

EAST AYRSHIRE LICENSING BOARD

Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 14 December 2021 at 10am.

SEDERUNT: Councillor Tom Cook (Chair), Councillor John Campbell, Councillor Drew Filson, Councillor Ian Grant and Councillor Jacqui Todd.

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

APOLOGIES : Councillor Fiona Campbell, Councillor William Crawford; Councillor Lillian Jones; Councillor Claire Leitch and Councillor George Mair.

1. SEDERUNT

2. MINUTE OF MEETING

2.1 Minute of the meeting of East Ayrshire Licensing Board held on 23 November 2021 was agreed and noted.

2.2 Minute of the joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum held on 23 November 2021 was agreed 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 16 November 2021 and 6 December 2021:-

Minor Variation	:	2
Confirmation of Provisional Licence	:	1
Grant of Personal Licence	:	4
Small Society Lottery Renewals	:	18
Transfer of Alcohol Licensed GMP	:	1
Occasional Licences	:	41
Extended Hours	:	1

The Chair noted that of the 41 Occasional Licences granted, 17 were granted to Club premises, 13 to Personal Licence holders, 4 to Voluntary Organisations and 7 to Premises Licence holders. The Chair also noted that as of the date of the Report there were 1164 Personal Licences and 295 Premises Licences in force.

The Depute Clerk reported that he had recently taken part in a virtual SOLAR meeting where a representative of the Scottish Government had acknowledged that the review of the cost of an occasional licence and number permitted throughout the year remained outstanding but due to work pressures this hadn't progressed. The Scottish Government representative had intimated that they were concerned about the increase in pop up bars and restaurants and the Depute Clerk confirmed that there were none of these within East Ayrshire.

4. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Depute Clerk reminded Board Members that in terms of the Gambling Act 2005, all licensing authorities, which in Scotland continues to be the existing Licensing Boards, had to prepare and publish an appropriate Statement of Principles which the Board would thereafter apply under the statutory regime. This Statement of Principles required to be published every three years.

The Depute Clerk reported that the appropriate consultation had taken place with no responses being received from any of the consultees and concluded that everyone must be happy with the draft Statement as circulated.

The Depute Clerk further reported that there had been a reduction in the number of betting offices within East Ayrshire. The Depute Clerk stated that the reduction may be due to the current coronavirus pandemic and the move to an increase in online gambling.

The Chair stated that he was disappointed that there had been no responses to the draft Statement of Principles, especially as the issue of gambling harms had been raised within East Ayrshire Council.

The Board Members unanimously agreed to approve the Statement of Principles as submitted and agreed to formally adopt this Statement of Principles for the purpose of discharging its future statutory responsibilities under the Gambling Act 2005.

5. PREMISES LICENCE REVIEW

5.1 Review of premises licence for Loudoun Arms, 69 Main Street, Newmilns in terms of Section 38 of the Licensing (Scotland) Act, 2005 for breach of a licensing condition, namely non payment of the annual licensing fee.

The Depute Clerk reminded the Members that this Licence Review had been continued from the previous Licensing Board meeting.

Carolyn McEwan, Licensing Standards Officer, gave an update to the Members that despite numerous attempts to ascertain who owned the building, it had not been possible to find out. Mrs McEwan confirmed that the premises had been closed for a number of months.

The Depute Clerk pointed out that it was not the Board's responsibility to track down the owner of a building and that as no contact had been made to pay the annual fee then it was his recommendation that the premises licence be revoked.

The Chair moved that the grounds for review had been established and that the premises licence should be revoked. The motion was seconded by Councillor John Campbell.

As there were no other motions it was unanimously agreed to revoke the premises licence due to the non payment of the annual fee.

6. APPLICATIONS

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

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE

Gilmartin's Bakery Ltd.

Gilmartin's Bakery
2 Avenue Square
Stewarton

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

<u>Licensed Hours applied for</u>	<u>On Sale</u>	<u>Off Sale</u>
Sunday – Saturday	10am – 12 Midnight	10am – 10pm

The premises will operate as a small café/bakery.

