

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting held remotely  
on 19 August 2021 at 10.00 a.m.

Present: Councillors Craig Mackay (Chair), Laura Brennan-Whitefield, Andy Campbell, Douglas Campbell, Ian Fitzsimmons, Lee Lyons, Bob Pollock and Margaret Toner.

Apologies: Councillors William Grant and Lee Lyons.

Attending: M. Douglas, Depute Clerk to the Board; C. Andrew, Licensing Standards Officer; and J. McClure, Committee Services Lead Officer.

Also Attending: Chief Inspector D. Johnston and Sergeant I. Farmer, Police Scotland.

### **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.

#### **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, 16 September 2021 at 10.00 a.m.

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

The Minutes of the Meeting of South Ayrshire Licensing Board of 17 June 2021 (**issued**) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

#### **4. Applications for Transfers Granted Under Delegated Powers.**

There was submitted a report (**issued**) of 5 August 2021 by the Clerk to the Licensing Board advising of the following determination of applications for the Transfer of Licences between the last Board meeting and this Board:-

- (1) Sainsburys, 125 Ayr Road, Prestwick - transferred to Sainsburys SL Limited on 8 June 2021;
- (2) The Ailsa Pub, Turnberry Park Holiday Park, Turnberry – transferred to Park Holidays UK Ltd. On 15 June 2021;
- (3) Belmont Stores, 1A Belmont Road, Ayr – transferred to Kousar Mart Limited on 17 June 2021; and
- (4) 18 West Portland Street, Troon – transferred to Buzzworks Hospitality Limited on 3 August 2021.

**Decided:** to note the transfers granted under delegated powers.

**5. Update by Licensing Standards Officer.**

The Licensing Standards Officer advised

- (1) that the previous weekend had been the first “late opening” for the hospitality trade since the start of the pandemic, however, not all premises with later opening hours had taken advantage of this, although those who did had reported support from the public and had a good weekend of trading which had been pleasing to the trade;
- (2) that the licensed trade had faced difficulties in obtaining supplies such as food, alcohol and gas which were all essential for the trade to function; and staffing also continued to be an issue with some premises now opting to close one or two days per week in order to maintain necessary levels of service, however, despite the challenges faced, the trade remained resilient and it was pleasing to note that applications for occasional licences for functions and events were being submitted;
- (3) that the re-opening of larger capacity entertainment venues and the re-introduction of music and dancing had brought with it the issue of proof of age, with a large number of fake driving licences being presented as proof of age in South Ayrshire venues and staff requiring to retain these; and that she was working with colleagues in Police Scotland to raise awareness of this;
- (4) that the investment made by premises should be recognised maintaining high standards inside and outside of premises; and a number of expansions and variations of applications were planned for the near future which was encouraging;
- (5) that she thanked Chief Inspector Brian Anderson for the support she had received during her joint visits to licensed premises with him and his team and wished him well in his new post; and
- (6) that she was looking forward to working with Chief Inspector Derrick Johnston and his team to continue the positive ongoing work in South Ayrshire.

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

**Decided:** to note the report.

**6. Premises Licence Reviews – Non-Payment of Annual Fees.**

There was submitted a report (issued to members only) of August 2021 by the Licensing Standards Officer advising that all premises had been due to pay their annual fee on 1 October 2020 as payment of the annual fee was a mandatory condition of the Premises Licence; and that a number of premises had failed to pay their annual fees by 20 July 2021 despite reminders in the form of a Section 14(2)(a) Notice being issued by the Licensing Standards Officer requiring compliance with these regulations.

**Decided:-**

- (1) that, as the conditions of the premises licences of these premises had been breached, to suspend the following licences from Sunday 22 August 2021; and to grant delegated powers to the Depute Clerk to the Board to reinstate the licences on payment of the annual fee:-

<b><u>Premises Licence Holder</u></b>	<b><u>Premises</u></b>
(a) Blue Strand Limited	Kildonan House Barrhill
(b) Kenneth Lorimer	Kings Arms Hotel 1 Stinchar Road Barr
(c) Cathcart Fine Food and Drink Limited	Brodies Deli 39 Ayr Street Troon
(d) John McCallum	McCallums of Troon The Oyster Bar Harbour Road Troon
(e) David Caldwell	Trout Inn 18 Main Street Barrhill
(f) Forbes Robertson	The 19th Golf Theme Bar 102 Main Street Ayr
(g) Forbes Robertson	Millionayr 12 River Street Ayr
(h) Fiona Piper	Manor Park Hotel 48 Kilmarnock Road Monkton

- (2) to note that payment of the annual fee had now been received from the following premises and to take no further action in relation to these:-

