

SOUTH AYRSHIRE LICENSING BOARD.

Minutes of a meeting in the County Buildings, Ayr,
on 20 August 2020 at 10.00 a.m.

Present: Councillor Craig Mackay (Chair).

Present Councillors Laura Brennan-Whitefield, Andy Campbell, Ian Fitzsimmons,
Remotely: Lee Lyons and Margaret Toner.

Apologies: Councillors Siobhian Brown, Douglas Campbell and Bob Pollock.

Attending: J. McClure, Committee Services Lead Officer.

Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer;
Remotely: and Chief Inspector B. Anderson, Police Scotland.

1. Opening Remarks.

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

2. Declarations of Interest.

Councillor Brennan-Whitefield declared an interest in item 13(b)(3) of this Minute, as the applicant was known to her.

3. Date of Next Board Meeting.

The Chair advised that the next Board meeting would be held on Thursday, 10 September 2020 at 10.00 a.m.

4. Minutes of Previous Meeting.

The Minutes of the Meeting of South Ayrshire Licensing Board of 12 March 2020 ([issued](#)) were submitted.

Decided: to approve the Minutes of the previous meeting.

5. Variation in order of business.

The Board agreed to vary the order of business as hereinafter minuted.

6. Report from Chief Constable, Police Scotland.

There was submitted the Chief Constable's Annual Licensing Report ([issued](#)) in accordance with Section 12(A) of the Licensing (Scotland) Act 2005 advising of the work carried out by Police Scotland supporting and enforcing the licensing objectives over the past year.

Chief Inspector Anderson updated the Board on the work undertaken by Police Scotland; outlined the responsibilities and priorities of Police Scotland; and referred to the numerous visits to licensed premises carried out by his officers.

Having welcomed the increased visits to licensed premises, the Board noted the Chief Constable's Annual Licensing Report.

7. Update from Depute Clerk to the Board.

The Depute Clerk to the Board

- (1) referred to the challenges experienced by the Licensing Section during the last five months due to the Covid-19 pandemic; and that all Licensing staff had now resumed normal duties;
- (2) outlined that some parts of the licensed trade had been adversely affected by the Corona virus, however, others had prospered; and to assist on-sales premises when they reopened, Occasional Licence applications had been accepted for car parks and previously unlicensed garden grounds to give more outdoor space when weather permitted and to allow social distancing;
- (3) advised that any premises wishing to utilise pavement areas would require a permit from Ayrshire Roads Alliance, however, no applications had been granted as yet as the majority of pavements in South Ayrshire were not wide enough to provide this;
- (4) advised that the responsibility of ensuring that premises were complying with legislation lay with Environmental Health and that the Licensing Standards Officer now had to refer all enquiries to Environmental Health;
- (5) advised that those licence holders not complying with the guidance could be subject to a review by the Board; and
- (6) outlined that those personal licence holders who were scheduled to undertake refresher training were unable to at present as none of the colleges were currently running courses; however online courses were available but there had not been a great uptake for these.

