

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting held in County Hall, County Buildings, Ayr and remotely on 16 September 2021 at 10.00 a.m.

- Present: Councillors Craig Mackay (Chair), Laura Brennan-Whitefield, Douglas Campbell, Ian Fitzsimmons, William Grant, Bob Pollock and Margaret Toner.
- Apologies: Councillors Andy Campbell and Lee Lyons.
- Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; and A. Gibson, Committee Services Officer.
- Also Attending: Chief Inspector Derrick Johnston, Area Commander; and Sergeant I. Farmer, 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.

The Chair confirmed that Councillor Grant had completed his statutory training and the Board welcomed him to his first meeting of the Board.

### **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, 21 October 2021 at 10.00 a.m.

### **3. Minutes of Previous Meeting.**

The Minutes of the Meeting of South Ayrshire Licensing Board of 19 August 2021 ([issued](#)) were submitted.

**Decided:** to approve the Minutes of the previous meeting, subject to the removal of Councillor Grant's name from being Present.

### **4. Update by Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that three premises from South Ayrshire were successful in winning their category at the Dram Awards this month, which showed that despite the challenges faced by the hospitality trade, they remained determined to find a way forward and stay positive and pro-active;

- (2) that the issue regarding lack of available staff continued to be very disruptive and that there were many young and inexperienced staff who had received little or no training;
- (3) that it was a requirement that all staff were trained covering sixteen specific points over a minimum of two hours and that all training must be correctly documented and available for inspection;
- (4) that premises managers were reporting difficulty in encouraging customers to comply with the requirements to wear masks when using toilet facilities and felt that in general customers were 'fed up' being given instructions as to what to do and were therefore proving quite challenging at times. Managers believed that this was adding to staff anxiety and in turn was adding to the overall challenge of maintaining adequate staffing levels;
- (5) that complaints had steadily begun to increase since the restrictions were lifted regarding entertainment and music, although most complaints were actually in relation to people in the vicinity of licensed premises or staff;
- (6) that there was likely to be a continuing period of adjustment over the coming months; and
- (7) that one of the most significant changes over the past few weeks had been the re-opening of late night entertainment type venues (some of which may have been recognised under the previous Licensing (Scotland) Act as Nightclubs). These premises had seen fairly significant numbers attend since opening and another of these venues was due to re-open this coming weekend to coincide with the Gold Cup Race Meeting at Ayr Racecourse which itself would draw in some of the biggest crowds seen in South Ayrshire for a significant amount of time.

The Board, having thanked the Licensing Standards Officer for her update,

**Decided:** to note the report.

#### **5. Report by Chief Constable, Police Scotland.**

There was submitted a [report](#) (issued) by the Chief Constable, Police Scotland providing the Annual Licensing Report for 2020/21 in accordance with Section 12(A) of the Licensing (Scotland) Act 2005.

The Area Commander, on behalf of the Chief Constable, thanked the Council and the Trade for their efforts over the last year, which had been very demanding.

There was discussion on the fact that there had been no recent reports to the Procurator Fiscal on the sale of alcohol to children; and the five interventions Police Scotland had undertaken in dealing with certain premises.

Having thanked Police Scotland for their efforts during the COVID-19 pandemic, the Board

**Decided:** to note the report.

#### **6. Annual Functions and Financial Report.**

There was submitted a [report](#) (issued) by the Clerk to the Licensing Board advising of the requirement for an annual functions report as well as a financial report.

**Decided:** to approve the annual functions and financial report.

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

(a) **Application for Occasional Licence.**

The Board considered the following application: -

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Alastair McClymont	The Front Field Arran View Muirfield House Symington

21st Birthday Party – 25/09/21 – 7.30 p.m. to 1.00 a.m.

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

(b) **Application for Extended Hours.**

The Board considered the following application: -

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Prestwick Golf Club	Prestwick Golf Club 2 Links Road Prestwick

The Club's Member and Guest Day – 03/10/21 – 9.00 a.m. to 10.00 a.m.

Having heard from the applicant's representative (attending remotely) and the Licensing Standards Officer and following an adjournment, the Board granted the above application.