Restaurant facilities and bar meals will be available within the premises; the premises will cater for group meetings, conferences, weddings, funerals, birthdays, group meetings, etc.; recorded music, live performances may be provided, all within and outwith the core hours. The premises currently operate as a café/bakery and serve breakfast, brunch and lunch outwith the core hours.

Children from 0 -15 years will be permitted entry to the premises from 10am until 5pm unaccompanied by an adult, during the standard café/bakery operation, and from 5pm until 10pm when accompanied by an adult. Young persons aged 16 & 17 years will be permitted access to the premises during the core hours, unaccompanied by an adult.

The proposed occupant capacity of the premises is 20.

Disabled access and facilities :- Due to there being steps, there are grab rails at the entrance to the premise. The coffee bar has a lowered section for wheelchair users and toilets have been adapted; assistance dogs will be welcome; larger print menus will be available on request.

The Depute Clerk outlined the application and reported that there were no objections or representations. The Depute Clerk pointed out that the application included a request to provide off-sales and that the applicant had been made aware of the Board's Statement of Policy in terms of overprovision of off-sales. He reminded the applicant that the effect of the policy created a rebuttable presumption against the grant of an application within East Ayrshire as a whole for off-sales premises and that she would be required to persuade the Members to deviate from their Policy. The Depute Clerk also pointed out that the 10.00am commencement for on-sales was also outwith the Board's policy.

Stephanie Stewart, Director of Gilmartin's Bakery Ltd, was present at the meeting.

Ms Stewart confirmed that she would be happy to amend the commencement of on-sales to 11.00am.

Ms Stewart submitted that the premises opened in May 2021 with 10 staff during a very difficult trading period. Ms Stewart stated that she had been hoping for an increase in trade during the festive period but that due to recent updates from the Scottish

Government, she thought there was a possibility that premises would require to close again. Ms Stewart stated that she thought the provision of off-sales would permit her to keep the business going with home deliveries and maintain staff levels. Ms Stewart also wanted to offer customers the option of taking an unfinished bottle of alcohol home, possibly for the person who had been the designated driver to have a drink at home. Ms Stewart confirmed that she currently worked for Skills Development Scotland in an attempt to keep the business open but that this job would end in January 2022. Ms Stewart further submitted that the reason she had applied for an alcohol licence was to attract tourists who visited the area through using small batch local alcohol brands. Ms Stewart stated that approximately 75% of her customers were female and offering them a safe environment to socialise would prevent the need to travel to Glasgow.

Councillor Cook asked if Ms Stewart would be happy to reduce the finish time for children's access to the premises unaccompanied to 9.00pm. Ms Stewart stated she was happy with the reduction.

Councillor Grant asked if there was an alcohol display area in the premises or if alcohol was selected from a menu card and also if there would be an option to purchase alcohol online.

Ms Stewart confirmed that currently there would be shelves displaying a small amount of alcohol behind the till which was inaccessible to the public. Ms Stewart further confirmed that it was intended to amend the layout of the premises which would move the alcohol under a counter and not be in view of the public. Ms Stewart stated that online sales would be photographs of hampers which included alcohol.

Councillor Filson asked for confirmation of the capacity of the premises and Ms Stewart confirmed it was 20 persons.

The Board Members adjourned to consider the matter further.

Upon returning the Depute Clerk advised Ms Stewart that the Board's decision would be made in public. The Depute Clerk pointed out to Ms Stewart that the Members would require to make a decision on the whole application and couldn't grant part of it. The Depute Clerk asked if Ms Stewart would be happy to remove the off-sales part of the application and also reduce the access for children when unaccompanied to 9.00pm. Ms Stewart confirmed she was happy to amend the application as stated.

The Chair moved that the application be granted, subject to the amendment of on-sales from 11.00am until 12 Midnight and that children be permitted to the premises from 5.00pm until 9.00pm when unaccompanied by an adult and that off-sales be removed. The motion was seconded by Councillor Grant.

There being no other motion it was unanimously agreed to grant the application subject to the amendments stated above.
