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 21 April 2026 at 10am.

SEDERUNT: Councillor Caroline Barton, Councillor Stephen Canning, Councillor June Kyle, Councillor Claire Leitch, Councillor Linda Mabon, Councillor Clare Maitland and Councillor David Richardson.

ATTENDING: David Mitchell (Clerk to the Licensing Board), Sergeant David Markin and PC Guy Jenner (Police Scotland), Carolyn McEwan (Licensing Standards Officer), Patricia Duncan and Alison Hewitson (Licensing Board Administrators).

APOLOGIES: Councillor William Crawford, Councillor Drew Filson, Councillor Kevin McGregor.

1. SEDERUNT

Noted.

In the absence of the Chair, Councillor Leitch was nominated by Councillor Maitland to Chair the meeting. This motion was seconded by Councillor Mabon. There being no other motions, Councillor Leitch took the Chair.

2. DECLARATIONS OF INTEREST

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

3. MINUTE OF MEETING

The Clerk to the Licensing Board referred to the Board's agreement to support extending licensed hours of those premises wishing to screen the Scotland football games during the 2026 World Cup Tournament, subject to certain conditions.

With regards to the condition that the Designated Premises Manager of the premises is to be on duty during the extended hours, the Clerk invited Members to consider amending the condition to 'Designated Premises Manager, or a Personal Licence Holder, to be on duty during the extended hours' to allow for some flexibility over the holiday period. The Board agreed to the amendment.

The Minute of the meeting of East Ayrshire Licensing Board, held on 17 March 2026, was approved, subject to the amendment.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 10 March and 13 April 2026, namely:-

Minor Variation	:	9
S34 Transfer of Premises Licence	:	1
Grant of Personal Licence	:	8
Renewal of Personal Licence	:	1
Renewal of Small Lotteries Registration	:	2
Extended Hours	:	1
Occasional Licences	:	67

The Clerk reported that of the 67 Occasional Licences granted, 22 were granted to Personal Licence Holders, 17 to Club premises, 15 to Voluntary Organisations and 13 to Premises Licence holders.

It was noted that, as of the date of the report, there are 919 Personal Licences in force, an increase of 4 since the last report and 287 Premises Licences in force, the same number as the last report.

5. APPLICATIONS

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

6. PREMISES LICENCE REVIEW

Review of premises licence for premises known as Meraki Nightclub, 5 St Marnock Place, Kilmarnock following receipt of a Premises Licence Review Application in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005 from Police Scotland.

7. PREMISES LICENCE REVIEW

Review of premises licence for premises known as Meraki Bar, 7 St Marnock Place, Kilmarnock following receipt of a Premises Licence Review Application in terms of Section 36(3)(b) of the Licensing (Scotland) Act 2005 from Police Scotland.

The Clerk advised that premises licence review applications had been received in respect of Meraki Nightclub, 5 St Marnock Place, Kilmarnock and Meraki Bar, 7 St Marnock Place, Kilmarnock. He explained that, although a single report had been received from Police Scotland detailing incidents within both premises, the review related to two separate premises.

The premises licence review applications had been submitted by Police Scotland in terms of Section 36(3)(b) of the Act on the basis that the

premises licence holder, West Coast Pubs (Kilmarnock) Ltd had failed to comply with the licensing objectives, preventing crime & disorder, securing public safety, protecting & improving public health and protecting children & young persons from harm.

Police Scotland was represented at the review hearing by Sergeant David Markin and PC Guy Jenner.

West Coast Pubs (Kilmarnock) Ltd, was represented by Henry McGregor, Adele Chilton and the tenant of the premises, Ross Gilmour.

As a preliminary matter, as both licences are held by West Coast Pubs (Kilmarnock) Ltd., it was agreed by all parties that the premises licence review hearings could be conjoined.

The review hearing continued in accordance with the agreed procedure, which was explained by the Clerk.

Sergeant Markin advised that the premises licence review applications had been submitted as there had been evidence of disorder and assaults within the premises as well as failings in the management of the premises, which required Police assistance.

In support of the premises licence review application PC Jenner reported as follows-

The Chief Constable makes application on the grounds that in terms of Section 36(3)(b) of the Act, on the grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely, Preventing Crime & Disorder, Securing Public Safety, Protecting & Improving Public Health and Protecting Children & Young Persons from Harm.

The Meraki facility is one building containing two premises, an upstairs bar and a downstairs club. They are considered two premises based on having separate entrance / exit points and therefore operate with a Designated Premises Manager in each. Both premises, however, come under the same roof, management, ownership and reported leaseholders.

For clarity, PC Jenner submitted that Police Scotland are seeking review of both premises.

PC Jenner continued that the upstairs "Meraki Bar" Premises Licence, granted by East Ayrshire Licensing Board, allows the premises to open for the on-sales consumption of alcohol from:

Sunday - Wednesday: 1100-0000hrs
Thursday - Saturday: 1100-0100hrs

The same Premises Licence is open for off-sales purchases from

Sunday – Saturday: 1100-2200hrs

The downstairs "Meraki Club" Premises Licence, granted by East Ayrshire Licensing Board, allows the premises to open for the on-sales consumption of alcohol from:

Sun-Wed: 1100-0200hrs
Thu-Sat: 1100-0230hrs

Since March 2025, the Meraki Bar / Meraki Club has been subject to 55 recorded routine inspections. The volume of alcohol intoxication incidents at both premises versus other local premises gives regular concern of staff overserving patrons. Specific examples of this are mentioned within this document.

Despite best efforts by Police Scotland's Divisional Licensing team to support both premises via an Intervention Plan, examples of concerns that breach the five core objectives of licensing regularly continue. Police Scotland therefore offer the following information in support of a Board review request for both premises.

The Premises Licence Holder of the Meraki facility is West Coast Pubs (Kilmarnock) Ltd., with the sole Director being Henry McGregor. Police have been repeatedly appraised by Ross Gilmour that McGregor is of ill health, and McGregor reportedly leases the Meraki Premises to Gilmour, Caithlin Galbraith, Lynn Hogan and Mark Hogan.

Police have been in regular contact with Gilmour, Galbraith and Lynn Hogan regarding concerns that have subsequently led to this Licensing Board review request. Police have been appraised that the fourth licence holder, Mark Hogan, has less direct involvement with the facility, relying upon wife Lynn to be appraised of circumstances pertinent to the premises.

