

## East Ayrshire Licensing Board Income and Expenditure Report 2023/24

Income and expenditure	Final Outturn 2023-24
<b>INCOME</b>	
Income - Licensing Fees	<b>(116,715)</b>
Non Liquor Licensing Fees Income (ie Gambling Fees)	<b>(11,740)</b>
<b>Total Income</b>	<b>(128,455)</b>
<b>EXPENDITURE</b>	
Staff Costs LSO	49,428
Staff Costs Other	81,097
Transport	15
Supplies and Services	42,221
Overheads-Support Costs	20,305
<b>Total Expenditure</b>	<b>193,066</b>
<b>Surplus/(Deficit)</b>	<b>(64,611)</b>

## East Ayrshire Licensing Board

# Annual Function Report 2023/2024 In accordance with the Air Weapons and Licensing (Scotland) Act 2015



*East Ayrshire is situated in south west Scotland*

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## **1. Introduction - East Ayrshire Licensing Board**

- 1.1 East Ayrshire Licensing Board ("the Board") is the licensing authority for the local government area of East Ayrshire for the purposes of the Act.

The current Board, which was formed in May 2022, comprises ten members, all of whom are elected members of East Ayrshire Council. The Board is responsible for the functions set out in paragraphs 1.3 and 1.4 below within East Ayrshire

- 1.2 East Ayrshire covers a land area of 490 square miles in west central Scotland, 30 miles southwest of Glasgow. The population of East Ayrshire in 2021 was estimated to be 122,020, of which there were 59,169 males and 62,851 females.

There are 23 main communities and settlements in a diverse geographical area, embracing both rural and urban areas. Established as a result of local government reorganisation in 1996, the area does not reflect any natural or traditional community, stretching as it does down the eastern length of the County of Ayrshire.

- 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 The Board, for the purposes of the Licensing (Scotland) Act, 2005 is responsible for the consideration of:

- Premises licences
- Occasional licences
- Temporary licences
- Provisional licences
- Personal licences
- Variations of licences
- Review of licences
- Transfer of licences
- Extensions of licensed hours
- The sale of alcohol by retail
- The supply of alcohol in members' clubs

## **2. The Licensing Objectives**

- 2.1 In exercising their functions under the Licensing (Scotland) Act 2005, the Board will have regard to the statutory licensing objectives, which are set out at section 4 of the Act:

- 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.

### **3. Annual Functions Report**

- 3.1 In the year, from 1 April 2023 to 31 March 2024, the Board met on a monthly basis, with the exception of July, August and December 2023 and February 2024 to determine the applications shown in the following link – [Applications](#).
- 3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and its [statement of licensing policy 2023-2028](#).
- 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 the 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 including adoption of standards, which will in its actions be proportionate, accountable, consistent, transparent and targeted.

### **4. Decisions of the Board**

- 4.1 During the course of the year, 3 provisional premises licence applications, 10 major variation of premises licence applications and 1 Alcohol Licensed Premises Gaming Machine Permit were considered by the Board. Each application was considered on its own merit.

The 3 Provisional Premises Licences were granted. Of the 10 major variation applications lodged, 7 variations were permitted; 2 variation applications were permitted, subject to outstanding works within the premises being completed prior to the premises opening and 1 variation application was granted, subject to an additional condition being added to the licence.

The Alcohol Licensed Premises Gaming Machine Permit to permit 2 category C and 1 category D gaming machines within the premises was granted.

- 4.2 In April 2023 the Board approved their draft Statement of Licensing Policy and authorised the Clerk to the Licensing Board to embark on the formal consultation exercise in relation thereto.

Taking account of the responses received in respect of the consultation, the Board approved the Statement of Licensing Policy in October 2023 and authorised the Clerk to the Licensing Board to proceed with the publication of the Policy.

- 4.3 During the course of the year, the Board received applications for both [Occasional Licences](#) and [Extended Hours](#). The breakdown of these are shown in the relevant links.
- 4.4 In assessing applications, the Board used a considerable number of different sources of information to enable them to reach determinations. These sources included reports from Community Councils, Local Residents, the East Ayrshire Licensing Forum, East Ayrshire Licensing Standards Officers, Police Scotland, National Health Service and application objectors.
- 4.5 A breakdown of current Premises Licences is shown using link – [Premises Licences](#).
- 4.6 During the course of the year 101 applications for personal licences were granted and 9 personal licences were renewed by the Clerk to the Licensing Board under delegated authority. A breakdown of those licences are shown using link – [Personal Licences](#).

## 5. Licensing Hours

- 5.1 While each application will be assessed on its own merits, the following section sets out the Licensing Board's guidelines on licensing hours. For applications for licensed premises at times outwith the Board's guidelines, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances. The Board's guidelines are reflected in the undernoted table.

### 5.2 Off-Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are 10am until 10pm every day of the week. The Licensing Board has no discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have on the occurrence of anti-social behaviour.