<b><u>Premises Licence Holder</u></b>	<b><u>Premises</u></b>
(a) Ayrshire College	Westerly Training Restaurant Ayrshire College Ayr Campus Dam Park Ayr
(b) Troon Football Club	Troon Football Club Portland Street Troon

**Premises Licence Holder**

**Premises**

(c) Manpinder Kaur

Black Bull Hotel  
2B Montgomerie Street  
Tarbolton

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

**(a) Applications for Variation of Premises Licences.**

The Board considered the following applications: -

**Applicant**

**Premises**

(1) Urban Fox Holdings Limited

The Fox and Willow  
46 Carrick Road  
Ayr

Proposed change to include within Operating Plan entitlement to place seven dome structures in part of the car park at the front of the premises and a further three such structures in the rear garden area and to utilise such domes for the provision of alcohol, food and soft drinks by way of service to customers seated at tables within each dome.

Having heard from the applicant's representative and considered the representation lodged, the Board granted the above application.

(2) Bourne Leisure Limited

Brigs of Ayr Restaurant  
Craig Tara  
Heads of Ayr  
Ayr

To add an additional outside area to the current Premises Licence layout plans to include an outdoor bar (container).

Outdoor area to be used outwith core hours.

Activities to be permitted in outdoor drinking areas.

Children accompanied by an adult to be permitted in the outdoor drinking areas at all times.

Young persons to be allowed within the premises and outdoor areas without adult supervision

Having heard from the applicant's representative and the Licensing Standards Officer, the Board granted the above application subject to the conditions that

1. Only alcohol purchased in the outside drinking area may be consumed in the outside drinking area.
2. All alcohol supplied in the outside area must be decanted into polycarbonate glasses.

**Variation in Order of Business.**

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

(b) [Application for the Grant of a Personal Licence.](#)

The Board considered the following application:-

<u>Application Number</u>	<u>Applicant</u>
SA/21/00048/LAPRS	Michaela Elizabeth Cameron

The Board heard from Police Scotland and from the applicant in response and adjourned for consideration of this application.

Upon reconvening, the Board agreed to refuse the above application.

(c) [Premises Licences Ceasing to Exist.](#)

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

<u>Premises</u>	<u>Reason for Ceasing to Exist</u>
(1) Craigie Inn 5 Main Street Craigie	Now a private house
(2) The Vulcan Tavern 18 Green Street Lane Ayr	Now a cleaning business
(3) Brunston Castle Golf Course Golf Course Road Dailly	The Company which held the licence was dissolved on 20 October 2020 and the property has now been granted planning permission to be converted to a private dwelling house.
(4) River Cottage River Street Ayr	No longer selling alcohol
(5) Cosses Country House Ballantrae	No longer selling alcohol

(d) [Premises Licences Surrendered.](#)

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

<u>Licenceholder</u>	<u>Premises</u>	<u>Date Surrendered</u>
LAL (Public House) Limited	10-12 The Cross Prestwick	15/07/21

(e) [Applications for Occasional Licences for Outside Drinking.](#)

The Board agreed to consider the following applications together:-

<u>Applicant</u>	<u>Premises</u>	<u>Dates Requested</u>
(1) Hawthorn Leisure Scotco Ltd.	Red Lion 9 The Cross Prestwick	19/08/21 to 29/08/21
(2) Star Pubs and Bars Limited	The Eagle Tavern 3/5 The Cross Prestwick	19/08/21 to 29/08/21

Having heard the Depute Clerk to the Board advise that two objections had been received outwith the statutory timescale, the Board agreed to accept and consider these objections.

The Board then heard from the applicants' representatives for both premises, from one of the objectors and from the Licensing Standards Officer. The Board also considered the objection lodged by the second objector

The Board agreed to grant the dates as outlined above and agreed that the following dates applied for be dealt with under delegated powers:

Red Lion – 30/08/21 to 12/09/21  
13/09/21 to 26/09/21  
The Eagle Tavern - 30/08/21 to 12/09/21  
13/09/21 to 26/09/21  
27/09/21 to 10/10/21

(f) [Personal Licence Review.](#)

<u>Application Number</u>	<u>Name</u>
SA/18/00173/LAPRS	David Mark Watson

The Board considered

- (1) a letter from the Chief Constable, Police Scotland dated 5 July 2021 (issued to members only) advising that David Mark Watson had been convicted of an offence and thus the Board should consider the grounds for review and take such steps as it considered necessary or appropriate for the purposes of the licensing objectives, in accordance with the terms of Section 83(4)(b) of the Act; and
- (2) a report (issued) of 5 August 2021 by the Clerk to the Board outlining the options open to the Board on review.

The Board then heard from Police Scotland in relation to the licence holder and from the licence holder in response and the Board

**Decided:** that the grounds for review had been established and that the personal licence currently held by David Mark Watson be endorsed.

The meeting ended at 12.25 p.m.