

## **EAST AYRSHIRE LICENSING BOARD**

### **Minute of the Meeting of East Ayrshire Licensing Board held within The Council Chambers, Council Headquarters, London Road, Kilmarnock on Tuesday 22 October 2019 at 10am.**

**SEDERUNT:** Councillor Tom Cook (Chair), Councillor John Campbell, Councillor William Crawford, Councillor Lillian Jones, Councillor Claire Leitch and Councillor George Mair.

**ATTENDING:** Mr S McCall (Depute Clerk to the Licensing Board), Mrs C McEwan (Licensing Standards Officer), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

**APOLOGIES :** Councillor Fiona Campbell, Councillor Drew Filson, Councillor Ian Grant and Councillor Jacqui Todd.

#### **1. SEDERUNT**

Noted.

#### **2. MINUTE OF MEETING**

2.1 The Minute of the meeting of East Ayrshire Licensing Board held on 17 September 2019 was approved and noted.

#### **3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY**

The Chair noted the applications discharged by the Clerk under delegated authority from 11 September 2019 until 11 October 2019 :-

Minor Variation	:	11
S33 Transfer	:	3
Grant of Personal Licence	:	5
Renewal of Personal Licence	:	2
Small Lottery – Renewals	:	1
Extended Hours	:	6
Occasional Licences	:	81

With regards to the 81 Occasional Licences granted, 29 were granted to Club premises, 23 to Personal Licence holders, 14 to Voluntary Organisations and 15 to Premises Licence holders.

The Chair noted that as of the date of the report, there were 1147 Personal Licences in force and 309 Premises Licences.

The Chair asked if there was any update on the consultation in relation to occasional licences. The Depute Clerk advised that there was no update and that the matter was still under consideration by the Scottish Government.

**4. APPLICATIONS**

Applications considered under the Licensing (Scotland) Act 2005 – See Appendix I.

There being no further business, the meeting ended at 10.45am.

LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION OF PREMISES LICENCE

Martin Boyle

The Oven  
8 Vennel Street  
Stewarton

Details of the variation:-

Ground Floor

Amend the terms in which children and young persons are permitted access to the premises to:- Children and young persons will be permitted access to the premises for the purpose of having a meal. Children from birth to 14 years must be accompanied by a responsible adult. Children aged 15 years and young persons aged 16 and 17 years may be unaccompanied by an adult.

Amend activities to include:- The premises will provide a full restaurant menu until 10pm and will provide 'lite bites and pizza' for the remainder of the core licensed hours.

First Floor

Amend the core licensed hours as follows:-

Current Hours - On Sale

Sunday – Wednesday : 6.30pm - 12 Midnight

Thursday – Saturday : 6.30pm - 2.30am

Proposed Hours – On Sale

Sunday – Wednesday : 11am - 12 Midnight

Thursday – Saturday : 11am - 1am

Amend seasonal variations to – the premises may remain open until 2am on 24, 25 December and 1 January each year and not until 3am as previous granted.

Amend the operating plan to include:- Restaurant facilities and bar meals will be available both during and outwith the core hours, subject to the relevant extended hours permission being granted.

**The Depute Clerk advised that no objections or representations had been received in respect of this application. He outlined the application and pointed out that the applicant was requesting that children aged 15 years be permitted access to the premises during the core hours, unaccompanied by an adult.**

**Martin Boyle attended the meeting and submitted that he had requested that children aged 15 years be permitted access to the premises, unaccompanied by an adult, as there was currently nowhere in Stewarton for young people to go after school to socialise. He continued that the premises were ideal for young people to relax in a family atmosphere.**

**Councillor Leitch asked if Mr Boyle intended to limit the time that children and young persons could access the premises unaccompanied by an adult.**

**Mr Boyle stated that he would be happy to amend the application to allow children aged 15 years access to the premises unaccompanied by an adult until 6pm and young persons aged 16 and 17 years access to the premises unaccompanied by an adult until 8pm and thereafter children and young persons access when accompanied by a responsible adult for the duration of the core hours, all for the purpose of having a meal.**

**The Chair asked what identification would be requested for young persons entering the premises and pointed out that most young persons would have Young Scots Cards.**

