

# South Ayrshire Licensing Board

## Annual Functions & Financial Report

### 2019/2020



## **INDEX**

1.0	<b>Introduction – South Ayrshire Licensing Board</b>	Page 3 – 4
2.0	<b>The Licensing Objectives</b>	Page 4
3.0	<b>Annual Function Report</b>	Page 4 – 5
4.0	<b>Decisions of the Board</b>	Page 5
5.0	<b>Licensed Hours</b>	Page 6-7
6.0	<b>Licensing Board Training</b>	Page 6 - 7
7.0	<b>Licensing Forum</b>	Page 7
8.0	<b>Reviews</b>	Page 8
9.0	<b>Licensing Standards Officer</b>	Page 8
10.0	<b>Statement of Licensing Policy</b>	Page 9
11.0	<b>Conclusion</b>	Page 9
12.0	<b>Annual Financial Report</b>	Page 10

## **APPENDICES**

Appendix 1	Page 11
	Page 11
Appendix 2	
Appendix3	Page 11

## 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 current Board, which was formed in May 2017, comprises nine 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 Country Buildings, Wellington Square, Ayr.



**Craig Mackay, Chair**



**Laura Brennan-Whitefield**



**Siobhian Brown**



**Andy Campbell**



**Douglas Campbell**



**Ian Fitzsimmons**



**Lee Lyons**



**Bob Pollock**



**Margaret Toner**

- 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 112,550 of which 19% are aged under 18.
- 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 In the year from 1 April 2019 to 31 March 2020, the Board met 10 times to determine applications.

The minutes of the Board are available at: <https://www.south-ayrshire.gov.uk/committees/agendas.aspx> The Board also held a joint meeting with the Licensing Forum had a working group meeting with representatives of the late night economy and Police Scotland to discuss concerns about the number of applications being made for extended hours.

- 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 statement of licensing policy is available at: <https://www.south-ayrshire.gov.uk/licensing/documents/pol20181203licpol%20final.pdf>

- 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.
- 3.5 At all meetings, 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 which will in its actions be proportionate, accountable, consistent, transparent and targeted.

#### 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. There were objections to one of the provisional premises licence applications and careful consideration was given to the objectors but the licence was subsequently granted. There were no objections to the remaining applications which were granted.

The provisional premises licences and premises licences granted in 2019/20 are listed at Appendix 1. Of the provisional applications, two had not been confirmed as at 31<sup>st</sup> March 2020.

- 4.2 During the course of the year, the Board granted 646 occasional licences. The register of occasional licences is available at:- <https://www.south-ayrshire.gov.uk/licensing/occasional-licence/>

The Board will not normally grant occasional licences with a terminal hour later than midnight as it recognises the need to protect the amenity of the surrounding neighbourhood but has granted some occasional licences beyond midnight in venues which are isolated and are unlikely to cause disturbance to neighbours.

- 4.3 The vast majority of the occasional licences applications are dealt with under delegated powers but if the application was for hours beyond midnight or there were objections or representations then the application was referred to the Board for a decision.
- 4.4 There are currently 403 licensed premises in South Ayrshire. A register of current Premises Licences is available at:- <https://www.south-ayrshire.gov.uk/licensing/premises-licence/>
- 4.5 In the course of the year the Licensing Board granted or renewed 480 personal licences and 3 applications were refused following objections from Police Scotland. This was the first year that personal licences had to be renewed as the first tranche of personal licences came into effect in September 2009. 139 personal licences were revoked during the year because the licence holders had failed to meet the refresher training requirements.
- 4.6 The Board noted that in the course of the year eleven premises licences were surrendered or ceased to exist as listed in Appendix 2

## 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 has not permitted opening of any licensed premises before 10am except by way of an extended hours application for a members club on good cause having been shown. The Licensing Forum has advised the Board that it does not support premises being allowed to open before 10am.
- 5.5 The Board and Police Scotland both expressed concern about the number of applications being made for extended hours. This led to a working group being set up with Police Scotland, Trade representatives and Board staff. Members of the Board also undertook a late-night visit to town centre premises to see how they were operating. This resulted in the Board providing a list of occasions which it was prepared to consider to be "special" and on which it would normally be prepared to grant extended hours. Police Scotland also requested that applicants provide more detail about events which applicants were claiming to be special and the Board agree to amend the application form to provide for this additional information being provided. A number of applications for extended hours were refused.
- Extended hours applications are still individually assessed on their own merits. When the extended hours sought are in respect of on sale premises and fall outwith on sale policy hours appropriate to the applicant's premises, the applicant is required to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard.

This information will include:-

- the hours sought;
- a description of the special event or occasion;
- the proposed activities to take place during these hours;
- when each activity will take place;
- why the event or occasion is considered to be special;
- why the event or occasion cannot take place within the on-sale policy hours appropriate to the applicant premises.

- Number of people expected to attend.
- How access is gained to the event, i.e. by ticket purchased in advance, ticket purchased at door, by private invitation or by free admission

Any application which is for more than an additional hour or which would involve premises being open later than 02:30 is referred to the Board for a decision and is not dealt with under delegated powers.