The Designated Premises Manager for the Meraki Bar is:

Michelle English
Licence No EA/PL/2443
Issued 02/06/2023
Expiry 02/06/2033

The Designated Premises Manager for the Meraki Club is:

Caithlin Galbraith
Licence No EA/PL/2397/23
Issued 27/01/2023
Expiry 27/01/2033

Examples of breaches in Licensing Core objectives, which subsequently led to the premises being subject to an Intervention plan include:

Saturday 7 June 2025, 0015hrs, Police reference 126440 (Meraki Club): Disturbance where a glass was deliberately thrown at a victim and

caused a laceration above the eye that required stitches. Three other males were also assaulted during this altercation. Police observed door stewards were unable to confirm the number of patrons within. Other observations included questionably young patrons under high levels of intoxication, a distinct lack of premises controls, and evasiveness by staff.

Sunday 22 June 2025, 0118hrs, Police reference 126722 (Meraki Club): Police attended in response to several complaints of disturbances at locus. Two female witnesses, who were seen to continue verbal abuse upon Police arrival, were issued fixed penalty notices. Further Police observations included a lack of door stewards versus patron volume, and visibly high levels of intoxication by young patrons within.

Sunday 24 August 2025, 0100hrs, Police reference 127998 (Meraki Club): Police responded to an allegation by a female victim of having been sexually assaulted within the premises. Whilst the allegation lacked the evidence to substantiate a crime in this regard, the victim was confirmed to be just 17 years of age, and had reportedly been in the company of persons also below the age of 18.

Sunday 12/10/2025, 2200hrs, Police reference 128959 (Meraki Bar): Police responded to a complaint by a patron of witnessing a staff member of Meraki being assaulted. Police arrested a male for same, who had reportedly headbutted the victim during an altercation.

On Friday 28 November 2025 at 1930hrs, an extensive licensing visit took place (Meraki Bar and Meraki Club) in response to the repeated incidents of concern. Basic documentation flaws included:

- **No summary licence displayed.**
- **Premises licence missing.**
- **Layout plan missing.**
- **Operating plan missing.**
- **S110 Licensing Scotland Act not displayed.**

A check of the incident logbook confirmed this to be empty - despite the known incidents already mentioned, and potentially less major incidents unreported.

A refusal book was alleged to be in place but could not be located by staff at the time of visit. The bar staff member on duty, the now Meraki Bar DPM Michelle English, stated she had never had reason to refuse serving a patron. Concern of this was raised with English and supported the regular Police observations and complaints regarding underaged patrons and intoxication levels within.

Numerous environmental health and hygiene concerns were also found. These included:

- **Leaking male toilet (Meraki Bar) dripping through the floor into the kitchen area.**

- **Cistern lid (Meraki Bar) missing in male toilet.**
- **Pools of water (Meraki Bar and Club) on the floors of the toilets.**
- **Female toilet hand dryer (Meraki Club) hanging from the wall by its cable**
- **Female toilet seats (Meraki Club) missing.**

Police appraised the unacceptable findings to Environmental Health who conducted their own enquiries and rendered the kitchen area (serving Meraki Bar & Meraki Club) unusable until urgent repairs were made. It has not been ascertained whether these repairs have now been completed.

A 5" kitchen knife was also found behind the Meraki Bar. Its location, from the perspective of looking at said bar, was to the right of the staff bar entry hatch. This hatch was propped open and in easy reach for a patron. There were no lemons, limes or otherwise that would warrant reason for requiring a small, bladed article, to which a 5" knife would still not be a suitable choice. Asking for a reasonable excuse as to why such an item would be lying out, Police were appraised that the knife had remained there after using it to cut a cake for a birthday celebration held a week prior.

It was further ascertained that the Meraki Bar DPM at the time of the visit was leaseholder Lynn Hogan. Through her own admissions, Hogan rarely worked at the premises - and was therefore identified to be unsuitable to be the Designated Premises Manager of the Meraki Bar. With recommendation by both Police and East Ayrshire Licensing to submit a variation for a more appropriate DPM, management actioned this by replacing Hogan with Michelle English.

Michelle English was reportedly the main bar staff member working at the bar previously and was confirmed to be a Licensed Premises Holder. Concerns were raised by Police after being appraised by Ross Gilmour that English had recently been sacked, before reportedly being re-hired. Police appraised further concerns that, at the Licensed Premises visit on 28/11/2025, English provided admissions of having never had reason to refuse the serving of a patron. Police were appraised that English was a competent bar staff member and had the skills to run a premises to the five core objectives.

On Thursday 18 December 2025, an intervention meeting took place in response to the incidents and concerning findings of both premises. The meeting was attended by reported leaseholders Ross Gilmour, Caithlin Galbraith, Lynn Hogan, East Ayrshire Licensing Standards Officer Carolyn McEwan, Police licensing staff Aileen Dempster and Police Licencing Officer PC Guy Jenner. The intervention covered the points of concern aforementioned. Gilmour, as the main speaker for Meraki at the meeting, was afforded time to further discuss and implement additional comments before signing the Intervention. Those additional comments were added and signed at a further meeting on Monday 9 January 2026. Having spoken with attendees, Licensing was left with a level of confidence that staff had taken on board the

concerns highlighted and had resolved or were in the process of implementing changes necessary to work in line with Licensing (Scotland) Act 2005 core objectives.

Despite the suggestion of positive change, unfortunately incidents of concern have continued to gravely concern divisional licensing – both in their violent nature and frequency. More recent examples include:

Sunday 08 February 2026, 0110hrs, Police reference 131664 (Meraki Club): Police had conducted an earlier inspection to find no security staff at locus. Upon re-attendance a youth, known by Police to be just 15 years of age, was seen to enter the premises unchallenged. Police escorted this youth from the premises and, in the process, were assaulted by said youth. The manager, identifying himself as Ross Gilmour, alleged that the youth had sprinted into the premises to avoid being challenged for ID. The point to having SIA qualified door staff is to manage the door entry system with patrons who are legally allowed to and are welcome to enter the premises. One fifteen-year-old boy being able to enter a licenced premises unchallenged supports the concerns that this premises is not fit for protecting children and young persons from harm. It was further reported by Police that Gilmour himself was on the premises intoxicated through alcohol, which he subsequently provided admissions to. Gilmour was not reportedly drinking onsite, but had been working in another pub earlier and drinking before entering the Meraki Club premises. Again, an intoxicated person identifying himself as the manager to Police gives great concern of the protocols in place to prevent crime and disorder.

