

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 19 April 2022 at 10am.**

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

**ATTENDING:** Stuart McCall (Depute Clerk to the Licensing Board), Mrs Carolyn McEwan and Mr Ian Hiles (Licensing Standards Officers), Inspector Iain Farmer (Police Scotland), Mrs Patricia Duncan and Ms Sheila Duncan (Licensing Board Administrators).

**APOLOGIES :** Councillor Drew Filson, Councillor Ian Grant and Councillor Lillian Jones.

### **1. SEDERUNT**

Noted.

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

2.1 The Minute of the meeting of East Ayrshire Licensing Board held on 8 March 2022 was agreed and noted.

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

The Depute Clerk reported on the applications discharged under delegated authority by the Clerk to the Licensing Board between 1 March and 10 April 2022:-

Minor Variation	:	12
Variation on Transfer	:	2
Grant of Personal Licence	:	10
Renewal of Personal Licence	:	2
Renewal of Small Society Lottery Registration	:	12
Grant of Small Society Lottery Registration	:	2
Occasional Licences	:	49

The Depute Clerk advised that of the 49 Occasional Licences granted, 18 were granted to Club premises, 16 to Personal Licence holders and 6 to Voluntary Organisations. As of the date of the Report there were 1087 personal licence holders and 295 premises licence holders in force.

The Depute Clerk confirmed that it had been three years since the commencement of submitting this Report to the Licensing Board and it was agreed that it was highly informative to the Board Members.

The Depute Clerk reported that he had attended a meeting of SOLAR where a member of the Scottish Government had advised that consideration had been given to the increase of the occasional licence application fee but at this time there would

be no increase and the application fee would remain at £10. There was no indication on when a further review of the application fee would be considered.

The Chair pointed out that the fee of £10 did not cover the processing of these applications and that any deficit of the Licensing Board's income would be absorbed by the Council.

#### **4. THE QUEEN'S PLATINUM JUBILEE**

The Depute Clerk advised that the purpose of this Report was to invite Members to consider whether to permit licence holders to trade under any extended hours from Thursday 2 June until Sunday 5 June 2022 to celebrate the Queen's Platinum Jubilee. The Depute Clerk advised that he was aware that some other Licensing Board areas were granting general extensions but that so far these were areas in where premises had terminal hours of Midnight. The Depute Clerk reminded Members that the vast majority of on sale licensed premises within East Ayrshire operated until 1am on Thursday to Saturday and Midnight on Sunday, with late night premises operating until 2.30am Thursday to Saturday and 2am on a Sunday.

The Depute Clerk advised that in terms of Section 67 of the Licensing (Scotland) Act 2005 a Licensing Board may, if they consider it appropriate to do so in connection with a special event of local or national significance, make a determination extending licensing hours by such a period as the Board may specify.

Such a determination may apply to :-

- a) the whole of the Board's area or only to specified parts of the area;
- b) licensed hours generally or only to specified descriptions of licensed hours; and
- c) all licensed premises in the Board's area or only to specified descriptions of such premises.

Where the Board makes such a determination, the Board must give notice to the Chief Constable and the holders of premises licences and occasional licences in respect of premises to which the determination applies, and publicise it in such manner as the Board sees fit.

He further advised that in terms of Section 68 of the Licensing (Scotland) Act, 2005 a Licensing Board may, on the application of the holder of a premises licence in respect of any licensed premises and if they consider it appropriate to do so in connection :-

- a) with a special event or occasion to be catered for on the premises; or
- b) a special event of local or national significance

extend the licensed hours in respect of the premises by such a period as is specified in the application, or such other period as the Board consider appropriate.

The Depute Clerk invited the Board to consider whether to grant a general extension or simply to advise licence holders to apply for extended hours applications if they intended to celebrate the Platinum Jubilee, whereby each application would be considered on its own merits.

The Chair stated that, in his opinion, the current hours available to licence holders were adequate and should any licence holder wish to open later where there were specific Platinum Jubilee celebrations, an application for extended hours could be submitted.

The Board agreed unanimously not to make a determination in terms of Section 67 of the Act.

## **5. APPLICATIONS**

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

**The Chair acknowledged that this was the last Board meeting conducted under the current Licensing Board and thanked the Board Members for their support as Chair over the previous five years. The Chair also thanked the Depute Clerk, Licensing Standards Officers and the Licensing Administrative Support Staff for their assistance and support.**

**The Depute Clerk thanked the Chair and the Licensing Board Members for the work undertaken over the previous five years and acknowledged that alcohol licensing was a specialised area and would continue to be challenging. The Depute Clerk reminded Members that if they were returning as Board Members after the Local Government Elections that they would be required to undertake the Licensing Board Member training along with any new Members.**

**The Depute Clerk confirmed that the Licensing Board Statement of Policy was required to be reviewed following the Local Government Election. The Depute Clerk pointed out that there had been no Licensing Appeals during the previous five years.**

**There being no further business the Board Meeting ended at 10.40am.**

**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATION FOR PERSONAL LICENCE**

Kevin Stewart Davis

**Mr Davis was not present at the meeting or represented.**

**The Depute Clerk reported that Police Scotland had confirmed that the applicant had relevant convictions. The Depute Clerk advised that the applicant had been notified of the meeting and provided with the MS Teams link.**