**Mr Boyle advised that a number of staff were local and were familiar with most of the customers, however ID would be checked on entering the premises.**

**Councillor J Campbell asked if there were any gaming machines within the premises and Mr Boyle replied that there were none.**

**There being no further questions, the Board adjourned to consider the application.**

**Upon returning the Chair moved that the application be granted, as amended. This motion was seconded by Councillor Jones and the Board agreed unanimously.**

**For the avoidance of doubt, the Depute Clerk clarified that the application had been granted, subject to the amendment that children aged 15 years will be permitted access to the premises unaccompanied by an adult until 6pm and young persons aged 16 and 17 years will be permitted access to the premises unaccompanied by an adult until 8pm and thereafter accompanied by a responsible adult for the duration of the core hours, all for the purpose of having a meal.**

.....

LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR GRANT OF PREMISES LICENCE

Harelaw Farm Weddings Ltd.

Harelaw Farm  
Glasgow Road  
Fenwick

Overview of nature of the business proposed to be carried on in the premises:-

Licensed hours applied for :-

Sunday to Saturday 11am – 1am

The premises, consisting of farm buildings and a hay byre, will operate as wedding venue.

The premises will provide accommodation, conference facilities, restaurant facilities, bar meals and will cater for weddings, funerals, birthdays, group meetings, etc. all within the core licensed hours. Recorded music, live performances, dance facilities, gaming, indoor/outdoor sports,

televised sports and outdoor drinking facilities may be provided as well as karaoke, quiz nights, bingo, Irish Bingo, dominoes, poker and race nights all within the core licensed hours.

Children from birth to 15 years and young persons aged 16 and 17 years will be permitted access to the premises during the core hours to attend a function (wedding, party, etc.), when accompanied by an adult.

The proposed occupant capacity of the premises is 450.

The premises have disabled access – the premises have ramps, wide doors, lights for the hearing impaired and barriers for the visually impaired. Disabled car parking spaces are also available. The premises are on one level with ramps to certain areas, there are accessible tables within the premises and disabled toilet facilities. Assistance dogs would be welcome within the premises.

**The Depute Clerk advised that no objections or representations had been received in respect of this application. He outlined the application and pointed out that the applicant had requested licensed hours of Sunday to Saturday from 11am until 1am, which were outwith the Board’s policy. Referring to the number of occasional licences that had been granted for the venue over the last few years, most of which had been for dates at weekends, the Depute Clerk questioned why the applicant had requested to open until 1am, 7 days per week.**

**The Depute Clerk also pointed out that the applicant proposed to operate the premises as a wedding venue, however had requested permission to allow gaming, indoor/outdoor sports, televised sports, Irish Bingo, dominoes, poker and race nights within the premises.**

**George Elliot, Director of Harelaw Farm Weddings Ltd., was present at the meeting and advised that the hours were sought from 11am for wedding parties who were staying overnight or for guests arriving at weddings early. He explained that any entertainment within the premises usually ended at midnight and that the 1am extension was sought to allow for guests who were awaiting transport home or for events that may run slightly over the intended finish time.**

**Mr Elliot submitted that farms in this area were struggling and so there was a need to diversify. When Harelaw Farm was adapted to cater for weddings, it was not anticipated how popular and successful it would be.**

**The Chair asked why the applicant had requested permission to have additional entertainment. Mr Elliot stated that the premises were primarily a wedding venue, however could cater for other functions if requested. Additional entertainment was sought to cover all eventualities.**

**The Depute Clerk asked if the venue would be for organised functions only. Mr Elliot confirmed that only organised functions would be catered for.**

**The Board adjourned to consider the application.**

**Upon returning the Depute Clerk expressed the Board’s concern that, should Members be minded to grant the licence as sought, the business could be sold at some time in the future and operate differently from what Mr Elliot proposed.**

**Mr Elliot explained that the venue was approximately three miles from the village and agreed to amend the application to state that the premises would cater for organised functions only.**

**The Chair moved that the licence be granted, as amended, and that the use of the outside drinking area be restricted to 9pm as per the Board’s policy. This motion was seconded by Councillor Crawford. The Board agree unanimously.**

.....