Saturday 14 February 2026, 2314hrs, Police reference 131778 (Meraki Bar & Club): Ongoing disturbance within locus, 2 males fighting. Upon Police arrival, two officers were violently assaulted by a patron within the Meraki Club. Upon attempting to gain the CCTV footage of said incident, staff alleged that the pertinent camera was not working. Footage that was captured on other cameras included another incident of fighting outside of the premises (near Meraki Bar entrance). Also, on the same day, date and time, a further male was detained at the Meraki Bar – visibly intoxicated through drink, and possibly other substance misuse. It was further noted that numerous other patrons were also visibly intoxicated in both premises – many of whom reportedly appeared young in age. Door stewards were described by attending officers of having little to no control of the premises - with ejected patrons seen to re-enter without challenge.

Sunday 22 February 2026, 0000hrs, Police reference 488002 (Meraki Club): A routine inspection within the nightclub found eight patrons who all left upon Police arrival. A check of the toilet areas showed significant flooding in both the male and female toilet areas. This gave concern of both the safety aspect and whether the toilets were being checked by staff in general.

Sunday 15 March 2026, 0200hrs, Police reference 132434 (Meraki Club): Door staff evicted two intoxicated males from the bar. One of the males reportedly racially abused the staff member and punched a door,

striking the staff member to the face. Enquiries continue in relation to identifying suspects involved.

Saturday 4 April 2026, 0230hrs, Police reference 132854 (Meraki Club): Report of 10-15 males fighting outside locus, with two door staff unable to contain the situation. Police attended and ascertained incident took place within the club premises between two parties. One party was asked to leave but both parties left and the fighting continued outside. Dispersed by the time Police arrived.

Alcohol related crime, violence and anti-social behaviour is a significant problem for our community and Police. The increasing financial, health and social costs associated with the misuse of alcohol is also of growing concern. The need for responsible licence holders, management and their staff who work within the licensed premises is particularly important to ensure a safe and secure environment within which to socialise. The Chief Constable has serious concerns that the objectives of the Licensing (Scotland) Act 2005 are not being met at the Meraki Bar & Club - particularly with regards to:

- **Preventing Crime & Disorder**
- **Securing Public Safety**
- **Protecting & Improving Public Health**
- **Protecting Children & Young Persons from Harm**

Police Scotland has attempted to provide support, guidance and advice to the DPMs and owners of the Meraki facility, and its unacceptable standards of operation and management. Despite this, they have been met with rejection, ineffective application and therefore the potential for further disorder remains high.

Whilst attending meetings without objection, owners and the DPMs of Meraki are demonstrating minimal intent to work to the five core objectives of the Licensing (Scotland) Act 2005. The Chief Constable has grave concerns that there is a significant threat to public safety caused by these actions, or lack of.

The premises licence holder, Henry McGregor, is not involved with the day to day running of the premises and is reportedly only contactable via solicitor. However, further to the Intervention meeting held on 18 December 2025, Mr McGregor has a responsibility to ensure that the processes and improvements required are met and due diligence applied. This has not been the case.

From the evidence gathered from Divisional Licensing, the conduct of both Designated Premises Manager and staff has fallen far short of the standards expected. In particular:

- **A clear lack in training / awareness / concern for legislation.**
- **Repeated unacceptable levels of intoxication through drink and / or drugs - including observations by Police of questionable staff sobriety.**

- **Repeated intelligence to suggest illicit drug use within both premises, supported by the opportunity through insufficient door control and toilet checks.**
- **Minimal efforts to work to the five core objectives set by Licensing (Scotland) Act 2005.**
- **Repeated and frequent disorder at both premises - including violent assault of officers within premises.**
- **Most incidents of disorder occur at weekends.**

On behalf of the Chief Constable, PC Jenner requested the Licensing Board to consider that the Meraki Bar and Club premises licence be suspended under the terms of Section 39(2) of the Act, for such a period as the Board may determine. This suspension length should take into consideration the time in replacing the Designated Premises Managers and ensure that all staff have valid Personal Licences.

Notwithstanding this, at the very least, on behalf of the Chief Constable, it was requested that the following conditions be imposed by the Licencing Board to improve the operating of the premises:

- **Merge the "two premises" into a single licence, operating and layout plan. The current "split" of premises is falsely suggesting reduced numbers of incidents that are all happening under the one roof.**
- **Replace the current DPM with a single, responsible, experienced DPM that is independent of the named leaseholders**
- **Amend the separate closing hours of two premises to a single closure by midnight. Most issues at this premises take place in the early hours, so closing prior would improve the safety of patrons, staff and members of the public.**
- **All members of staff employed to be Personal Licence Holders.**
- **Minimum 4 x SIA Licensed stewards to be a "requirement" on Friday and Saturdays from 1900hrs until the proposed midnight close.**
- **Prohibit premises from holding "DJ" events. Most incidents of disorder have been in conjunction with such entertainment**
- **Landline or mobile phones to be made available to allow staff to use in an emergency**
- **Assurances that all incidents of criminality or disorder - howsoever minor, are reported to Police**

PC Jenner concluded that the information provided was for the assistance of the Licensing Board and supplied in the strictest confidence and for the purposes of the review applications only.

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Mr Gilmour expressed concern that matters reported such as 'evasiveness of staff' were not detailed within the intervention plan.

PC Jenner explained that the premises licence review application was more detailed.

Mr Gilmour was of the opinion that this information should have been included in the intervention plan and stated that matters such as 'observations by Police of questionable staff sobriety' detailed in the review application was new information. He stated that he was unaware of staff members being intoxicated.

PC Jenner referred to the incident on 8 February when Mr Gilmour himself had been on the premises while intoxicated through alcohol. At that time Mr Gilmour had admitted to having consumed alcohol, although not on the application premises.

Mr Gilmour stressed that he had not been working within the premises at that time.

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There being no further questions, the Board considered the terms of the reports submitted to the Licensing Board by East Ayrshire Licensing Standards Officers, in terms of Section 38(4)(a) and (b) of the Act, in respect of both premises.

Ms McEwan provided details of visits to <u>Meraki Nightclub</u> made by Licensing Standards Officers since the licence was granted to West Coast Pubs (Kilmarnock) Ltd on 24 September 2013.

On the 6 July 2016, a visit was made to the premises at which time it was noted that the Summary of Premises Licence was incorrectly displayed. The member of staff on duty undertook to rectify this. All staff training records were available and correctly completed as well as Age Verification Policy declaration forms. Statutory notices were correctly displayed.

On 13 March 2025, a visit was made to the premises following receipt of a complaint that alcohol was being sold to persons under the age of 18 years. The complaint was discussed with the Designated Premises Manager, Caitlin Galbraith, who advised that ID is checked in the first instance by door stewards on entry and then again by staff behind the bar. It was suggested that further staff training be provided, to ensure that staff were aware that they must request ID from all persons who appeared to be under the age of 25 years, and to ensure that they were aware of the policy in relation to acceptable ID.