- 5.6 The Board permits on sales premises to apply for extended hours during the festive period 1<sup>st</sup> December -2<sup>nd</sup> 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 The current Board comprises 9 members who were elected in the local council elections in May 2017.

- 6.2 Board members received statutory training 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 In October 2019 the Board had an informative presentation from Dr Joy Tomlinson, Interim Director of Public Health, and Angela Stewart, Health Improvement Officer on Alcohol and Health Harms in South Ayrshire. This was to assist members when considering the licensing objective preventing and improving public health. <sup>1</sup>

## 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: <https://www.south-ayrshire.gov.uk/licensing/forum.aspx>

- 7.3 The Forum meets on a quarterly basis and has a joint meeting with the Board once a year. These meetings are open to the public. The minutes of the Forum are available at:-  
<https://www20.south-ayrshire.gov.uk/corporateservices/LegalAdmin/SitePages/Agenda,%20Papers%20and%20Minutes.aspx>

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<sup>1</sup> Presentation attached to the minutes of the October 2019 Board minutes

7.4 Representatives of the Forum try to attend Board meetings to keep up to date with Board decisions and the minutes of the Board are discussed at each Forum meeting. Board members will attend the Forum by invitation. The Forum also raised the matter of extended hours applications referred to at 5.5 above.

## 8.0 **Reviews**

8.1 Eleven premises are currently suspended due to non-payment of annual fees. These premises may be re-instated once all outstanding fees have been paid. These premises are listed in Appendix 3. The Board has in the past suspended the premises licence of any premises which have breached their licence conditions by failing to pay the annual fee. 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 also 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.

8.3 There were no requests from Police Scotland for premises or personal licence reviews during the year.

## 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 dealt with numerous complaints and enquiries throughout the year. Issues which have occurred repeatedly relate to: -

- noise from licensed premises (including those with occasional licences)
- compliance with legislation
- inadequate staff training.

9.3 Mrs Andrew, in conjunction with two local personal licence holders, organised free training events for staff in local premises (both on and off sales) which were very well attended and which meant that the staff who attended are now properly trained. Members of the Board also attended for interest. She also organised an event for members clubs which was well attended and which concentrated not only on best practice but also on the specific rules for members clubs.

9.4 In conjunction with Police Scotland, Mrs Andrew also organised a best practice seminar for the trade which was also attended by senior police officers and Board members and which was fully subscribed. Feedback from the event was very positive and it is hoped that the event can be repeated



## 10.0 **Statement of Licensing Policy**

10.1 The Board's Statement of Licensing Policy was approved in November 2018. It is available at <https://www.south-ayrshire.gov.uk/licensing/policy.aspx>

## 11.0 **Conclusion**

11.1 The Board is pleased to report that licensed premises in South Ayrshire have been well run and generally problem free in the last year. In this respect the Board congratulates and thanks the licensed trade in its efforts in promoting and upholding the licensing objectives and complying with the Board's policy.

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 2019/2000

#### **Income**

Liquor licensing fees	£188,347
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#### **Expenditure**

Staff Costs	£117,894
Other expenditure	£76,140
Total Expenditure	£194,034
Deficit (Income – Expenditure)	£5687

#### **Note**

The income comprises application fees and annual fees.

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. One additional member of staff was appointed on a one-year fixed term contract to assist with processing renewal of personal licences.

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 1

### Provisional and full premises licences granted in 2019/20

1. Iceland, Unit 1 Heathfield Estate, Ayr
2. Home Bargains, Unit 1A, Heathfield Industrial Estate, Ayr
3. The Anchorage Hotel, 149, Templehill, Troon \* (previously licensed)
4. Ropes, Harbour Road, Maidens
5. Roodlea Barn, Roodlea, Coylton
6. 3 Idiots Ayr, 10 George Street, Ayr

## Appendix 2

### Premises licences surrendered or ceasing to exist

1. Unity Grill, 37 Sandgate, Ayr
2. Shop premises 60-62 Main Road, Kirkoswald
3. Ayr Town Lodge, 9-11 Barns Street, Ayr
4. Polska Chata, 47 Burns Statue Square, Ayr
5. Plough Inn, 6 Cunningham Street, Tarbolton
6. Shop premises 1 Morrison gardens, Ayr
7. Elms Court Hotel, 21-23 Miller Road, Ayr
8. Spar, 23 Adamton Road North, Prestwick
9. Crosshill Arms, 2 Dalhowan Street, Crosshill
10. Anchorage Hotel, 149, Templehill, Troon \*(subsequently re-licensed)

## Appendix 3

### Premises suspended due to non-payment of annual fees

1. The Village Store, 2 Kennedy Drive, Dunure
2. River Cottage, 4 River Terrace, Ayr
3. Blossom Place, 41 South Harbour Street, Ayr
4. Cosses Country House, Ballantrae
5. L And M's 1A Bath Place Ayr
6. Brunston Castle Golf Course, Golf Course Road, Dailly
7. Geordie's Byre, 103 Main Street, Ayr
8. Harbour Bar, 46 North Harbour Street, Ayr
9. McIntyres Bar, 11 Templehill Troon.
10. Kirkland Stores, 40 Kirkland Street, Maybole
11. Douneburn Stores, 29 Kirkpatrick Street, Girvan