**The Board Members unanimously agreed to continue the application to the next Licensing Board meeting to give the applicant a further opportunity to attend the meeting.**

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

Springhill Bowling Club

Springhill Bowling Club  
69 Fullerton Street  
Kilmarnock

Details of the variation:-

A seasonal variation is required to permit the premises to extend their operating hours as follows:-

Adam McHallum Memorial Day – The bar may open from 9.30am on the last Saturday in April each year. Open Triples – The bar may open from 9.30am on the third Saturday in May each year. Ayrshire –v- Glasgow – The bar may open from 9.30am on the first Friday in July every second year (starting 2024). Open Pairs – The bar may open from 9.30am on the second Saturday in August each year. Wullie Dempster Invitation – The bar may open from 9.30am on the last Saturday in August each year. The premises may remain upon until 1.00am on 24 December and 31 December each year.

**The applicant was not present or represented.**

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

**The Depute Clerk confirmed that the Bowling Club already had seasonal variations on their operating plan for early opening and that the variation was to amend these dates and add additional dates for early opening.**

**The Board Members agreed to unanimously grant the variation as sought.**

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

Firm of A & W Loy

The Bacas  
18/20 Main Street  
Dalmellington

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

Licensed hours applied for:-

On Sale  
Sunday - Saturday : 11am – 11pm

The premises are a long established café/restaurant situated on the ground floor of a tenement building in Main Street, Dalmellington.

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 and televised sport may be provided. The premises may open from 8am daily for the provision of breakfasts however no alcohol will be available until 11am. Recorded music may be played at all times when the premises are open. The premises may remain open until 12 Midnight on 24, 25 & 31 December and 1 January each year.

Children from 0 – 15 years will be permitted access to all public areas of the premises for the purpose of having a meal or other food when accompanied by an adult until 8.30pm but must leave the premises by 10pm, or to attend a private function, for the duration of the function.

Children from 12 – 15 years will be permitted access to the area adjacent to the front entrance for the purpose of obtaining takeaway food from the counter service area.

Young Persons aged 16 and 17 years will be permitted access to all public areas of the premises for the purpose of having a meal or other food unaccompanied by an adult until 8.30pm but must leave the premises by 10pm, or to attend a private function, for the duration of the function

The proposed occupant capacity of the premises is 65

The premises will have disabled access – the main entrance has a clear width of 900mm and a ramped access has been provided from the main dining area to toilets. Toilets comprise of one accessible compliant toilet, fitted with grab rails, pull cord and suitable turning space. Menus etc. will be clear and situated at a height where they may be conveniently read by a person in a wheelchair.

**Mr Brian Dunlop, Solicitor, appeared on behalf of the applicant.**

**The Depute Clerk confirmed that the application was for a provisional grant and that there were no objections or representations in respect of the application.**

**Mr Dunlop submitted that Mr & Mrs Loy and their children had operated the premises as a café since 2005. The name of the premises was comprised of their children's initials. The premises provided breakfast, snacks and lunches. Mr Dunlop advised that Mr Loy**

was a Chef and had initially intended to expand the business in 2008 but due to the financial crash had to put this on hold. Mr Dunlop further advised that the applicant was now in a position to expand the business and purchased the premises at No. 18 Main Street, Dalmellington, with the intention of merging the two premises into a café/restaurant. Mr Dunlop advised that a substantial investment of £120,000 had been made by the applicant. It was the intention to employ 2 additional staff to assist in the operation of the premises.

Mr Dunlop pointed out that there was no overprovision of on-sales premises within East Ayrshire and that the premises would not be providing off-sale which was overprovided for within East Ayrshire. Mr Dunlop also pointed out that there were no similar premises within Dalmellington and it was hoped that the business would attract people to the area.

Mr Dunlop stated that during the 17 years operating the premises there had been no crime or disorder, no public nuisance and that the addition of alcohol with a meal would not contravene the health objective.

Mr Dunlop confirmed that it was a long standing family business and the expansion would improve the local amenities and asked the Board Members to grant the provisional premises licence.

The Chair asked for confirmation if the premises were completed and who the Designated Premises Manager would be.

Mr Dunlop confirmed that the premises were now completed and that the DPM would be Cameron Loy.

The Chair asked for clarification on the terms of children 0 – 15 years entering the premises accompanied by an adult until 8.30pm but must leave the premises by 10.00pm

Mr Dunlop confirmed that children 0 – 15 years would not be permitted entry to the premises after 8.30pm and they must have left the premises by 10.00pm.

Councillor Mair pointed out that the premises were situated within a tenement building and asked who lived above the premises.

Mr Dunlop confirmed that the flat above the premises were not occupied by Mr & Mrs Loy.

The Depute Clerk asked if alcohol would be available at children's parties.

Mr Dunlop confirmed that children's parties would be supervised by the applicant and that no alcohol would be available.

The Members adjourned to further consider the application.

Upon returning the Chair moved that the application be granted and this was seconded by Councillor John Campbell.

As there was no other motion, it was unanimously agreed to grant the application as sought.

**The Depute Clerk confirmed that the application for Provisional Grant had been granted and reminded Mr Dunlop that a Confirmation of Provisional Grant application would be required.**

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