Following a visit to the premises by a Police Officer, Licensing were made aware of various issues which had been identified. On the 4 December 2025, a joint visit was made to the premises by a Licensing Standards Officer and an Officer from Environmental Health. Ross Gilmour, who advised that he was a tenant of the Licence Holder, West Coast Pubs (Kilmarnock) Ltd., was in attendance. A Remedial Action Notice was issued by an Environmental Health Officer regarding issues identified with the kitchen area. Following an inspection of the premises, no other issues were identified by the Environmental Health Officer.

Training Records were inspected and found to be in order. The Premises Licence was not available for inspection as is required by Section 52 of The Licensing (Scotland) Act 2005 (The Act), which requires the Licence Holder to secure that the Premises Licence, or a certified copy of it, is kept at the premises and is under the control of the licence holder or the premises manager. The Summary of Premises Licence was not displayed, as required by Section 52 of the Act which requires the licence holder to ensure that the Summary, or a certified copy of it, is prominently displayed on the premises so as to be capable of being read by anyone frequenting the premises. Guidance was provided to Mr Gilmour in this regard.

A Licensing Standards Officer accompanied PC Jenner of Police Scotland to an Intervention Meeting which took place on the premises on 18 December 2025. This meeting was arranged in order to highlight concerns by Police Scotland in relation to the management of the premises. Ross Gilmour, Caithlin Galbraith and Lynn Hogan, who advised that they were tenants of the Licence Holder, were present at the meeting. PC Jenner provided an Intervention Plan which is designed to highlight and rectify Police concerns within a licensed premises. This document contained an Action Plan which detailed suggested measures which could be implemented within the premises in an effort to ensure proper management and reduce the number of incidents taking place within the premises.

In respect of visits to Meraki Bar, Ms McEwan reported that a visit to the premises on 1 April 2015 identified that staff training was ongoing and guidance was provided in relation to the sale of alcohol. The Premises Licence was not available for inspection, as is required by Section 52 of The Licensing (Scotland) Act 2005 (The Act) which requires the Licence Holder to secure that the Premises Licence, or a certified copy of it, is kept at the premises and is under the control of the licence holder or the premises manager.

Officers noted during the visit that tables and chairs were placed in an area outside the premises which was not covered by the Premises Licence. Guidance was provided in relation to the procedure required in order to obtain the necessary permission to allow alcohol to be consumed in this area.

Due to staff training having not been fully completed during the visit to the premises on 1 April a further inspection was carried out at which time staff training had been completed and Training Records were in place for all members of staff.

A further visit to the premises was made on 6 July 2016. The Summary of Premises Licence was incorrectly displayed and the member of staff on duty undertook to rectify this. Staff training records were available and found to be in order and staff had signed Age Verification Policy declaration forms. Statutory notices were correctly displayed and all else was found to be in order.

A joint visit to the premises with Police Scotland on 23 June 2017 found all be in order with no issues identified.

During a visit to the premises on the 15 October 2021, Officers identified that the Summary of Premises Licence was not displayed, as per the requirements of Section 52 of the Act, which requires the Licence Holder to ensure that the Summary, or a certified copy of it, is prominently displayed on the premises so as to be capable of being read by anyone frequenting the premises. Guidance was provided in this regard. All else was found to be in order during the inspection.

Following a visit to the premises by a Police Officer, Licensing were made aware of various issues which had been identified. A joint inspection by a Licensing Standards Officer and an Officer from Environmental Health was thereafter arranged for 4 December 2025. Ross Gilmour, who advised that he was a tenant of the Licence Holder, West Coast Pubs (Kilmarnock) Ltd., was in attendance. A Remedial Action Notice was issued by the Environmental Health Officer relating to issues which had been identified within the kitchen area. Following an inspection of the premises, no other issues were identified by the Environmental Health Officer.

Training Records were inspected and found to be in order. The Premises Licence was not available for inspection and the Summary of Premises Licence was not displayed, despite previous guidance having been provided. It was noted that a S110 Notice was not displayed, as per the requirements of the Act, which requires that a Notice is displayed at all times, and at each place on the premises where sales of alcohol are made, and in a position where it is readily visible to any person seeking to buy alcohol.

Following contact having been made with the Licence Holder a duplicate Premises Licence and Summary was provided. S110 Notices were also provided for display at each point of sale within the premises.

A Licensing Standards Officer accompanied PC Jenner of Police Scotland to an Intervention Meeting which took place on the premises on 18 December 2025. This meeting was arranged in order to highlight concerns by Police Scotland in relation to the management of the premises. Ross Gilmour, Caithlin Galbrath and Lynn Hogan, who advised that they were tenants of the Licence Holder, were present at the meeting. PC Jenner provided an Intervention Plan which is designed to highlight and rectify Police concerns within a licensed premises. This document contained an Action Plan which detailed suggested measures which could be implemented within the premises in an effort to ensure proper management and reduce the number of incidents taking place within the premises.

Ms McEwan concluded that Licensing Standards Officers were not present and did not witness the events detailed in the Divisional Commander's Premises Licence Review requests in respect of Meraki

Nightclub or Meraki Bar and as such are unable to make comment in respect of incidents detailed within.

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There being no questions, Mr Gilmour was given the opportunity to address the Board.

Mr Gilmour submitted that he recognised the importance of complying with the licensing objectives and had fully engaged with the Police intervention. All that had been requested in terms of the intervention had been implemented and procedures were improved. There had been a period where there had been no issues and he had been praised for that.

Mr Gilmour did not deny the reported incidents and addressed each matter.

Referring to the incident reported on 7 June 2025 Mr Gilmour submitted that security staff had intervened, first aid had been given and the Police had been called.

Addressing the incident on 22 June 2025, Mr Gilmour accepted that there was a problem with youths under the age of 18 years attempting to gain access to the premises. He had engaged with Police Scotland and the LSO's in respect of this issue and had shown the quality of the fake ID being produced. Assistance had been requested in this regard.

With regards to the incident on 24 August 2025, Mr Gilmour admitted that the female referred to was 17 years of age but had produced genuine identification. It had later been ascertained that the ID had not been her own. He advised that the allegation made by the female had been found to be false and that she had been banned from the premises.

Regarding the indecent on 12 October 2025, Mr Gilmour denied that the staff member had been assaulted, explaining that he had been held by the jacket. He advised that staff had telephoned the Police as they had been encouraged to do so. He stressed that these were one of the few premises who did contact the Police to report incidents.

