

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the Meeting of East Ayrshire Licensing Board held digitally through VScene, on Tuesday 23 June 2020, at 2.00pm**

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

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

**APOLOGIES :** Councillor Jacqui Todd.

### **1. SEDERUNT**

Noted.

### **1.1 EXCLUSION OF PRESS AND PUBLIC**

The Licensing Board resolved that the Press and public be excluded from the meeting for the following items of business on the grounds that if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

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

2.1 Minute of the meeting of East Ayrshire Licensing Board held on 10 December 2019 was approved and noted.

2.2 Minute of the special meeting of East Ayrshire Licensing Board held on 14 January 2020 was approved and noted.

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

The Chair noted the applications discharged under delegated authority by the Clerk to the Licensing Board between 4 December 2019 and 6 March 2020:-

Confirmation of Provisional Licence	:	1
Minor Variation	:	13
Variation on Transfer	:	1
S33 Transfer	:	5
Grant of Personal Licence	:	23
Renewal of Personal Licence	:	6
Small Society Lottery Renewals	:	47
Small Society Lottery Grants	:	6
Automatic Entitlement to Gaming Machines	:	1
Occasional Licences	:	165
Extended Hours	:	60

With regards to the 165 Occasional Licences granted, 54 were granted to Club premises, 44 to Personal Licence holders, 34 to Voluntary Organisations and 33 to Premises Licence holders.

The Chair noted that as of the date of the report, there were 1130 Personal Licences in force and 303 Premises Licences.

#### **4. ANNUAL FINANCIAL AND ANNUAL FUNCTIONS REPORT**

##### **Annual Financial Report**

The Depute Clerk reminded Members that in terms of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015, Licensing Boards must prepare and publish an Annual Financial Report, not later than three months from the end of each financial year. The Depute Clerk confirmed that the Scottish Government had relaxed the timescale for publishing the Report but that as the relevant information was available there was no reason to delay publishing it.

The Depute Clerk outlined the Report and pointed out that there was a deficit of £19,153 in the Licensing Board income for 2019/20. The Depute Clerk stated that due to the Coronavirus lockdown situation leading to fewer licensing applications and the possibility of a reduction in annual fees, there was a projected deficit of £50,000 for 2020/21.

The Chair reminded Members that there was an ongoing review of the cost of occasional licence applications, possibly leading to an increase in application fee.

The Depute Clerk recommended that Members approve and authorise the publication of the Annual Financial Report.

The Board Members unanimously agreed to approve the Report and authorised the Depute Clerk to proceed with the publication.

##### **Annual Functions Report**

The Depute Clerk reminded Members that the Air Weapons and Licensing (Scotland) Act 2015 introduced the requirement for Licensing Boards to produce an annual functions report.

The Depute Clerk outlined the contents of the report and pointed out that Members were kept up-to-date by the report on applications granted under delegated powers submitted to each Licensing Board meeting.

The Depute Clerk advised Members that since the start of lockdown due to the Coronavirus pandemic, the Licensing Standards Officers and Licensing Board administrative staff had been working either remotely from home or more recently from within the legal office. The Depute Clerk confirmed that all licensing enquiries had been answered and all business dealt with as timeously as possible.

The Chair thanked the LSOs and Licensing Board administrative staff on behalf of the Board Members for their continued support.

The Depute Clerk recommended that Members approve and authorise the publication of the Annual Functions Report.

The Board Members unanimously agreed to approve the Report and authorised the Depute Clerk to proceed with the publication.

## **5. OUTDOOR DRINKING AREAS**

The Depute Clerk outlined the Report submitted by the Clerk to the Licensing Board requesting Members to delegate to the Clerk to the Licensing Board permission to temporarily extend the 9pm curfew for outdoor drinking facilities until 10.00pm for suitable premises. The Report also advised Members of the use of an Occasional Licence to licence outdoor drinking areas where licensed premises do not have this facility. This was to accommodate Phase 2 of the Scottish Government's easing of lockdown restrictions on 6 July 2020, part of which stated that licensed premises could open outdoor spaces with physical distancing and increased hygiene routines.

