

EAST AYRSHIRE LICENSING BOARD

Minute of the Meeting of East Ayrshire Licensing Board, held within the Council Chambers, East Ayrshire Council Headquarters, London Road, Kilmarnock and digitally through Microsoft Teams, on Tuesday 25 April 2023 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Stephen Caning, Councillor Elaine Cowan, Councillor William Crawford, Councillor June Kyle, Councillor Claire Leitch and Councillor Kevin McGregor.

ATTENDING: Stuart McCall (Depute Clerk to the Licensing Board), Mr Ian Hiles (Licensing Standards Officer), Ms Carolyn McEwan (Licensing Standards Officer) Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

APOLOGIES: Councillor Lillian Jones and Councillor David Richardson.

1. SEDERUNT

Noted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated by the Board Members, however Councillor Crawford noted the variation application by Ballochmyle Golf Club to be considered by the Board and advised that he was a Social Member of the Club. The Depute Clerk confirmed that being a Social Member of the club would not prevent Councillor Crawford from taking part in the consideration of the variation application.

3. MINUTE OF MEETING

The Minute of the meeting of East Ayrshire Licensing Board held on 28 March 2023 was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Depute Clerk reported on the applications discharged under delegated authority between 21 March and 18 April 2023, namely:-

Minor Variation	:	4
S33 Transfer of Premises Licence	:	1
Grant of Personal Licence	:	9
Automatic Entitlement to Gaming Machine	:	1
Extended Hours	:	2
Occasional Licences	:	34

The Depute Clerk reported that of the 34 Occasional Licences granted, 13 were granted to Club premises, 10 to Personal Licence holders, 6 to Premises Licence holders and 5 to Voluntary Organisations.

It was noted that, as of the date of the report, there were 985 Personal Licences and 292 Premises Licences in force.

5. APPLICATIONS

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

6. STATEMENT OF LICENSING POLICY

The Depute Clerk reminded the Board of their statutory obligation, in terms of section 6 of the Licensing (Scotland) Act 2005, to publish a statement of policy with respect to the exercise of their functions under the Act. He advised that the Board's current Policy Statement was agreed in November 2018 and was due to expire in November 2023.

The Depute Clerk reminded that the Licensing Board, in the exercise of their functions under the Act, must have regard to the licensing objectives:-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health, and
- protecting children and young persons from harm

The draft statement therefore strives to ensure that Board policies are consistent with these objectives whilst at the same time setting out details of the general approach the Board will adopt in the making of licensing decisions.

The Depute Clerk advised that, as part of the statement's preparatory process, the legislation requires that a period of consultation take place with the Local Licensing Forum for the Board's area and such other persons as the Board thinks appropriate. Subject to the approval of the Board, it was proposed that the period of consultation last between 1 May and 26 June 2023, a period of eight weeks. Responses received to the consultation would be placed before Board Members at their meeting on 22 August, with the finalised statement being placed before Members at their meeting on 12 September for approval. This would allow a sufficient period of time for the publication of the statement by 30 November in accordance with the Board's statutory obligations.

The Depute Clerk proposed that the Board consult with a wide range of interested parties to include:-

- The East Ayrshire Local Licensing Forum (whose membership includes trade, community, health and Police Scotland representatives as well as the East Ayrshire Council Licensing Standards Officers);

- Members and Officers of East Ayrshire Council (particularly in relation to planning, building standards, environmental health and education and social services);
- The operational Community Councils within East Ayrshire;
- The East Ayrshire Community Planning Forums;
- The East Ayrshire Child Protection Committee;
- Alcohol Focus Scotland;
- Scottish Fire and Rescue Service;
- Existing licence holders;
- Local faculties of solicitors; and
- The general public (by way of advert and East Ayrshire Council's website)

After full consideration of the matter the Board:-

- (i) approved the draft statement of licensing policy; and
- (ii) authorised the Clerk to the Licensing Board to embark on the formal consultation exercise in relation thereto;

There being no further business, the meeting ended at 10.55am.

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

Ballochmyle Golf Club

Ballochmyle Golf Club
Catrine Road
Mauchline

Details of the variation:-

To amend the operating hours of the premises, to open from 10am during the golf season (April to September each year - both on and off sales).