Regarding the visit carried out on 28 November 2025 where it was noted that the premises licence was not within the premises and the summary premises licence was not being displayed, Mr Gilmour explained that all paperwork had been with his Accountant due to a variation application having been lodged with the Licensing Board.

In respect of the leaking male toilet, Mr Gilmour advised that, as the toilet only leaked when flushed, a 'do not enter' sign had been displayed outside the toilet. This being the case, the area had been used for storage. He confirmed that East Ayrshire Council's Environmental Health Service had been contacted and the premises had been inspected, with no concerns.

Addressing a knife being behind the bar, Mr Gilmour disputed that the knife had been within easy reach of patrons. The knife had been used to cut a birthday cake the week prior to the visit by Police Scotland.

With regards to Michelle English's admission that she had never had reason to refuse the serving of a patron, Mr Gilmour advised that Ms English was a good member of staff, however had been sacked due to her poor time keeping. He explained that Ms English had only been re-employed the week prior and had carried out two shifts when the question was asked of her regarding the refusals book. As she had only worked two shifts there had been no opportunity for Michelle to enter anything into the refusals book.

Mr Gilmour addressed the incident on 8 February 2026 whereby a 15 year old youth had entered the premises unchallenged. He explained that he had been working at the Loudoun Arms, had finished his shift at 12.50am and had returned to Meraki Nightclub. He stressed that the DPM was on duty and denied that he had introduced himself as manager.

Mr Gilmour continued that the 15 year old had not been within the premises but was being chased by Police and had run into the stairwell of the premises. He stressed that the youth had not gained access to either Meraki Bar or Meraki Nightclub but had hid in the staircase. Addressing the boy being able to access the staircase without challenge, Mr Gilmour explained that this would have been prevented as there would normally have been two stewards on duty, however one had not appeared for work as he had been sick.

With regards to the incident on 14 February 2026, Mr Gilmour explained that two boys had been fighting outside the premises. As one boy had fallen and hit his head on the cobbles, he was taken back into the premises and taken to the kitchen area for first aid. The other boy had been taken upstairs and the Police had been called. Addressing the CCTV system not working, Mr Gilmour advised that the system had been upgraded 4/5 months previous and was in working order. He advised that CCTV footage could not be provided as the system did not cover the kitchen area as this area was for staff only.

Mr Gilmour accepted that staff had been unable to locate the refusals book as it had been kept on top of the fridges and had fallen between. The book had since been moved to a better location.

Mr Gilmour submitted that he employed Stewards using two separate companies as it was a struggle to get SIA stewards.

Providing details of procedure put in place to prevent further issues, Mr Gilmour advised that the premises now operated an over 21's policy, challenge 25 posters were displayed within the premises, Meraki Bar did not operate beyond 11pm and the CCTV system had been upgraded.

The Clerk enquired as to what was discussed during the intervention with Police Scotland and what measures had been put in place as a result of the intervention.

There was a short adjournment to allow Members of the Board to receive a copy of the Intervention Plan.

Mr Gilmour advised that the problems with fake ID had been highlighted at the intervention meeting. As a result, an over 21's policy had been introduced, challenge 25 posters were displayed, staff on duty had been increased from 1 member to 2 members of staff, SIA Stewards had been increased from 2 to 3 Stewards.

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The Clerk asked PC Jenner if fake ID was becoming more difficult to detect.

PC Jenner agreed that it was very difficult to detect fake ID, which was becoming easier to obtain. He then questioned how ID checks were being carried out at the premises as, in his opinion, if someone looked under the age of 18 years of age, then they probably were under 18 years of age. He continued that if a licence holder knows that there are issues with fake ID then checks should be thorough.

The Clerk asked for confirmation that there was a period of calm following the intervention.

PC Jenners advised that there had been a quieter period over the festive season with less incidents being reported.

The Clerk enquired as to why there were more incidents after 8 February 2026.

Mr Gilmour reiterated the issues with fake ID. He stressed that the 15 year old detailed in the incident on 8 February had not gained access to the premises. As only one Steward had been on duty, due to sick leave, the Steward had been within the nightclub carrying out checks when the 15 year old had entered the staircase and hid. He stated that this had been very brief and that CCTV footage of the incident was available.

The Clerk confirmed that Mr Gilmour had not been wrong to telephone Police Scotland regarding incidents, however asked if Mr Gilmour accepted that regular calls would suggest that the premises were not being properly managed.

Mr Gilmour stated that he had been advised to inform Police Scotland of any incidents so that it could not be suggested that there was any attempt to hide a crime.

With regards to the incident on 14 February 20026, Mr Gilmour advised that around 11pm a boy, his girlfriend and a friend had been within the

bar, finishing their drinks. The boy had made a cheeky remark to his girlfriend and the friend had slapped him. All three had left and were walking away from the premises when they started to fight. As a result, one of the males fell and hit his head. Due to his injury, they had been brought back into the premises and the boy was taken downstairs to receive first aid.

Mr Gilmour advised that, as a result of the fight, Police were called, however 15 Police Officers and 5 vans attended. Officers entered the premises, went downstairs and grabbed the male from behind, resulting in the male 'kicking off'. In Mr Gilmour's opinion there had been no need for the level of Police attendance and for the officers to be so heavy handed.

The Clerk asked if Police Officers were attempting to arrest the male and Mr Gilmour confirmed that they were attempting to arrest the male.

Sergeant Markin advised that the Police system showed that the action carried out by Officers was proportionate to effect an arrest.

The Clerk asked if the incident described by Mr Gilmour was accurate.

Sergeant Markin stated that there had been concerns regarding the condition of and the availability of CCTV footage.

Mr Gilmour advised that the CCTV system installed had 7 PTZ AI cameras with facial recognition. Audio was also available. He explained that, should there be a known troublemaker within the premises, that person could be identified and the camera would follow the person throughout the night. This was an advantage as many SIA Stewards were not local and had no local knowledge.

PC Jenner advised that a report was received of two males fighting. Upon arrival two officers were violently assaulted by a patron within the nightclub. Upon attempting to gain CCTV footage of the incident, staff alleged that the pertinent camera was not working. He submitted that this had been corroborated by both PC Cuthbert and PC Neilson.

With regards to the incident on 8 February whereby the 15 year old boy had gained access to the premises, PC Jenner reported that Police had conducted an earlier inspection to find no security staff at the locus. Upon re-attendance a youth known by Police to be 15 years of age was seen to enter the premises unchallenged. Police escorted this youth from the premises and, in the process were assaulted by the youth. The manager, identifying himself as Ross Gilmour, alleged that the youth had sprinted into the premises to avoid being challenged for ID. PC Jenner submitted that the details of this incident had been corroborated by both PC Grant and PC Clapperton.

