

EAST AYRSHIRE LICENSING BOARD

Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 28 September 2021 at 10am.

SEDERUNT: Councillor Tom Cook (Chair), Councillor William Crawford, Councillor Ian Grant, Councillor Lillian Jones, Councillor Claire Leitch, and Councillor Jacqui Todd.

ATTENDING: Stuart McCall (Depute Clerk to the Licensing Board), Carolyn McEwan and Ian Hiles (Licensing Standards Officers), Sergeant Farmer and Sergeant Syme, Police Scotland, Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

APOLOGIES : Councillor Fiona Campbell, Councillor John Campbell, Councillor Drew Filson and Councillor George Mair.

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

Minute of the meeting of East Ayrshire Licensing Board held on 24 August 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 14 August and 19 September 2021:-

Minor Variation	:	7
Variation on Transfer	:	1
Grant of Personal Licence	:	22
Renewal of Personal Licence	:	2
Small Society Lottery Renewals	:	4
Small Society Lottery Grants	:	1

It was noted that previous reports submitted to the Board did not include the number of Occasional Licence applications considered, due to COVID-19 restrictions, however it was confirmed that, since the easing of restrictions on 26 April until 19 August 2021, 201 occasional licences had been granted, the majority of which were in respect of external drinking areas.

The Chair noted that as of the date of the Report there were 1192 Personal Licences and 297 Premises Licences in force.

The Depute Clerk reminded Members that a Major Variation application for Lidl, High Glencairn Street, Kilmarnock, to increase the licensed area, had been refused at the previous Licensing Board meeting. The Depute Clerk confirmed that the minor variation granted under delegated powers was due to the internal layout changes to the premises but did not increase the licensed area.

4. ANNUAL LICENSING REPORT

The Chief Constable's Annual Licensing Report for 2020-2021 was presented by Sergeant Farmer and it outlined the work carried out by Police Scotland over the past year. The Report referred to the close working relationship with the Local Authority and Licensing Section in supporting the national response to the COVID-19 pandemic and the need for a flexible working approach to continue to deliver a high service to the community.

The Chair thanked Police Scotland for their continued support and especially for their assistance during the COVID-19 pandemic.

The Chair also welcomed Sergeant Farmer and Sergeant Syme as the new Licensing Sergeants for East Ayrshire.

5. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Depute Clerk presented for approval, for the purpose of consultation only, a draft Statement of Principles for East Ayrshire Licensing Board in terms of Section 349 of the Gambling Act, 2005.

If the Board approved the draft Statement, the Depute Clerk proposed to initiate an appropriate consultation exercise immediately following the Board meeting, with responses to be submitted by no later than 8 November 2021. He advised that all comments received would be considered as part of the process of preparing a final Statement of Principles for presentation to the Board at a meeting on 14 December 2021, thereby meeting the statutory deadline of 31 January 2022.

The Board approved the draft Statement of Principles and remitted to the Clerk to carry out the necessary consultation and thereafter submit a further report to the Board meeting on 14 December 2021.

6. APPLICATIONS

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

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Cameron Toner

The Depute Clerk informed the Members that Mr Toner was unable to participate in the meeting and had requested the application be continued.

The Members unanimously agreed to continue the application to a future meeting of the Licensing Board.

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

John Kyle

The Market Inn
215 Main Street
Auchinleck

Details of the variation:-

Amend operating plan and layout plan to include outdoor drinking facilities.

John Kyle was not present or represented at the meeting.

The Depute Clerk advised that there were no objections or representations in respect of this application.

The Depute Clerk reminded Members that these premises were granted occasional licences to operate the outdoor area until the major variation application was considered.

The Board agreed unanimously to grant the application subject to the condition that the outdoor licensed area would only operate until 9pm, in line with the Board's policy on outdoor drinking.

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

Kevin Boyd

The Doon Tavern
1 High Street
Dalmellington

Details of the variation:-

Amend operating plan and layout plan to include outdoor drinking facilities (area to seat 30 people). CCTV to be installed to cover the proposed area.

Kevin Boyd was not present or represented at the meeting.

The Depute Clerk advised that there were no objections or representations in respect of this application.

The Depute Clerk reminded Members that these premises were granted occasional licences to operate the outdoor area until the major variation application was considered.

The Board agreed unanimously to grant the application subject to the condition that the outdoor licensed area would only operate until 9pm, in line with the Board's policy on outdoor drinking.

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

Quintin Mitchell

Empire Bar
3-5 Glasgow Road
Muirkirk

Details of the variation:-

Amend operating plan and layout plan to include outdoor drinking facilities.

Quintin Mitchell was not present or represented at the meeting.

The Depute Clerk advised that there were no objections or representations in respect of this application.

The Depute Clerk reminded Members that these premises were granted occasional licences to operate the outdoor area until the major variation application was considered.

The Board agreed unanimously to grant the application subject to the condition that the outdoor licensed area would only operate until 9pm, in line with the Board's policy on outdoor drinking.

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

Azhar Abbas

Auld Avenue Stores
3-5 Auld Avenue
Mauchline

Details of the variation:-

Increase alcohol display area from 6.26m² to 13.88m²

Stephen McQuiston, the applicant's representative was in attendance at the meeting to speak in support of the application.

The Depute Clerk advised that there were no objections or representations in respect of this application.

The Depute Clerk stated that the application was to increase the alcohol display area from 6.26m² to 13.898m² and reminded Members that the Boards Statement of Policy created a rebuttable presumption against the grant of an application for an increase in the alcohol display area of licensed premises. Each application would be determined on its merits and there may be exceptional cases in which an applicant was able to demonstrate that the grant of the application would not undermine the licensing objectives if the applicant's operating plan were to be modified. The Board would expect applicants who were seeking the grant of an increase in the capacity of an existing off-sales premises license to provide robust and reliable evidence to the Board why the benefit to the licensing objectives through the grant of their application outweighed the detriment to the licensing objectives and the Overprovision Policy.

Mr McQuiston submitted that the increase in the licensed area was due to customer demand and that the applicant wanted to provide a wider selection of alcohol. Mr McQuiston submitted that it was not possible to provide a wider selection of alcohol within the current alcohol display area.

The Chair stated that there was insufficient evidence provided by Mr McQuiston for the Members to deviate from their Policy Statement and moved that the application be refused.

The motion was seconded by Councillor Grant and there being no other motion it was unanimously agreed to refuse the application.

The Depute Clerk confirmed that the submission had not persuaded the Board Members that there was a reason to change from their over provision policy and that the application had been refused.

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