8. Update from Licensing Standards Officer.

The Licensing Standards Officer advised

- (1) that, during these unprecedented times, the licensed trade had to make significant changes to the way they operated and that, over the past few weeks she had been making visits to premises at the request of licence holders and also joint visits with colleagues in Environmental Health and Police Scotland;
- (2) that advice on compliance with the Covid requirements in South Ayrshire was being provided by the Environmental Health Service, however, the Licensing Service had continued to receive enquiries from members of the licensed trade as the guidance and requirements changed, therefore, all Covid related enquiries had been directed to Environmental Health.
- (3) that a successful pan-Ayrshire Webinar for the licensed trade had taken place following feedback Councillor Craig Mackay, Chair of the Board had received from the licensed trade regarding their confusion and frustration at the changing guidelines. The Webinar had been well attended and there were plans to hold a similar event in the future due to the confusion felt by trade members regarding what was guidance and what was law;
- (4) that not all on-sales premises were currently open in South Ayrshire and most late night operators who focussed on dance and entertainment had remained closed as it was felt that these premises could not offer an experience attractive to customers within the current guidelines; and that some smaller public house type premises had also remained closed, mostly due to the rules regarding social distancing and the difficulty in maintaining the required spacing;
- (5) that the discount food offered under the Eat Out to Help Out scheme had made a significant difference to attendance at many food-led licensed premises with most reporting that they had been extremely busy on Mondays, Tuesdays and Wednesdays with both familiar faces and newcomers to the premises, however this had apparently taken away from trade at the end of the week which had been reported as 'quieter than pre-Covid usual' with it hoped that customers who had been encouraged to attend would continue to do so once the offer had ended as they would have experienced the food, service and safety measures put in place;
- (6) that, in contrast, the off-sales premises were reported to be extremely busy over the last few months with increased sales remaining at a consistent high and staff in some premises had also had to refuse sales prior to 10.00 a.m. and remind the customers of the alcohol sales hours which was not normally required;
- (7) that complaints had been received from neighbours of licensed premises mainly regarding noise and behaviour of customers which was in part to be expected as during the lockdown period with these commercial premises being closed, neighbours would have become accustomed to little or no noise, therefore would be very aware of the increased volume. Statutory guidance outlined that televisions must be muted and background music at an absolute minimum, however, in warmer weather, doors and windows may be open, causing noise breakout. Most noise issues could, however be resolved with general awareness, additional signage and changes to practices, eg no emptying of bottle bins at night;

- (8) that managing the behaviour of patrons and those outside the premises had always been a challenge, however, during these unprecedented times, it was obviously of much greater importance; and that it was an ongoing issue to determine the family or social relationship between groups of people and ensuring that people social distanced. Staff, particularly in food led premises, had reported customers being less patient and less sympathetic to the requirements and practices currently in place than they had been during the initial opening post-lockdown, with managers having described the anxiety and upset of under-pressure staff due to the reaction of angry customers who were unable to have a table due to the decreased capacity of the premises; and
- (9) that there was no doubt the pandemic had changed the way everyone lived their lives and many saw the return of the hospitality trade as part of returning to “normal” life, however, it was apparent that currently there was little sign of “normal” in the way in which licensed premises must operate.

9. Applications for Transfer Granted Under Delegated Powers.

There was submitted a report ([issued](#)) of 13 August 2020 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:-

- Smugglers, 7 South Harbour Street, Ayr – transferred to Linda Mills on 9 March 2020.

Decided: to note the transfer granted under delegated powers.

10. Revocation of Personal Licences.

There was submitted a report ([issued](#)) of 13 August 2020 by the Clerk to the Licensing Board advising of the revocation of personal licences.

Decided: to note the twenty three licences revoked under delegated powers since the last report to the Board.

11. Premises Licence Confirmed.

The Board noted the confirmation of the following Premises Licence:-

<u>Applicant</u>	<u>Premises</u>
Partnership of Rosemary Robertson and Peter Childe	Ropes Harbour Road Maidens

12. **Gambling Act 2005.**

Betting Premises Licences Surrendered.

The Board noted the surrender of the following Betting Premises Licences:-

	<u>Licenceholder</u>	<u>Premises</u>
(1)	Ladbrokes Betting and Gambling T/A Coral	17 Station Road Mossblown
(2)	Ladbrokes Betting and Gaming T/A Coral	140 Hillfoot Road Ayr

13. **Licensing (Scotland) Act, 2005.**

(a) **Applications for Provisional Premises Licence.**

The Board considered the following applications:-

	<u>Applicant</u>	<u>Premises</u>
(1)	Charles Taylor	Stag 7 Boswell Park Ayr

Retail Sale of Alcohol (On Premises) –

Monday -	10.30 a.m. to 1.00 a.m.
Tuesday -	10.30 a.m. to 1.00 a.m.
Wednesday -	10.30 a.m. to 1.00 a.m.
Thursday -	10.30 a.m. to 1.00 a.m.
Friday -	10.30 a.m. to 1.00 a.m.
Saturday -	10.30 a.m. to 1.00 a.m.
Sunday -	Noon to 1.00 a.m.