Councillor Maitland asked how many interventions had taken place within the past three years.

PC Jenner explained that visits to the premises had been carried out. As concerns were expressed the premises were then monitored. As there continued to be concerns, an intervention was be arranged. As the intervention had not worked a premises licence review application had been submitted.

With regards to staff training, Councillor Maitland asked if a clear timetable was in place for regular staff briefings.

Mr Gilmour advised that staff received training every 6 months, with policy changes highlighted at training. Policies were also available to staff via the staff whatsapp chat.

Councillor Mabon noted that Meraki Bar closed at 11pm and asked for confirmation of the operating hours.

Mr Gilmour advised that Meraki Bar operates:-

Monday from 5pm until 11pm
Tuesday and Wednesday – closed
Thursday from 5pm until 11pm
Friday & Saturday from 11am until 11pm
Sunday from 12 Noon until 11pm.

Meraki Nightclub operates:-

Monday, Tuesday, Wednesday - closed
Thursdays, Fridays and Saturdays from 11pm until 2.30am
Sunday from 11pm until 2am

Councillor Mabon asked if the majority of customers moved from the bar to the nightclub when the bar closed.

Mr Gilmour advised that the bar was not busy and that on a Sunday most of the clientele in the nightclub were customers who came from The Loudoun Arms when those premises closed. He continued that the premises were quieter since introducing the over 21's policy and that the age of clientele was 35-60 years of age.

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There being no further questions, parties were given the opportunity to sum up.

Sergeant Markin reiterated that the premises licence review application had been submitted as there had been evidence of disorder and assaults within the premises as well as failings in the management of the premises, which required Police assistance. He continued that this was only the second premises licence review application he had been involved with in the past 12 months as Police Scotland had a good track record of working with licensed premises.

Sergeant Markin confirmed that the premises licence review applications had been submitted by Police Scotland on the basis that the premises licence holder, West Coast Pubs (Kilmarnock) Ltd had failed to comply with the licensing objectives, preventing crime & disorder, securing public safety, protecting & improving public health and protecting children & young persons from harm.

Mr Gilmour submitted that all concerns raised had been addressed and that he had co-operated with Police Scotland. Staffing and stewarding numbers had been increased, refusals books were available, regular toilet checks were carried out, an over 21's policy was in place and challenge 25 posters were displayed. Challenges with fake ID was identified and assistance was requested.

Mr McGregor submitted that he had operated a security company, worked well with the Police and had never had any issues with the operation of O'Shannons (another licensed premises in Kilmarnock which he operated) over the years. He indicated that the Pubwatch Scheme was a good tool for licence holders, however was no longer in operation in East Ayrshire. He stressed that he wished to work with the Police and LSOs.

Mr McGregor understood the issues regarding fake ID, stating that it was difficult to determine the age of some young people. Moving forward, Mr McGregor intended to introduce body cameras to be worn by staff and stewards. Mr McGregor concluded that this was his livelihood and that he hoped that he could work together with Police Scotland and the LSOs.

Ms Chilton advised that the issues regarding the operation of the premises had been unknown to both herself and Mr McGregor prior to 10 April 2026, as they operated O'Shannons. She continued that Mr Gilmour was a good tenant and that he had failed to advise them of the issues as he had simply been trying to protect Mr McGregor due to his ill health. She hoped that they could work with Police Scotland and the LSOs going forward.

The Clerk asked if Mr McGregor still operated a security company.

Mr McGregor explained that he had taken over the operation of O'Shannons when the security company closed. He continued that things had changed and that some difficulties arose as many stewards were no longer local and had no local knowledge.

The Board adjourned to consider the matter.

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Upon returning Councillor Richardson, seconded by Councillor Maitland, moved that the grounds for review, preventing crime & disorder, securing public safety, protecting & improving public health and protecting children & young persons from harm had been found to be established in respect of both premises.

As the Board were satisfied that the grounds for review had been established in respect of both premises, the Clerk invited parties to address the Board on the sanctions available to the Board and which they considered to be necessary or appropriate for the purposes of any of the licensing objectives, these steps being:-

1. **To issue a written warning to the licence holder;**
2. **To make a variation of the licence;**
3. **To suspend the licence for such a period as the Board may determine;**
4. **To revoke the licence.**

PC Jenner invited Members to consider that the Meraki Bar and Meraki Nightclub premises licences be suspended under the terms of Section 39(2) of the Act, for such a period as the Board may determine, to allow time to replace the Designated Premises Managers and ensure that all staff have valid Personal Licences.

Should Members determine not to suspend the licences, PC Jenner submitted that the following conditions be imposed to improve the operating of the premises:

- **Merge the "two premises" into a single licence, operating and layout plan. The current "split" of premises is falsely suggesting reduced numbers of incidents that are all happening under the one roof.**
- **Replace the current DPM with a single, responsible, experienced DPM that is independent of the named leaseholders**
- **Amend the separate closing hours of two premises to a single closure by midnight. Most issues at this premises take place in the early hours, so closing prior would improve the safety of patrons, staff and members of the public.**
- **All members of staff employed to be Personal Licence Holders.**
- **Minimum 4 x SIA Licensed stewards to be a "requirement" on Friday and Saturdays from 1900hrs until the proposed midnight close.**
- **Prohibit premises from holding "DJ" events. Most incidents of disorder have been in conjunction with such entertainment**
- **Landline or mobile phones to be made available to allow staff to use in an emergency**
- **Assurances that all incidents of criminality or disorder - howsoever minor, are reported to Police.**

Mr McGregor submitted that it was not feasible to employ 4 SIA Stewards and that, in his opinion having 3 stewards on duty, together with the upgraded CCTV system was sufficient.

Ms Chilton reminded members that both Mr McGregor and herself had been unaware of the issues with the operation of the premises until recently. Measures had been put in place and it was hoped that they

could work with Police Scotland and the LSOs to further improve matters.

Mr McGregor undertook to make regular visits to the premises and offer Stewards advice.

The Clerk asked what assistance Mr McGregor could offer his tenant.

Mr McGregor advised that he was a builder to trade and would arrange to have the toilets brought back to an acceptable standard.

The Clerk pointed out PC Jenner's proposal that all staff working within both premises should be personal licence holders.

Mr Gilmour advised that 6 staff members were already personal licence holders and arrangements were in place for a further 2 staff members to obtain personal licences.

