

EAST AYRSHIRE LICENSING BOARD

Minute of the meeting of East Ayrshire Licensing Board held within The Council Chambers on Tuesday 22 June 2010 at 10am

SEDERUNT : Councillor J Campbell, Councillor H Coffey, Councillor E Dinwoodie, Councillor J McGhee, Councillor N McGhee, Councillor J MacKay and Councillor H Ross.

ATTENDING : Mr S McCall (Depute Clerk to the Licensing Board), Mr B Roy (Building Standards), Divisional Commander Fitzpatrick and Sergeant Menzies (Strathclyde Police), Mrs C McEwan and Mr I Hiles (Licensing Standards Officer), Mrs P Duncan and Ms S Gillies (Licensing Board Administrators).

APOLOGIES : Councillor J Buchanan, Councillor G Cree and Councillor R Cunninghame.

In the absence of the Chair, Councillor Campbell was nominated to Chair the meeting by Councillor H Ross. This motion was seconded by Councillor MacKay. There being no other motions, Councillor Campbell was appointed Chair.

The Chair welcomed everyone to the meeting and introduced the first item of business.

1. SEDERUNT

Noted.

2. MINUTES OF MEETINGS

2.1 Minute of the Licensing Board meeting held on 25 May 2010 was approved and noted.

3. APPLICATIONS

3.1 It was agreed by Board Members to consider the applications received under the Licensing (Scotland) Act 2005 and the Gambling Act, 2005 – Appendix I prior to consideration of the Review of Premises Licences.

4. REVIEW OF PREMISES LICENCE

4.1 Review of premises licence for premises at The Wheatsheaf Inn, 72 Portland Street, Kilmarnock following receipt of a notice in terms of Section 44 of the Licensing (Scotland) Act, 2005 from the Agents for the Licence Holders.

Ms Mundie, Solicitor, appeared on behalf of the licence holder.

The Depute Clerk reminded the Board that, in terms of Section 44 of the Licensing (Scotland) Act 2005, where a Licensing Board receives notification of a conviction from a licence holder, the Board must make a premises licence review proposal in respect of the premises licence. He advised that Strathclyde Police had confirmed that J D Wetherspoon Plc had been convicted of the undernoted relevant offences:-

Nottingham Crown Court on 1 October 2009:-

(1) Regulation 3 of the Management of Health and Safety at Work Regulations Contrary to Section 33(1) of the Health and Safety at Work etc Act 1974, and was disposed of by a Fine of £20,000.

(2) Breach of Section 3(1) of the Health and Safety at Work etc Act 1974 contrary to Section 33(1) of the Health and Safety at Work etc Act 1974 and disposed of by a Fine of £7,500. Prosecution Costs of £10,567.66 were also made.

Caerphilly Magistrates on 18 January 2010:-

(1) Section 2(2)(b) of the Health and Safety at Work etc Act 1974 contrary to Section 33(1)(a) of the Health and Safety at Work etc Act 1974, disposed of by a Fine of £3,500 and Prosecution costs of £914.54 plus £15 Victim Surcharge was also made in relation to the offence.

(2) Regulation 5(1) of the Management of Health and Safety Regulations 1999. Contrary to Section 33(1)(c) of the Health and Safety at Work etc Act 1974, disposed of by a Fine of £2,000.

(3) Regulation 9(1) of the Work at Height Regulations 2005. Contrary to Section 33(1)(c) of the Health and Safety at Work etc Act 1974.

Norwich Magistrates on 1 March 2010:-

(1) Health and Safety at Work Act 1974, Section 3(1) contrary to Section 33(1)(a) of the Health and Safety at Work Act, disposed of by a Fine of £9,000. Prosecution costs of £9,750 plus £15. Victims Surcharge was also made in relation to the above offence.

Ms Mundie submitted that the convictions were in terms of Health and Safety contraventions and were not in terms of the licensing legislation.

Ms Mundie further submitted that the company had 21,000 staff and had been established for 30 years with this being their first convictions. She advised that the company had received 130 awards for safer drinking environments. Ms Mundie also advised that the company employed external Environmental Consultants who drafted their Risk Assessments and Health and Safety Manuals. Ms Mundie advised that all new employees were required to attend centralised induction seminars which included completion of a Health and Safety workbook. Ms Mundie pointed out that the level of fines were imposed relevant to the size of the company and as the fines were relatively low this showed that the offences were minor.