Children and Young Persons aged 0 – 17 years are currently permitted access to the premises during the core hours as junior club members or guests of club members to partake in bar meals or social functions within the Snug bar and Junior Lounge without an adult and within the main lounge and snooker room with an adult.

Children/Young Person access to be amended to:-

Children and Young Persons aged 0 – 17 years will be permitted access to the whole premises when accompanied by an adult and within the games/snooker room unaccompanied by an adult, during the core hours as junior club members (or guests of club members), to partake in bar meals or to attend social functions.

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

Mr Harrow, Secretary of Ballochmyle Golf Club, appeared before to the Board to speak in support of the application. He explained at the club was struggling financially and that it was hoped to attract new members. He continued that the club was to be refurbished to accommodate younger members and that the childrens lockers were to be integrated with the adult lockers to allow better supervision.

In respect of the operating hours, Mr Harrow explained that the increase was something requested by members of the club to allow for early morning competitions.

The Chair referred to the proposed amendment to the terms that children and young persons would be permitted access to the premises and asked for more information regarding supervision.

Mr Harrow advised that children and young persons would be permitted access to the whole premises when accompanied by an adult, however would be permitted access to the games/snooker room unaccompanied by an adult. He explained that there was no bar in the games/snooker room and that this was covered by CCTV.

The Depute Clerk enquired about the membership of the club, and particular the split between male and female members.

Mr Harrow advised that there were currently 500 members of the club, made up of approximately 90% male and 10% female. Coaching for children up to 15 years of age

also took place at the premises. He continued that the Ayrshire Golf Association had advised that there had been an increase in the number of females taking up golf.

As there were no further questions, the Chair moved that the variation be granted. This motion was agreed unanimously.

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

Susan Kelly 35 Lainshaw Street
Stewarton

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

Licensed hours applied for:-

On Sale

Sunday – Wednesday	11 am - 12 Midnight
Thursday - Saturday	11 am – 1am

The premises will be used as a Dance School with a pop-up bar/food facility for functions and events.

Bar meals may be available within the premises. The premises will cater for conferences, weddings, funerals, birthdays, club and group meetings etc. Recorded music, live performances and dance facilities may be provided during the trading hours.

Children and young persons aged from 0 – 17 years may be admitted access to the premises, when accompanied by an adult, during the core licensed hours, to attend events/functions. Children and young persons aged from 0 – 17 years may be permitted access to the premises outwith the core hours (from 9am) to attend functions/events, however no alcohol will be available. The proposed occupant capacity of the premises is 150.

Disabled Access Statement – Building has level access to side of main hall; Smoke/fire alarm system has integral flashing lights; Tables and seating will be moveable and access routes shall be min. 1200mm to accommodate disabled; Assistance dogs shall be welcome and staff shall be available to assist where required.

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

Susan Kelly, owner of Jam Street Dance Studio, appeared before the Board to speak in support of the application, together with Maxine Gaugh, proposed Premises Manager. Ms Kelly explained that the premises were previously licensed as a club and that the licence was sought to bring the premises back to the hub of the community. She advised that she operated similar premises in Kilmarnock.

The Depute Clerk was aware of the premises in Kilmarnock and that they had operated for some time. The Depute Clerk referred to the plan of the premises, noting that the

premises were over two floors and that there were offices to the rear of the premises. He asked if all of these areas would be covered by the licence.

Ms Kelly advised that it was intended to rent the first floor of the premises and therefore this area should not form part of the licensed premises, however the offices and storage area to the rear should be covered by the licence, as this area would be used for costumes etc.

Maxine Gaugh explained that there were no longer many facilities in Stewarton for families. She submitted that it was intended to hold classes and events for families in the premises and to bring the premises back to the hub of the community. Ms Gough advised that she had approximately 33 years' experience in the licensed trade.

Ms Kelly submitted that Stewarton had increased in size and that there was nowhere to hold funerals etc. She concluded that the licence was required to cater for functions, as the dance studio alone did not generate enough income.

As there were no further questions, the Chair moved that the provisional licence be granted. This motion was agreed unanimously.
