

# South Ayrshire Licensing Board

## Annual Functions & Financial Report

### 2017 / 18



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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 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 112,470 of which 18% 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 2017 to 31 March 2018, the Board met 9 times to determine applications.

The minutes of the Board are available at:

<https://ww20.south-ayrshire.gov.uk/corporateservices/LegalAdmin/SitePages/Agenda,%20Papers%20and%20Minutes.aspx>

- 3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and its three year statement of licensing policy 2013-2016, as extended under transitional arrangements. A copy of the Board's statement of licensing policy is available at :

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

- 3.3 Information and assistance was made available to persons wishing to apply for a licence, make representations or lodge objections.
- 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 and to ensure that its actions are proportionate, accountable, consistent, transparent and targeted.

#### 4.0 **Decisions of the Board**

- 4.1 Each application for a provisional premises licence or a major variation of a premises licence was decided on its merits. There were no objections to any of the provisional premises licences or to the major variations.

The six provisional premises licences granted in 2017/18 are listed at Appendix 1. Of these six premises only one licence has been confirmed as of 31<sup>st</sup> March 2017

- 4.2 During the course of the year, the Board granted 740 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.

A number of occasional licence applications, all for the same venue, did attract objections relating to the licensing objective of preventing public nuisance. These applications were considered by the Board which imposed conditions on the licences granted with a view to eliminating the noise nuisance.

- 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 410 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 194 personal licences and 2 applications were refused following objections from Police Scotland. 191 personal licences were revoked during the year because the licence holders had failed to meet the refresher training requirements.

#### 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 Extended hours applications are 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.

Any application 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.

## **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. In the course of 2017/18 the Chair and the vice chair both resigned due to health and other commitments, but Paul Zive has now been appointed as Chair and Rachel Rennie as vice chair. 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://ww20.south-ayrshire.gov.uk/corporateservices/LegalAdmin/SitePages/Agenda,%20Papers%20and%20Minutes.aspx>

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.

7.5 The Forum has identified issues which it has requested that the Board should consider when reviewing its statement of Licensing Policy in the course of 2018.

## **8.0 Reviews**

8.1 One premises was taken to review by the licensing standards officer for failing to comply with the conditions of the premises licence. In that case the Board issued a written warning.

8.2 Four personal licence holders have also had their licences reviewed by the Board. No action was taken against one licence holder but in the other 3 cases the matters were deemed so serious that the personal licences were revoked.

Thirteen 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 2

8.3 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.

## **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:-

- a) providing information and guidance concerning the operation of licensing legislation in South Ayrshire,
- b) supervising the compliance of licence holders with the conditions of their licences and other requirements of licensing legislation,
- c) 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, the vast majority of which have been resolved without matters having to proceed to any formal review before the Board. Issues which have occurred repeatedly relate to:-

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

9.3 In March 2018 Mrs Andrew, in conjunction with two local personal licence holders, organised a free training event for staff in local premises (both on and off) which was very well attended and which meant that the staff who attended are now properly trained. Members of the Board also attended for interest. It is hoped that it may be possible to repeat this training at a later date.

## 10.0 **Statement of Licensing Policy**

10.1 The Board inherited the policy of the previous Board but is now working on the review of its policy with a new policy to be in place by November 2018. The Board has noted the issues which have been raised by the Licensing Forum. It also organised an information gathering event in February 2018 which was attended by the Board members, Community Councils, Licence holders, as well as representatives from Environmental Health, Police Scotland and Public Health. The issues raised at that event will also be taken into consideration when the new policy is being drafted.

Work on the draft policy is ongoing and it is intended to have the draft out for consultation before the summer recess with a view to have the policy finalised by November 2018.

## 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 new Board will continue to ensure that there is no complacency in promoting good practice and that the licensing objectives are complied with in the period 2017-18.



## South Ayrshire Licensing Board

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

Financial year 2017/2018

#### **Income**

Liquor licensing fees	£180,744
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#### **Expenditure**

Staff Costs	£96,226
Other expenditure	£75,573
Total Expenditure	£171,799
Surplus (Income – Expenditure)	£8,945

#### **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.

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.

**Approved by the Licensing Board 14<sup>th</sup> June 2018**

## Appendix 1

### Provisional premises licences granted in 2017/18

- |    |  |                |
|----|--|----------------|
| 1. | 58 Sandgate, Ayr                                       | On sales       |
| 2. | Brunston Castle Holiday Park, Dailly                   | On & off sales |
| 3. | The Growler, 2 Beresford Terrace, Ayr                  | On & Off sales |
| 4. | Training Restaurant, Ayrshire College, Ayr             | On Sales       |
| 5. | Land Opposite Townend Terrace / Main Street, Symington | Off Sales      |
| 6. | Unity Grill, 37 Sandgate, Ayr                          | On sales       |

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

1. The Deli, 39 Ayr Street, Troon
2. Shop premises, 1 Morrison Gardens, Ayr
3. The Village Store, 2 Kennedy Drive, Dunure
4. River Cottage, 4 River Terrace, Ayr
5. Blossom Place, 41 South Harbour Street, Ayr
6. Crosshill Arms, 2 Dalhowan Street, Crosshill
7. Plough Inn, 10 Cunningham Street, Tarbolton
8. Elms Court Hotel, 21-23 Miller Road, Ayr
9. Ocean Stores, Churchill Tower, South Harbour Street, Ayr
10. Douneburn Stores, 29 Kirkpatrick Street, Girvan
11. Ayr Town Lodge, 9-11 Barns Street, Ayr
12. Craft And Harbour, 111 - 113 Main Street, Ayr
13. La Luce Limited, Unit 2, 6 Cumbrae Drive, Ayr