional-licence-register)

4.3 The Scottish Government issued updated guidance to Licensing Boards in January 2023, which is available at:

[Licensing \(Scotland\) Act 2005 section 142: guidance for Licensing Boards - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2023/01/Licensing-Scotland-Act-2005-section-142-guidance-for-Licensing-Boards)

This provides useful information to Licensing Boards in the carrying out of their statutory functions, including helpful examples of good practice from current Licensing policies.

4.4 There are currently 391 licensed premises in South Ayrshire. A register of current Premises Licences is available at:-
[Premises licence register - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/premises-licence-register)

4.5 In the course of the year the Licensing Board granted or renewed 159 personal licences. The Board refused one application for a personal licence following on objections from Police Scotland.

4.6 The Board noted that in the course of the year three premises licences were surrendered or ceased to exist as listed in Appendix B.

4.7 The Board also dealt with a large number of applications for extended hours, for special events of local or national significance (such as public holiday weekends or sporting events), or special events or occasions catered for on premises. Members were interested to see the variety of such applications, and were hopeful that these were a reflection of an upturn in the numbers of events and visitors coming to the area, following the difficult pandemic period.

5.0 **Licensed Hours**

5.1 In granting licences the Board recognises that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night-time local economies which are important for investment, employment, and tourism. The Board considers that the on-sale policy hours are appropriate for South Ayrshire and represent a balance between the interests of the public, residents, licensed businesses, and patrons of licensed premises.

5.2 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is that the maximum period granted will be 14.5 hours.

5.3 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00am or after 10.00pm. The Board's policy is that maximum available licensed hours of 10.00am to 10.00pm each day are generally appropriate for off sales. However, each off sales application will be assessed on its own merits against these licensed hours to ensure that the licensing objectives are being promoted in such applications. If this is not demonstrated to the Board, the Board may grant reduced hours for off sales.

5.4 The Board normally permits on sales premises to apply for extended hours during the festive period 1 December -2 January when it will generally permit trading for an additional hour. Many premises already have this embedded in their licence as a seasonal variation.

6.0 Licensing Board Training

6.1 During the period 1 April 2022 to 31 March 2023, the membership of the Licensing Board changed, following the local government election on 5th May 2022. The Board now comprises 7 members, rather than the previous 9 members.

6.2 The members of the newly elected South Ayrshire Licensing Board received statutory training in June 2022 from Alcohol Focus Scotland, in licensing legislation and Board functions. This included a post training examination which all were required to pass with a minimum of 75% before they were permitted to make any decisions.

6.3 The Board recognises the need for continuous development of understanding and awareness of licensing law and practices and having an up to date knowledge of the effects of alcohol on people across South Ayrshire is essential to making informed licensing decisions. It regularly receives updates from Police Scotland and from officers of the Council.

6.4 A Licensing Best Practice seminar was organised by the Council's Licensing Standards Officer for the licensed trade in November 2022. This was titled The Way Ahead, and its purpose was to provide the trade with information and guidance on licensing requirements post-Covid, as well as providing members of the Licensing Board the opportunity to introduce themselves to the trade. The event was offered free of charge and invitations were sent to all Premises Managers in our area. The seminar venue was provided free of charge at Craig Tara, and the Licensing Board was very grateful to the venue for the use of these facilities, which allowed approximately 100 participants to attend. Presentations from Police Scotland, the Council's LSO, and Environmental Health were provided on topics including CCTV requirements, local policing and partnership working, door stewarding and post-Covid recommendations. These were well received, and also provided members of the trade with an opportunity to share and discuss best practice, which Board members found useful as they began their development of their new policy statement. It was also noted that, whilst online formats for training and updates had been useful during the pandemic, these had not been suitable for all trade members, and the "live" event was the preferred option going forward.

7.0 Licensing Forum

7.1 The role of Licensing Forum is to keep under review the operation of the Act in the South Ayrshire area and to give advice and make recommendations to the Board in relation to such matters as the Forum considers appropriate. The Forum is the community's voice on alcohol licensing issues.

7.2 It has proved challenging to keep a full membership of the Forum, particularly in relation to representation for young people and minority groups. Full details of Forum membership is available at:- [Local Licensing Forum - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk). In order to encourage new members to commit to the Forum and to make it easier to attend meetings, an option to attend remotely has been available this year. Due to a change in roles and working patterns, it has been challenging post-covid

to have a regular representation from the NHS and Police Scotland and to encourage other external agencies to become involved.

- 7.3 The Forum normally meets on a quarterly basis and has a joint meeting with the Board once a year. In 2023 the Forum have returned to regular meetings and this year have been concentrating on the Board's updated policy statement and the changes to the operation of licensed premises post-covid. As the Forum is currently not at full capacity and regular meetings have only re-commenced in the past year, the LSO has taken on the temporary position of Forum Chair until a full vote can take place. There is regular attendance by Forum members at the monthly licensing board meetings. The Forum have officially responded to the Board's draft statement of licensing policy.

8.0 **Reviews**

- 8.1 Six premises were suspended as at 31st March 2023 due to non-payment of annual fees, and remain suspended at the time of this report. These premises may be re-instated once all outstanding fees have been paid. These premises are listed in Appendix C. The Board accepts that the annual fee may not have been paid because the premises have not been trading and may be for sale. However, following on the review of its Licensing Policy if the premises licence remains unpaid for more than two years then the Board may hold a review to consider revoking the premises licence unless the licence holder can show good reason why the licence should not be revoked.