Referring to the body cameras, the Clerk asked who would wear the cameras.

Mr McGregor advised that cameras would be worn by staff and stewards.

Councillor Leitch asked for an explanation as to how the body cameras worked.

Mr Gilmour explained that the body cameras would be worn by staff and stewards and could record for up to 7 hours. In Mr Gilmour's opinion, this would be more of a deterrent than CCTV.

Mr Gilmour noted the Police request to replace the current DPM with a single, responsible, experienced DPM that is independent of the named leaseholders and moved that this would not make any difference. He stated that there were known local troublemakers and every effort was being made to remove them from the premises.

In Mr McGregor's opinion, telephoning the Police to inform them of incidents was the correct course of action, however in respect of licensing, licence holders were being penalised for this action.

Ms Chilton sought clarity on when Police Scotland should be contacted.

Mr McGregor moved that, as licence holder he had a duty of care and if someone was injured he would help them. He inferred that because a person had been within the premises receiving first aid when Police officers had arrived, this had been used against him.

The Clerk advised that the Licensing Board expected that well operated premises would not generate a large volume of incidents and that the premises would be managed to control incidents prior to them escalating. The fact the Police officers required to attend the premises

regularly may suggest that the premises were not being operated well. He confirmed that it was helpful to share information with Police Scotland but that licence holders should manage premises and respond to incidents in the first instance.

The Board adjourned to consider the appropriate sanction.

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Upon returning Councillor Mabon moved that a written warning be issued to the licence holder and that the Premises Licences be varied by adding the following conditions to the licences. This motion was seconded by Councillor Barton. The Board agreed unanimously.

<u>Conditions</u>
<u>Meraki Bar</u>

1. **All staff must complete the Scottish Certificate for Personal Licence Holders training course and obtain a Personal Licence, all within 6 months of the date of being advised to the premises licence holder.**

2. **Stewards who hold a licence granted under Section 8 of the Private Security Industry Act 2001 must be present within the premises as follows:-**

   On Friday and Saturday nights, 2 Stewards must be present from 9pm until close of business and a further 1 Steward must be present from 10.30pm until close of business. Two Stewards present within the premises and 1 member of staff to wear body cameras while on duty.

<u>Meraki Nightclub</u>

1. **All staff must complete the Scottish Certificate for Personal Licence Holders training course and obtain a Personal Licence, all within 6 months of the date of being advised to the premises licence holder.**

2. **Stewards who hold a licence granted under Section 8 of the Private Security Industry Act 2001 must be present within the premises as follows:-**

   1 Steward must be present from 11pm until close of business on Thursday and Sunday nights. On Friday and Saturday nights, 3 Stewards must be present from 11pm until close of business. Two Stewards present within the premises and 1 member of staff to wear body cameras while on duty.

8. PERSONAL LICENCE REVIEW HEARING

Review of personal licence EA/PL/2397/23 for Caithin Galbraith, in terms of Section 84A of the Licensing (Scotland) Act 2005, following receipt of a notice issued by Police Scotland.

The Board agreed to continue consideration of the Personal Licence Review application to the next meeting of the Board.

9. PERSONAL LICENCE REVIEW HEARING

Review of personal licence EA/PL/2443/23 for Michelle English, in terms of Section 84A of the Licensing (Scotland) Act 2005, following receipt of a notice issued by Police Scotland.

The Board agreed to continue consideration of the Personal Licence Review application to the next meeting of the Board.

Appendix I

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

Scottish Midland Co-operative Society Ltd — Scotmid
69 Glaisnock Street
Cumnock

Details of variation:-

Amend the operating plan to include 'Charity events may take place within the store'.

The premises may offer supervised in-store tasting to allow customers to sample new and existing products both alcoholic and non-alcoholic.

A home delivery service of groceries, which may include alcohol, will be available subject to demand.

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

Scottish Midland Co-operative Society Ltd — Scotmid
57 Afton Bridgend
New Cumnock

Details of variation:-

Amend the operating plan to include 'Charity events may take place within the store'.

The premises may offer in-store tasting to allow customers to sample new and existing products both alcoholic and non-alcoholic.

A home delivery service of groceries, which may include alcohol, will be available subject to demand.

Ms Audrey Junner, Solicitor, appeared on behalf of the applicants, together with Brian Toner, Online Development Manager with Scotmid.

As the variation applications for Scotmid, 69 Glaisnock Street, Cumnock and Scotmid, 57 Afton Bridgend, New Cumnock were of a similar nature, it was agreed that both applications could be considered together.

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

Ms Junner submitted that the variations were sought to reflect customer purchase habits. She advised that Scotmid had a popular Kitchen Food to Go range included in their delivery service.

Ms Junner continued that all delivery drivers would be trained and would be alerted when alcohol was included in any delivery via a tablet. She submitted that Scotmid had gone beyond what was required in terms of Challenge 25 in that, when delivering alcohol, drivers would have to enter all customers dates of birth into the tablet, not just those who look under the age of 25. If a customer failed a check, the alcohol would be returned to the store.

Councillor Richardson commended the applicants for taking identification checks further by checking the age of all customers who received alcohol.

The Board agreed unanimously to grant the variation in respect of both premises.

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

Sainsbury's SL Limited — Sainsbury's Store, Glasgow Road, Kilmarnock

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

Licensed Hours applied for

Off Sale
Sunday – Saturday 10am – 10pm

The premises will be a supermarket located within a retail development.

Recorded background music and live performances may be played within the premises, both within and outwith the core licensed hours. General retail sales may occur outwith the core licensed hours. Live performances is purely to capture very occasional fundraising events where there may be a performance element, such as carol singers during the festive season.

The sale of alcohol, groceries and other non-food items which occurs from the premises includes fulfilment of remote orders by home delivery and/or "click and collect".

Part of the premises may be operated by third party concessions including dry cleaners, shoe repair facilities.

The premises may be used to launch new products and/or have product sampling/tasting events and host community and charity events or third party partners.

The proposed alcohol display area is 24.95m2.

Disabled Access Statement – Access to the premises is via an automatic door entrance from a level or ramped surface; width of aisles are appropriate to allow free

movement and safely accommodate electric scooters and wheelchairs; all customer areas are on the ground floor; customer services/entrance counter incorporates lowered section for wheelchair users; accessible toilets are available; Assistance dogs are welcome; staff will be available to assist customers as required; the premises will have at least one fire exit route which is suitable for persons with mobility issues.

Mr Stephen McGowan, Solicitor, appeared on behalf of the applicants, together with Vicki McGregor.

