

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 28 February 2023 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Lillian Jones, Councillor Claire Leitch, Councillor Kevin McGregor and Councillor David Richardson.

ATTENDING: Stuart McCall (Depute Clerk to the Licensing Board), Inspector Iain Farmer and PC Kate Thornton (Police Scotland), Mr Ian Hiles (Licensing Standards Officer), Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

APOLOGIES: Councillor Stephen Canning, Councillor Elaine Cowan, Councillor William Crawford, Councillor June Kyle.

1. SEDERUNT

Noted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated by the Board Members.

3. MINUTE OF MEETING

The Minute of the meeting of East Ayrshire Licensing Board held on 24 January 2023 was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Depute Clerk reported on the applications discharged under delegated authority between 16 January and 19 February 2023, namely:-

Minor Variation	:	5
S33 Transfer of Premises Licence	:	1
Grant of Personal Licence	:	14
Renewal of Personal Licence	:	2
Renewal of Small Society Lottery Registration	:	17
Extended Hours	:	1
Occasional Licences	:	53

The Depute Clerk reported that of the 53 Occasional Licences granted, 11 were granted to Club premises, 26 to Personal Licence holders, 9 to Premises Licence holders and 7 to Voluntary Organisations.

It was noted that, as of the date of the report, there were 1162 Personal Licences and 293 Premises Licences in force.

5. KING'S CORONATION

The Depute Clerk advised that purpose of the report was to invite Members to consider allowing licence holders to trade extended hours from Friday 5 May until Monday 8 May 2022 to celebrate the Coronation of His Majesty King Charles III on 6 May 2023.

The Depute Clerk reminded Members that the vast majority of on sale licensed premises within East Ayrshire operated until 1am from Thursday to Saturday and until midnight on a Sunday, with late night premises operating until 2.30am from 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 to advise licence holders to apply for extended hours applications if they intended to celebrate the Coronation, whereby each application would be considered on its own merits.

The Board adjourned to consider the matter.

Upon returning Councillor Jones moved that a General Extension be granted to

allow all on sale licensed premises within East Ayrshire to remain open until 1am on Sunday 7 May 2023. Councillor Jones was of the opinion that granting a General Extension may assist the licensed trade to recover from the effects that the COVID pandemic had on the trade. This motion was seconded by Councillor McGregor.

The Chair moved that any licence holder wishing to open later, where specific events had been arranged to celebrate the Coronation, should submit an application for extended hours. Each application would then be considered on its own merits. This motion was seconded by Councillor Barton.

The matter was put to the vote and it was accepted that any licence holder wishing to open later to celebrate the Coronation of His Majesty King Charles III, should submit an application for extended hours, by a majority of 4 votes to 2.

6. APPLICATIONS

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

7. PERSONAL LICENCE REVIEW HEARING

Review of personal licence EA/PL/2075/19 for Brian Robert Green, in terms of Section 84A of the Licensing (Scotland) Act 2005, following receipt of a notice issued by Police Scotland.

Mr Green appeared before the Board and requested that consideration of the Personal Licence Review be continued to a future meeting of the Board. He explained that he had pled not guilty to the charges and wished the Review Hearing to take place after the matter had been to Court.

Inspector Farmer reported that the matter was with the Procurator Fiscal, with a Court date to be set.

The Board adjourned to consider the matter.

Upon returning Inspector Farmer had established that a trial diet had been set for 28 March 2023. Accordingly, the Board unanimously agreed to continue consideration of the Review Hearing and requested the Depute Clerk to liaise with Police Scotland with a view to bringing the Personal Licence Review to a future meeting of the Board.

8. PREMISES LICENCE REVIEW

Continuation of premises licence review hearing for premises known as Portmann Hotel, 42 Portland Road, Kilmarnock following receipt of a Premises Licence Review Application in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005.

The Depute Clerk advised that a request had been received to continue consideration of the Renew Hearing to the next meeting of the Board as the Licence Holders' Agent was unable to attend the meeting due to other business commitments. The Board agreed unanimously.

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

The Prince's Foundation

Dumfries House Estate
Cumnock

Details of the variation:-

To increase the occupant capacity of the Dumfries House Lodge to 61 to include Cottages 1 and 2 and the Dovecot Apartment; To include an outdoor drinking area at Dumfries House Lodge (lodge garden area) and to increase the licensed hours as follows:-

Current Hours (on sale)

Sunday - Wednesday : 11am - 12 Midnight

Thursday - Saturday : 11am – 1am

Proposed Hours (on sale)

Sunday – Saturday : 11am – 1am

Sheila Gregory, Events Manager at Dumfries House Estate, appeared before the Board together with Colin Caird, Dumfries House Lodge Manager. Ms Gregory advised that the request to amend the licensed hours of the premises should be removed from the application.

Ms Gregory explained that this was a retrospective application to bring into line what was currently being offered at Dumfries House Lodge. Due to an oversight, the application had not been lodged earlier.

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

The Chair advised that he had recently visited the premises, with Ian Hiles, LSO, and was impressed with the operation of the premises.

The Board agreed unanimously to grant the variation, as amended.

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

Sainsbury's SL Limited

Sainsbury's Supermarket
1-15 Rigg Street
Stewarton

Details of the variation:-

Internal reconfiguration resulting in an increase to the alcohol display area from 40.5m² to 51.75m².

The Depute Clerk advised that a request had been received from the Agent for the applicant to continue consideration of this application to a future meeting of the Board. The Board agreed unanimously.