

EAST AYRSHIRE LICENSING BOARD

Minute of the Meeting of East Ayrshire Licensing Board held within the Council Chambers, Council Headquarters, London Road, Kilmarnock, and digitally through Microsoft Teams, on Tuesday 22 April 2025 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Caroline Barton, Councillor Stephen Canning, Councillor William Crawford, Councillor June Kyle, Councillor Claire Leitch, Councillor Linda Mabon, Councillor Clare Maitland, Councillor Kevin McGregor and Councillor David Richardson.

ATTENDING: David Mitchell (Clerk to the Licensing Board), Ms Carolyn McEwan and Mr Ian Hiles (Licensing Standards Officers), Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

APOLOGIES: None.

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 18 March 2025, was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 12 March and 14 April 2025, namely:-

Minor Variation	:	7
Grant of Personal Licence	:	24
Renewal of Personal Licence	:	1
Renewal of Small Lotteries Registration	:	9
Occasional Licences	:	66

The Clerk reported that of the 66 Occasional Licences granted, 31 were granted to Personal Licence holders, 22 to Club Premises, 8 to Voluntary Organisations and 5 to Premises Licence holders.

It was noted that, as of the date of the report, there are 902 Personal Licences in force, an increase of 23 since the last report and 290 Premises Licences in force, no change from the last report.

5. APPLICATIONS

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

There being no further business, the meeting ended at 10.10am.

LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATION FOR GRANT OF A PREMISES LICENCE

East Ayrshire Council

Dagmar
18 Glaisnock Street
Cumnock

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

The premises consist of a lounge bar with outdoor drinking facilities at the rear of the premises.

Licensed hours applied for:-

On Sale

Sunday - Wednesday : 11am - 12 Midnight

Thursday - Saturday : 11am – 1am

Off-Sale

Sunday – Saturday : 11am – 10pm

It is intended to cater for receptions, including weddings, funerals and birthdays and club/group meetings within the premises. Recorded music, live performances, dance facilities, gaming, indoor/outdoor sports, televised sports, darts, dominoes, quiz nights, karaoke, comedians, cabaret acts, live bands, race nights, charity events and pool may also be provided within the premises, all within the core licensed hours.

The premises may remain open until 2am on 31 December each year.

Children and young persons will not be permitted entry to the premises.

The proposed occupant capacity of the premises is 152.

Disabled access & facilities statement – access to the premises is from a level surface; disabled toilet available; assistance dogs welcome.

The Clerk outlined the application and provided some background information on the property. He explained that a fire within a neighbouring property at 16 Glaisnock Street, resulted in that property being demolished. During the demolition it was noticed that the façade at 18 Glaisnock Street was coming away at the top where it should join the roof. This resulted in a Dangerous Building Notice being placed on the property.

When attempting to contact the owner in respect of the works, it was ascertained that there was no legal owner of the property at 18 Glaisnock Street. Therefore, to enable the necessary works to be carried out, East Ayrshire Council took ownership of the property.

The Clerk advised that work to the façade has been carried out and work required to the gable wall was near completion. He continued that, should the

Board be minded to grant the licence, it was hoped to put a tenant in place and thereafter to market the property.

The Clerk advised that the application would require to be amended to a provisional grant of premises licence as Building Standards were unable to issue a Section 50 Certificate at this time.

The Clerk advised that a representation had been received in respect of the application expressing concern regarding anti-social behaviour in the area and suggesting that children and young persons should be permitted access to the premises to socialise and consume non alcoholic beverages.

The individual who made the representation advised that he was unable to attend the meeting and was happy for the representation to be considered in his absence.

The representation was circulated to Members for consideration.

The Board noted their policy position -

The Board aims to ensure that premises which seek to accommodate children and young persons are managed in such a way that they are suitable for children. In determining any application where the Operating Plan indicates that Children and Young Persons are to be allowed on the premises the Board will consider the need to protect Children and Young Persons from harm as its principal concern.

Children and Young Persons under the age of 18 will only be permitted into licensed premises which are considered to be restaurants or into other licensed premises where:-

- 1. The primary purpose of allowing them access is to consume a meal (it is the expectation of the Licensing Board that Children and Young Persons leave the premises within a reasonable time after the consumption of a meal in compliance with the protecting Children and Young Persons from harm licensing objective) ; or*
- 2. To attend a pre-booked private function (a private function will be a function to which the general public are not permitted entry);*
- 3. The Board accept that children and young persons under the age of 18, who are resident in the premises, are allowed free access throughout the premises with the exception of the bar area. No children or young person will be permitted in the bar area except where the primary purpose of allowing them access is to consume a meal or to attend a pre-booked private function.*
- 4. In relation to Clubs whose primary object is sport, children and young persons under the age of 18, who are junior members of such Club, plus junior guests, are permitted access to participate in the sport.*
- 5. Where permission has been obtained in terms of the operating plan attached to the premises licence, Children and Young Persons may be permitted entry to premise for the duration of one hour prior to the*

commencement of certain sports events or the departure of any supporters bus from the premises.

When addressing the issue of protecting children and young persons from harm, applicants must demonstrate that those factors, which may particularly impact on harm to children or young persons, have been considered.

Applicants are reminded that they and their staff must comply with all other legislation in relation to children and young persons, including not selling or allowing the sale of alcohol to Children and Young Persons, whilst being mindful that Section 106(3) of the Act provides that it is lawful for an adult to buy alcohol for a young person in certain circumstances; not delivering alcohol to a child or young person, the employment of children and young persons and preventing or stopping a child from being breast fed in terms of the Breast Feeding etc. (Scotland) Act 2005. The Board would encourage consideration be given to restricting the number of alcoholic drinks provided to adults in charge of Children or Young Persons.

As the applicants had not demonstrated any of the above, the Board were not persuaded to deviate from policy and agreed unanimously that children and young persons should not be permitted access to the premises.

The Clerk noted Building Standards comments that, based on direction of door openings, the occupant capacity of the premises should be restricted to 60 persons.

Ms McEwan advised that Building Standards had confirmed that, once works were carried out to change the direction of the doors, the proposed occupant capacity of 150 should be acceptable.

The Board agreed unanimously to grant the provisional premises licence.

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