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

Mr McGowan submitted that Sainsury's SL Limited were a long established operator with 110 licensed stores across Scotland, the nearest one to the application premises being premises in Stewarton. He continued that the site was a purpose built new hub, with a proposed investment of £1m.

Mr McGowan pointed out that East Ayrshire Council had granted planning permission to support a new housing estate by Taylor Wimpey called Lairds Gardens, which would provide approximately 135 new homes. This would be 135 families who would be looking for a place to shop.

Mr McGowan reminded Members that the Sainsbury's Store in Stewarton operated well and had never caused any problems. He continued that he had acted for Sainsury's SL Limited for 7 years with no issues or premises licence reviews.

Referring to East Ayrshire Council's Local Development Plan, Mr McGowan stated that the new store would support the plan. As there were no other shops in the immediate locality, the store would meet the day to day needs of the local residents.

Mr McGowan circulated a statement to Members addressing the licensing objectives, which read as follows:-

Preventing crime and disorder

1 The premises are local supermarket selling a wide range of food and other goods. No alcohol is consumed on the premises. The premises will be carefully managed and any incidents of crime and disorder are extremely rare. All incidents are recorded in an incident book routinely checked by both store manager and area manager and the incident records can be made available for inspection on request.

2 The premises operate Challenge 25 policy. Training on age verification and "Think 25" is conducted twice a year. The Think 25 training has "Assure Advice" status under Primary Authority legislation in England & Wales, which shows it has been independently verified. The training is the same for Scotland.

3 Staff monitor the age of customers seeking to purchase alcohol and will challenge anyone who appears to be under the age of 25 to produce I.D.

4 A refusal log is kept with staff required to update it with details of any challenges made relating to age restricted products and these can be produced in electronic format for Police & LSOs if requested.

5 Automatic EPOS till prompts alert staff to age restricted products and require them to consider age of the purchaser and follow an on-screen process to complete the sale.

6 The premises security needs will be assessed on an on-going basis and increased security, such as security guards, will be added as required.

7 Sainsburys conduct their own in-house "test purchases" using a third party agency. These are conducted all over the UK and reports provided back to individual store managers should there be any further training needs identified.

8 Sainsburys have bespoke training on what the industry refers to as "proxy" purchasing i.e. around under age persons seeking to convince adults to buy alcohol for them. This training is rolled out to all staff across the UK.

9 Any advice from Police Scotland or other community organisations about the safe operation of the premises will be acted upon.

Securing Public Safety

1 Procedures will be in place for evacuation and accident/incident reporting.

2 The premises will comply with appropriate regulations and have approved exit routes, signage, and emergency lighting.

3 There will be fire extinguishers in the premises and a fire risk assessment is carried out in terms of relevant legislation.

4 The premises will have a comprehensive CCTV system with cameras covering the store, in particular, the alcohol aisle and the tills.

Preventing public nuisance

1 Sainsburys doesn't typically open late and the normal operation of the premises does not give rise to public nuisance.

2 Should Sainsburys staff witness any public nuisance unconnected to the premises but near to the premises, they will alert the proper authorities.

3 Sainsburys will provide CCTV footage of any street-level disturbance and co-operate with Police Scotland in their investigations.

4 Under planning conditions, there can be no deliveries outside of 7am to 11am.

Protecting and improving public health

1 Material promoting responsible drinking is displayed.

2 Staff will be trained to refuse the service to alcohol to anyone who appears intoxicated.

3 All relevant environment health regulations will be observed.

4 The minimum pricing requirement is observed at all times including for remote orders.

5 No irresponsible promotions are offered.

6 Sainsburys is an active member of Community Alcohol Partnerships across Scotland and the UK and this includes areas in East Ayrshire. Sainsburys was not only involved in the launch of the Stewarton Community CAP in October 2025, but was the launch venue.

7 It is recognised that job-creation has a positive impact on public health. The creation of around 24 new jobs specific to this locality will boost this licensing objective.

Protecting children and young persons from harm

1 Procedures for prevention of the sale of alcohol to persons under the age of 18 years will in place.

2 The company utilises till systems which issue a prompt at the till for the checkout operators to check the age of the purchaser and also the time of the sale.

3 Staff are trained on an ongoing basis as to acceptable forms of ID and best practice in refusals.

4 The company operates a robust home delivery policy to ensure children and young persons will not be given alcohol as part of a delivery.

5 Sainburys will never deliver alcohol to a public place, and this incudes public parks.

Addressing over provision, Mr McGowan submitted that, should the licence be granted, the increase in alcohol within the locality would be 0.75%, less than 1%, which in his opinion was de minimus.

As no objection or representation had been received in respect of the application, Mr Gowan commended the application and moved that the licence be granted.

Referring to the Local Development Plan, Councillor Richardson agreed that a store would be required in the location. The Board agreed unanimously to grant the provisional premises licence.

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

SEJM Trading Limited

Riverside Inn
2 Brown Street
Newmilns

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

Licensed hours applied for:-

On Sale
Sunday – Wednesday : 11am – 12 Midnight
Thursday – Saturday : 11am – 1am

Off Sale
Sunday – Saturday : 11am – 10pm

The premises are a ground level public house with a bar, kitchen, lounge area and an enclosed beer garden to the rear.

Restaurant facilities and bar meals will be available within the premises; the premises will cater for weddings, funerals, birthdays, retirements, group meetings, etc. and club and other group meetings; recorded music, live performances, dance facilities, gaming, indoor/outdoor sports, televised sport and outdoor drinking facilities may be provided, all within the core licensed hours. Additional activities to be provided within the premises will be Charity fundraising, live bands, comedy, karaoke, open mic open nights, disco, quiz nights, race nights, poker, pool and dominos.

Children and young persons from 0 – 17 years will be permitted access to the restaurant, pool room or beer garden of the premises, when accompanied by a responsible adult, for the purpose of having a meal until 10pm or to attend a funeral or private function for the duration of the function. The proposed occupant capacity of the premises is 140.

The premises will have disabled access – there is a ramp at main entrance, slope into bar, slope at the rear door for the beer garden; all toilets have handrails; accessible toilet facilities; all tables are easily accessible; assistance dogs welcome.

The applicants were not present or represented at the meeting.

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

The Clerk explained that the premises had been licensed previously, however the company who held the licence had been dissolved. As no transfer application had been lodged within the statutory 28 day timescale, the licence had ceased to have effect. This application had been lodged to obtain a premises licence again. He advised that the premises had continued to trade with Occasional Licences.

The Board agreed unanimously to grant the premises licence.