### 5.3 On-Sales

For applications relating to premises licences including extensions to hours, the licensed hours for the sale of alcohol for consumption on the premises (on-sales hours), the Licensing Board considers the commencement of alcohol sales shall be no earlier than 11am. The undernoted table reflects the Board's guidelines.

- 5.4 Late opening premises, in addition, currently impose a 1.15am curfew whereupon no persons will be allowed entry to the premises after this time.

5.5 The Board considers late opening premises to be venues which meet all of the following criteria:

- Live entertainment or recorded music provided by a DJ where the decibel level will exceed 85dB
- When fully occupied there will be more customers standing than seated
- There is a designated dance floor
- Plays live or recorded music specifically for dancing

5.6 During the festive period the Board will consider further extending the terminal hour for on-sale premises until 2am with night clubs/discotheques being allowed to remain open until 3am on a maximum of four occasions. This will not be an automatic right and an application to the Board will require to be made by each premises wishing to take advantage of this extension, if permission has not already been granted in terms of the Premises Licence. Where an extended hours application has been granted over the festive period, or where the operating plan permits the premises to open until 3am on four occasions over the festive period, the curfew will be extended to 2.15am, on these occasions.

5.7 As can be seen from the table at appendix 4 the number of applications received show that the system is not being abused and have not elicited any complaints in relation to their use.

5.8 The festive period, for the purpose of this aspect of the policy, will be two weeks prior to Christmas Day and until the 6 January.

#### 5.9 Trading Hours Guidelines

<b>Description</b>	<b>Date</b>	<b>Time</b>
Off-sale Premises	Monday to Sunday	10am to 10pm
On-sales Premises	Sunday to Wednesday	11am to 12 Midnight
	Thursday to Saturday	11am to 1am
On-sales Premises - Late Opening Premises	Sunday to Wednesday	11am to 2am
	Thursday to Saturday	11am to 2.30am

5.10 Premises wishing to cater for early morning funerals prior to 11.00am may request in their Operating Plan to sell alcohol from 10.00am. However, it will be a condition of the Premises Licence that prior notification must be given to the Board, in writing.

## **6. Licensing Board Training**

- 6.1 As stated at the beginning of this report, our current Licensing Board comprises 10 members who were elected in the local council elections in May 2022. Four Councillors returned to serve on the Licensing Board from the previous Board complement of 10.
- 6.2 On 23 May 2022, 8 Board Members received a day's training from Alcohol Focus Scotland in licensing legislation and Board functions. One Board Member received training on 26 May 2022 and a further Member received training on 28 June 2022.
- 6.3 Following a request, on 28 March, 2024 one Member of the Board was replaced. The new Member received training on 2 May 2024.
- 6.4 The Licensing Board Member training included a post training examination which all were required to pass with a minimum of 75% on the same day. The course afforded a significantly enhanced learning experience for Members of the Board.
- 6.5 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 East Ayrshire. This is essential to making informed licensing decisions.

## **7. Licensing Forum**

- 7.1 The role of Licensing Forum is to keep under review the operation of the Licensing Act in the East Ayrshire area and to give advice and make recommendations to the Board in relation to those matters as the Forum considers appropriate. The Forum is the community's voice on alcohol licensing issues.
- 7.2 Over the years, since the Forum was first established in 2007, membership and participation of this very important group has seen a variety of highs, lows and fallow periods where interest nearly died. The current Forum has input from 3 residents of East Ayrshire, 3 licence holders, 2 representatives for young people, 2 representatives from Health, Education & Social Work, a representative from Police Scotland and the local Licensing Standards Officers.
- 7.3 In relation to keeping abreast of local issues, a Board Member normally attends Forum meetings. The Member feeds back the views of the Board to Forum members and vice versa.
- 7.4 The Licensing Board are formally required to meet with the Forum at least once per annum.



## **8. Reviews**

8.1 In the period from 1 April 2023 to 31 March 2024, the Board continued consideration of 1 premises licence review application, received from the occupier of a neighbouring property in relation to excessive noise from licensed premises. Members had continued consideration of the review application to allow the licence holders to continue with the measures to be put into place to address noise nuisance from the premises. Consideration of the review application was further continued to allow the Board to commission an Acoustic Noise Consultant to enable them to reach a more informed and robust decision.

8.2 Three premises licence review applications were received from East Ayrshire Council's Licensing Standards Officers in relation to non-payment of annual premises licence fees and where every attempt had been made to contact the licence holders. The annual premises licence fees were paid prior to the Hearings taking place.

## **9. Conclusion**

9.1 The Board is pleased to report that licensed premises in East 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.

9.2 The Board also recognises the efforts of the many officers and partners involved in ensuring that licensed premises in East Ayrshire are compliant with and kept well informed of the requirements of the array of licensing legislation and regulations.

9.3 While there is no doubt that East 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 continue to be complied with in the period 2023/2024.