The Board agreed to take no further action.

4.2 Review of premises licence for premises at Premier Store, 65 High Street, Stewarton following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised that Strathclyde Police had applied for a review of the premises licence for Premier Store, 65 High Street, Stewarton, on the grounds that the premises licence holder had failed to comply with the licensing objective of preventing crime and disorder.

Divisional Commander Fitzpatrick explained in full detail how the Test Purchase Operation was conducted.

Divisional Commander Fitzpatrick submitted that at 1730 hours on Friday 15 January 2010 a Test Purchase Operation was conducted at the premises and a test purchaser was sold four cans of Fosters lager without being asked for identification or being challenged as to their age. Consequently, a sales assistant was now the subject of a report to the Procurator Fiscal at Kilmarnock regarding the contravention of Section 102 of the Licensing (Scotland) Act 2005.

At 1715 hours on Friday 29 January 2010 a second Test Purchase Operation was conducted at the premises and on that occasion alcohol was not sold to the test purchaser.

The Depute Clerk advised Board Members that in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 it is a statutory requirement for Licensing Standards Officers to submit a report in respect of a premises licence review and Ian Hiles, LSO, reported as follows:-

The Transitional Premises Licence application submitted in terms of the Licensing (Scotland) Act 2005 in respect of the premises forming and known as Premier Stores, 65 High Street, Stewarton, was considered and granted by the Board at their meeting on 12 August 2008. The applicant was not present at the board meeting.

The premises known as Premier Store were visited on Monday 7th September 2009 to ascertain that all statutory requirements in terms of the current legislation were being met.

During the visit in September, the Premises Licence Holder and Designated Premises Manager, Mr Muhammad Sajjad was present. It was ascertained that all of the staff at the premises had received their minimum two hours training. The Summary Premises Licence and a relevant Notice in terms of Section 110 were properly displayed at this time.

Premier Stores, Stewarton was re-inspected on Thursday 25th February 2010 and the Premises Licence Holder and Designated Premises Manager, Muhammad Sajjad was spoken to. Training records for three staff members were seen and found to be in order. The display of the Summary Premises Licence and a relevant notice in terms of Section 110 were still correctly displayed within the premises.

During the above visit, Mr Sajjad also produced a memorandum that he had prepared and had been signed by all of his staff members. This memorandum had 13 addition points in connection with the sale of alcohol that Mr Sajjad had additionally trained his staff about.

The training record for Arshad Mahmood, the person subject to the report to the Procurator Fiscal was inspected. It showed that Mr Mahmood had received his two hours mandatory training under the 2005 Act on the 9th January 2010 from the Designated Premises Manager, Muhammad Sajjad. Mr Sajjad also produced a certificate showing that Mr Mahmood had undertaken a Servewise Licence Holder Course in September 2007 which was the training certificate undertaken prior to the introduction of the Scottish Certificate for Personal Licence Holders. Mr Sajjad also stated that Mr Mahmood would only be working at the premises until the end of March 2010 to cover whilst Mr Sajjad was visiting Pakistan.

Mr Sajjad also produced three refusals books, two of which were completed and the third having recent entries. Mr Sajjad also produced photocopies of passports and other identity cards which he had previously seized and handed over to the Police following attempted under age purchases at his premises.

A further visit on Thursday 15th April 2010 found that Mr Arshad Mahmood was no longer employed at the premises.

As the Licensing Standards Officers were not present and did not witness the events surrounding the test purchase we are unable to offer any information at this time.

Mr Reid Hamilton, Solicitor, appeared with the Premises Licence holder Mr Mohammad Sajjad.