- 8.2 Members have previously been briefed by Police Scotland on their policy of using interventions when there has been an incident on licensed premises. The Board is aware that if the intervention is successful then the matter will not be brought to the Board thus ensuring that only the most serious incidents are brought to the Board. Police Scotland did not request any premises or personal licence reviews during the period of the report.

9.0 **Licensing Standards Officer**

- 9.1 South Ayrshire Licensing Board has one Licensing Standards Officer, Mrs Catrina Andrew. The Licensing Standards Officer for a council area has the following general functions: -

- providing information and guidance concerning the operation of licensing legislation in South Ayrshire,
- supervising the compliance of licence holders with the conditions of their licences and other requirements of licensing legislation,
- providing mediation services for the purpose of avoiding or resolving disputes or disagreements between the licence holders any other persons.

- 9.2 Mrs Andrew has been actively out visiting premises on a weekly basis for monitoring purposes and to provide information and guidance to licensees, both alone and in conjunction with colleagues in Environmental Health and Police Scotland. Additionally the LSO has attended a number of large individual events in the past year to ensure a clear and consistent approach is being taken and to report back to the Board on compliance with the licensing objectives. The LSO provided comments at the draft stage of the Board's policy statement to suggest clear guidance in relation to some cases that have been relevant to South Ayrshire in the past few years. The licensed trade continue to make regular contact with the LSO and seek information and guidance from her on a regular basis.

10.0 **Statement of Licensing Policy**

10.1 The Statement of Licensing Policy is there to provide licensees and applicants with a document that illustrates what the Board regards as good practice, what the Board expects from those operating licensed premises and to provide uniformity and consistency of decision-making. The Board's current Statement of Licensing Policy was approved in November 2018. It is available at [Licensing Board - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk). Following the local government election in May 2022, the policy must now be produced for the new Board within 18 months of the election and therefore the Statement of Licensing Policy must be reviewed and published no later than November 2023. This process is ongoing, with a draft Policy being approved for consultation at the Licensing Board meeting of 18 May 2023, and thereafter a consultation period of 2 months over the summer.

11.0 **Conclusion**

11.1 The Board recognises that this has been another difficult period for the licensed trade, particularly the hospitality venues which have faced periods of lockdown and restricted trading. It commends the efforts which all premises have made to comply not only with the licensing objectives but also with all the restrictions imposed on them because of Covid-19.

11.2 The Board also recognises the efforts of the many officers and partners involved in ensuring that licensed premises in South Ayrshire are compliant with and kept well informed of the requirements of the array of licensing legislation and regulations.

11.3 While there is no doubt that South Ayrshire licensed premises are well run, the Board will continue to ensure that there is no complacency in promoting good practice and that the licensing objectives are complied with.

South Ayrshire Licensing Board

Income and Expenditure Report -Licensing (Scotland) Act 2005 section 9B

Financial year 2022/2023

Income

Liquor licensing fees	£174,780.00
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Expenditure

Staff Costs	£93,662.00
Other expenditure	£71,262.00
Total Expenditure	£164,924.00
Surplus (Income – Expenditure)	£9,855.00

Note

The income comprises application fees and annual fees for the period 1 April 2022 to 31 March 2023, during which time the licensed trade continued to be affected by the effects of the Covid 19 pandemic and recovery from this.

The staff costs shown reflect the proportion of staffing costs attributable to the liquor licensing function. The costs include salary, superannuation, national insurance and pension costs. It should be noted that, during this period, there was a vacant post in the staffing structure for a number of months, with a resultant decrease in staffing costs.

Other expenditure includes supplies and services and a portion of central administrative costs such as accommodation, ICT, facility management etc. that are allocated to the Licensing Board.

Appendix A

Provisional and full premises licences granted in 2022/2023

1. Tam O'Shanter, 2 Station Bridge Road, Ayr - full
2. Central Park, 7 Boswell Park, Ayr – confirmed 19.8.22
3. McIntyres Bar, Prestwick International Airport, Prestwick – confirmed 14.7.22
4. The Hub, 5 Back Hawkhill Avenue, Ayr – confirmed 18.5.22
5. 17 Station Road, Mossblown - provisional
6. TH Dalling, 5 Burns Statue Square, Ayr – confirmed 6.12.22
7. The Shop, Heads of Ayr Caravan Park, Ayr - full
8. Lychees, 41 South Harbour Street, Ayr - full
9. 23 Adamton Road North, Prestwick – confirmed 20.12.22

Appendix B

Premises licences surrendered or ceasing to exist

1. Ellisland, 19 Racecourse Road, Ayr.
2. Blossom Place, 41 South Harbour Street, Ayr.
3. Woodland Farm Hotel and Restaurant, Woodland Farm, Girvan.

Appendix C

Premises suspended due to non-payment of annual fees

1. Costleys, 156-158 Main Street, Prestwick.
2. Hamilton Arms, 22 Bridge Street, Girvan.
3. Waterfront Bar and Restaurant, 4 South Harbour Street, Ayr.
4. The Corner Pocket, 23 Seaton Street, Maybole.
5. Units 29 and 32 Queen's Court, Sandgate, Ayr.
6. Castle Inn, 49 Cassillis Street, Maybole.