(c) **Application for Variation of a Premises Licence.**

The Board considered the following application: -

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
Sainsbury's	Sainsbury's 125 Ayr Road Prestwick

Amend operating plan with the addition of activities to include recorded music and live performances both within and outwith core hours.

Recorded background and live performances (see below) may occur outwith core hours as ancillary to general retail sale of groceries and other non-food items. General retail sales will also occur outwith the core licensed hours, but not normally before 7 am or after 11pm.

The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or “click and collect”, subject to compliance with sections 119 & 120 of the Licensing (Scotland) Act 2005, as amended, or such law that may be in force from time to time.

The reference to live performances above is purely to capture very occasional fundraising events where there may be a performance element such as carol singers during the festive season. Parts of the premises may be operated by third party concessions e.g. dry-cleaner/shoe repair facilities.

The premises may also, on occasion, be used to launch new products, have product sampling/ tasting events and host community and charity events or events in conjunction with third party partners

The Board granted the above application.

(d) **Application for the Grant of a Personal Licence.**

The Board considered the following application:-

<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
SA/21/00064/LAPRS	Jacqueline Elizabeth Beswick

The Board heard an observation from Police Scotland and agreed to grant the above application.

The Board agreed to consider all three of the following Reviews together as they were related.

(e) **Review of Premises Licence**

<b><u>Licenceholder</u></b>	<b><u>Premises</u></b>
Justin Mairs	The Castle Inn 49 Cassillis Road Maybole

The Board considered

- (1) a letter from the Chief Constable, Police Scotland dated 15 August 2021 (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) a report (issued) of 1 September 2021 by the Clerk to the Board outlining the options open to the Board on review; and
- (3) a report (tabled) by the Licensing Standards Officer.

The Board then heard from Police Scotland in relation to The Castle Inn and from the licence holder (attending in person) in response and the Board, following an adjournment

**Decided:** that the grounds for review had been established and that no further action be taken.

(f) **Review of Personal Licences.**

The Board considered the following applications:-

	<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
(1)	SA/19/00067/LAPRS	Justin Mairs

The Board considered

- (a) a letter from the Chief Constable, Police Scotland dated 15 August 2021 (issued to members only) in terms of Section 84A of the Licensing (Scotland) Act 2005 that Justin Mairs 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; 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;
- (b) a report (issued) of 1 September 2021 by the Clerk to the Board outlining the options open to the Board on review; and
- (c) a report (tabled) by the Licensing Standards Officer.

The Board then heard from Police Scotland in relation to Justin Mairs and from the Mr Mairs (attending in person) in response and the Board, following an adjournment

**Decided:** that the grounds for review had been established and that the licence be revoked.

(2)	SA/10/00232/LAPRS	Dean McEwan
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The Board considered

- (a) a letter from the Chief Constable, Police Scotland dated 15 August 2021 (issued to members only) in terms of Section 84A of the Licensing (Scotland) Act 2005 that Dean McEwan 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; Protecting and Improving Public Health; 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;
- (b) a report (issued) of 1 September 2021 by the Clerk to the Board outlining the options open to the Board on review; and
- (c) a report (tabled) by the Licensing Standards Officer.

The Board then heard from Police Scotland in relation to Dean McEwan and from Mr McEwan (attending in person) in response and the Board, following an adjournment

**Decided:** that the grounds for review had been established and that the licence be suspended until such time as the licence holder resat the SCPLH training course and produced his certificate to the Board.

(g) **Premises Licences Ceasing to Exist.**

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

<b><u>Premises</u></b>	<b><u>Reason for Ceasing to Exist</u></b>
Parkstone Hotel 6 Ardayre Road Prestwick	Demolished

8. **Gambling (Scotland) Act 2005.**

(a) **Gambling Premises Surrendered.**

The Board noted that the following licence had been surrendered:-

<b><u>Premises</u></b>	<b><u>Date of Surrender</u></b>
Ladbrokes 10-12 Hope Street Ayr	26/08/21

9. **Any other competent Business.**

The Chair expressed his concern at the poor quality of microphones provided for meetings in the County Hall

The meeting ended at 12.20 p.m.