Retail Sale of Alcohol (Off Premises) –

Monday -	10.30 a.m. to 10.00 p.m.
Tuesday -	10.30 a.m. to 10.00 p.m.
Wednesday -	10.30 a.m. to 10.00 p.m.
Thursday -	10.30 a.m. to 10.00 p.m.
Friday -	10.30 a.m. to 10.00 p.m.
Saturday -	10.30 a.m. to 10.00 p.m.
Sunday -	Noon to 10.00 p.m.

The Board first considered the issue of locality for the purposes of this application and decided that a radius of 500m of the applicant premises, would be the appropriate locality for consideration of this application.

Having then considered the written statement from the applicant and heard from the Depute Clerk to the Board, the Board granted the above application.

<u>Applicant</u>	<u>Premises</u>
(2) Julie Martin	The Plough Inn 10 Cunningham Street Tarbolton

Retail Sale of Alcohol (On Premises) –

Monday -	11.30 a.m. to 11.00 p.m.
Tuesday -	11.30 a.m. to 11.00 p.m.
Wednesday -	11.30 a.m. to 11.00 p.m.
Thursday -	11.30 a.m. to Midnight
Friday -	11.30 a.m. to 1.00 a.m.
Saturday	11.30 a.m. to 1.00 a.m.
Sunday -	11.30 a.m. to Midnight

The Board first considered the issue of locality for the purposes of this application and decided that the village of Tarbolton would be the appropriate locality for consideration of this application.

Having then considered the written statement from the applicant, the Board granted the above application subject to the addition of a condition that children and young people only be permitted to stay to the end of a function when the function had the exclusive use of the venue.

(b) Applications for Variation of Premises Licences.

The Board considered the following applications:-

<u>Applicant</u>	<u>Premises</u>
(1) Lucy Blair Properties Limited	The Dunure Inn 9-17 Harbour View Dunure

Amend Operating Plan to remove “accommodation” and “conference facilities”.
Add “the premises may open prior to the commencement of the core hours for the provision of teas, coffees, breakfasts and other non-alcoholic refreshments.
The layout of the premises is to be amended to remove all accommodation areas formerly provided within the premises.
Reconfiguration of the sanitary accommodation layout, together with a reduction in length of the bar counter. The partition wall between the lounge and public bar will be removed.
The name of the premises will be amended to “The Anchorage”.

The Board agreed to grant the above application.

Applicant

Premises

- (2) Thomson and Steele Leisure Ltd. Quattro Venti
Unit 2
49 Maybole Road
Ayr

Addition of seasonal variations.

Restaurant facilities before core hours, receptions before core hours, recorded music before core hours.

Include gaming for theme nights. Include televised sport. Breakfasts.

Unaccompanied children and young persons to be admitted until 10.00 p.m. for the purposes of having a meal or snack and to be permitted to stay until midnight if attending a function.

Change name to "Twenty 20".

The Board granted the above application subject to the addition of a condition that children and young people only be permitted to stay to the end of a function when the function had the exclusive use of the venue.

Having previously declared an interest in this application, Councillor Brennan-Whitefield left the meeting at this point.

Applicant

Premises

- (3) Louise Mary Reid Willie Wastles Bar and Restaurant
14/16 New Bridge Street
Ayr

Existing Licensed Hours

On-Sales

Off-Sales

Monday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Tuesday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Wednesday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Thursday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Friday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Saturday	11.00 a.m. to 12.30 a.m.	11.00 a.m. to 10.00 p.m.
Sunday	12.30 p.m. to Midnight	12.30 p.m. to 10.00 p.m.

Proposed Licensing Hours

On-Sales

Off-Sales

Monday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Tuesday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Wednesday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Thursday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Friday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Saturday	10.00 a.m. to 12.30 a.m.	10.00 a.m. to 10.00 p.m.
Sunday	10.00 a.m. to Midnight	10.00 a.m. to 10.00 p.m.

Item 2 of Operating Plan – Amend opening times of On-sale on Saturday from 11.00 a.m. to 10.00 a.m. Amend opening time on Sundays from 12.30 p.m. to 10.00 a.m.

Item 3 of Operating Plan – Amend opening time for Off-sales on Saturdays from 11.00 a.m. to 10.00 a.m. and Sundays from 12.30 p.m. to 10.00 a.m.

The Board agreed to grant the above application.

The meeting ended at 11.20 a.m.