The Depute Clerk pointed out that within East Ayrshire a number of premises already had permission for outdoor drinking areas and there would be no requirement for an occasional licence for these premises, they would only have to comply with the Scottish Government guidelines.

A full discussion of the Report took place and it was unanimously agreed by the Members to delegate to the Clerk in consultation with the Chair of the Licensing Board, to increase the curfew for outdoor drinking areas from 9.00pm until 10.30pm for adults and young persons, with children being permitted to remain until 9.00pm.

The increase would be granted to premises where there would be no detriment to the surrounding dwellings. It was further agreed that the use of the outdoor area should be tables and seating only with no vertical drinking. All the relevant guidelines provided by the Scottish Government were to be adhered to and details of how licensed premises were going to operate the area was to be provided to Licensing Board administrative staff.

## **6. APPLICATIONS**

Consider applications received under the Licensing (Scotland) Act 2005 – See Appendix I.

There being no further business the meeting ended at 3.15pm

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

Buzzworks Hospitality Limited

The Duke  
53 John Finnie Street  
Kilmarnock

Details of the variation:-

Amend operating plan to include outdoor drinking facilities.  
Amend layout plan to show outdoor drinking area.

**The Depute Clerk outlined the application and advised that due to social distancing measures the applicant was not present or represented.**

**The Depute Clerk advised that there were no objections to this application but planning permission was required for the outdoor drinking area requested at the front of the premises and that a street café permit was required.**

**Councillor Leitch asked if the outside area was located on the street and pointed out that it was a busy street. The Depute Clerk confirmed it was located on the street and that premises further along the same street had previously been granted permission for a small outdoor area similar to this application.**

**The Board Members unanimously agreed to grant the application until 9pm in line with the Board's outdoor drinking policy, subject to the appropriate planning and street café permit being granted.**

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

Morean Hamilton

The Thistle  
4 Riccarton Road  
Hurlford

Details of the variation:-

Creation of an outdoor drinking area and increase in occupant capacity to 270.

**The Depute Clerk outlined the application and advised that there were no objections or representations in respect of the application. The Depute Clerk pointed out that due to social distancing because of the Coronavirus pandemic the applicant was not present or represented.**

**The Depute Clerk advised that planning permission was required for the outdoor area and that it would be cordoned off during the licensed hours and barriers removed at night.**

**The Board unanimously agreed to grant the application until 9pm in line with the Board's outdoor drinking policy.**

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

Ryan McCubbin

The Boolers  
Milmannoch Avenue  
Drongan

Details of the variation:-

Creation of an outdoor drinking area and amendment of operating plan to permit bar meals to be provided within the premises.

Councillor Filson declared a non pecuniary interest but did not withdraw from the meeting.

**The Depute Clerk outlined the application and advised that there were no objections or representations in respect of the application. The Depute Clerk pointed out that due to social distance guidelines because of the Coronavirus pandemic, the applicant was not present or represented.**

**Councillor Filson declared a non financial interest in terms of paragraph 7.12 of the Councillors' Code of Conduct and intimated his withdrawal from consideration of this application.**

**The Depute Clerk advised that there had been considerable internal and external refurbishments undertaken at these premises to bring a derelict building back into operation.**

**The Board Members unanimously agreed to grant the application as sought with the 9pm curfew being added in respect of the outdoor drinking area.**

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

Neil Stevenson

Bridgend Inn  
32-36 Afton Bridgend  
New Cumnock

Details of the variation:-

Creation of an outdoor drinking area to the rear of the premises.

**The Depute Clerk outlined the application and advised that there were no objections or representations in respect of the application. The Depute Clerk pointed out that due to social distance guidelines because of the Coronavirus pandemic that the applicant was not present or represented.**

**Councillor Crawford raised concerns on the monitoring of outside drinking areas in respect of social distancing as there had been a number of deaths related to the Coronavirus in the New Cumnock area.**

**The Depute Clerk confirmed that once the guidelines had been received from the Scottish Government, the LSOs would be visiting premises to offer guidance. The LSO's would also work together with Police Scotland to ensure compliance.**

**The Board Members unanimously agreed to grant the application as sought with the 9pm curfew being added in respect of the outdoor drinking area.**

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LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR PROVISIONAL PREMISES LICENCE

Melli Limited

11 Portland Street  
Kilmarnock

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

On Sales

Sunday - Thursday : 11am – 12 Midnight  
Friday & Saturday : 11am – 1am

Off-Sales

Sunday – Saturday : 11am – 10pm

The premises are located in a former retail unit in a primarily commercial area of Kilmarnock.

Restaurant facilities and bar meals will be available within the premises; the premises will cater for conferences, weddings, funerals, birthdays, group meetings, etc.; recorded music, films, indoor/outdoor sports and televised sport may be provided; outdoor drinking facilities may be provided, all to be available both within and outwith the core hours. Live performances, dance facilities and gaming may be provided, all within the core hours. Quiz nights, dominoes, tournaments, competitions, charity events, poker nights, exhibitions, displays, tastings, meet-the-maker/brewer events may take place within the premises.

The premises may open prior to the core hours to provide breakfasts, tea, coffee and other refreshments and to allow receptions, meetings, conferences, club/group meetings to take place. Other activities outwith the core hours will be ancillary to these purposes. No alcohol will be served outwith the core hours without prior authorisation by way of an extended hours application.

Children and young persons will not be permitted entry to the premises. The proposed occupant capacity of the premises is 264.

The premises will have disabled access – the premises will be fully accessible, there will be disabled toilet facilities and appropriate signage will be displayed; Furniture may be adjusted to accommodate patrons with mobility issues; Staff will be briefed and trained where necessary in assisting patrons with mobility issues, particularly in assisting them with evacuation; assistance dogs will be welcome; and table service may be made available to patrons who may have difficulty traversing to the bar or ordering at same.

The Depute Clerk advised Members that the applicant had amended the application to withdraw the request for the off-sale and to clarify that only tea and coffee would be provided within the outdoor drinking area outwith the core licensed hours.

The Depute Clerk outlined the remainder of the application and confirmed that there were no objections or representations in respect of the application. The Depute Clerk confirmed that due to social distance guidelines in respect of the Coronavirus pandemic that the applicant was not present or represented.

Councillor Leitch commented that due to the proposed operation of the premises, she was surprised that no children or young persons would be permitted access to the premises.

The Depute Clerk advised that the applicant operated a number of licensed premises throughout Scotland and this was normal operating practise for their premises.

Councillor Jones asked if the premises were large enough to accommodate the 264 occupant capacity being requested. The Depute Clerk pointed out that there had been no concerns from Planning but that this was only a Provisional application and Building Standards would have the opportunity to comment when the premises were complete.

Councillor Grant stated that the building had been derelict and was being brought back into use. He further stated that the issue of whether children and young persons were permitted was a business risk for the applicant and they may wish to change this at a later stage.

The Board unanimously agreed to grant the application, subject to the above mentioned amendments.

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GAMBLING ACT 2005  
APPLICATION FOR RENEWAL OF CLUB GAMING MACHINE PERMIT

Catrine Bowling Club  
44 St Cuthbert Street  
Catrine

The Depute Clerk advised that no objections or representations had been received in respect of this application.

The Board agreed unanimously to grant the permit.

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GAMBLING ACT 2005  
APPLICATION FOR RENEWAL OF CLUB GAMING MACHINE PERMIT

Mauchline & District Kilmarnock FC Supporters Social Club

8-12 Earl Grey Street  
Mauchline

**The Depute Clerk advised that no objections or representations had been received in respect of this application.**

**The Board agreed unanimously to grant the permit.**  
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GAMBLING ACT 2005  
APPLICATION FOR RENEWAL OF CLUB GAMING MACHINE PERMIT

Doon Valley Golf Club  
1 Hillside  
Patna

**The Depute Clerk advised that no objections or representations had been received in respect of this application.**

**The Board agreed unanimously to grant the permit.**  
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GAMBLING ACT 2005  
APPLICATION FOR RENEWAL OF CLUB GAMING MACHINE PERMIT

1398 Social Club  
22 Main Street  
Kilmaurs

**The Depute Clerk advised that no objections or representations had been received in respect of this application.**

**The Board agreed unanimously to grant the permit.**  
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