Mr Hamilton advised the Members that Mr Sajjad was 39 years old and had 10 years experience in the licensed trade with no previous convictions. Mr Hamilton referred to the LSO's report and stated that the relevant Section 110 notices were properly displayed, training records for the premises were in order and that an additional 13 points were covered when training staff. Mr Hamilton again referred to the LSO's report which stated that a copy of a Servewise Training Certificate was produced along with 3 refusal books. Mr Hamilton pointed out that Mr Sajjad had also passed on fraudulent identification cards to Strathclyde Police and took his responsibilities seriously. Mr Hamilton advised the Members that Mr Mahmood who had been present when the failed test purchase took place, no longer worked at the premises.

Mr Hamilton summed up by stating that mistakes would always happen and the licence holder must ensure that training is as foolproof as possible.

Mr Hamilton requested that in terms of Section 39, the Board impose the minimum sanction of issuing a written warning to the licence holder.

The Board Members adjourned to discuss the matter further.

Upon returning the Depute Clerk advised that the Members had agreed that the ground of preventing crime and disorder had been established and the Members had requested that the Depute Clerk arrange for a written warning letter to be issued.

The Depute Clerk also advised that should a further application be made for a premises licence review in respect of the premises at any time in the future and the ground for review is established, the issuing of this written warning letter would be taken into account in determining any future course of action deemed suitable or necessary to the Licensing Board.

4.3 Review of premises licence for premises at The Buck's Head, 8 Bridge Street, Galston following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised that Strathclyde Police had applied for a review of premises licence for The Buck's Head, 8 Bridge Street, Galston.

Divisional Commander Fitzpatrick submitted that on Friday 4 December 2009 at approximately 2350 hours, East Ayrshire Council CCTV operators viewed a disturbance ongoing outside the subject licensed premises. They observed what appeared to be a fight between males who had exited the premise. Police Officers were requested to attend and on arrival, found some of the males, who had been

involved in the fight, consuming alcohol within the subject premises. The others involved had made off. As a result of this incident, one male was reported to the Procurator Fiscal.

On Sunday 3 January 2010 at approximately 1730 hours, Police Officers carried out a routine visit to the premise. At this time they spoke to Kirsty Jamie, the person in charge. The Police Officers attempted to carry out a check of training records, however they were informed by staff they had received no training.

On Saturday 9 January 2010 at 0030 hours, Police Officers were called to a disturbance within the subject premises by a member of staff. On arrival, they were met by the Designated Premise Manager, Fred Brown, who informed them that two males within had been abusive and disruptive which had escalated into a scuffle between said parties. Both males had been ejected from the premise and remain untraced.

On Friday 5 February 2010 at 2030 hours, police witnesses were on uniform mobile patrol in Bridge Street, Galston when their attention was drawn to a group of approximately 10 persons standing outside subject premises.

On attending at the premises, Police Officers found the group to be drunk. Police Officers entered the premises and spoke with the Designated Premise Manager, Fred Brown, and pointed out that they believed these individuals to be drunk and requested that they be served no more alcohol. Fred Brown confirmed that was hosting a 21st birthday party and informed the officers that he did not agree with their assessment. However, he stated that he would not serve them anymore alcohol.

The Police Officers left, however returned some half an hour later, at which point they found two males, who had previously been identified as drunk, exiting the premise in possession of open bottles of alcohol which were confiscated. Police Officers noted on entering the premise that the Designated Premise Manager, Fred Brown, was on the stage singing with his arms around two females. At this time the Designated Premise Manager, Fred Brown, was once again spoken to. He claimed the males must have bought the alcohol at an adjoining pub.

The premise was re-visited at 2200 hours and at this time a male was found outside the premise drinking what appeared to be alcohol from a pint glass. The alcohol was taken back inside the premise and an explanation for this was requested from the Designated Premise Manager, Fred Brown, at which time he stated "Do you expect me to stand outside to stop them leaving with beer."

On Sunday 7 February 2010 at 1710 hours, Police Officers carried out a routine visit to subject premise and at this time found one drunk male, who, due to his intoxicated state, was unable to walk. The Officers interviewed the staff member, Leigh Campbell and advised her not to sell any more alcohol to this male.

On Saturday 13 February 2010 at 2300 hours, Police Officer who were on uniform mobile patrol, passed the premise and found three males outside drinking alcohol. The premise was closed at this time, however, the males admitted to purchasing the alcohol and removing it from subject premise prior to closing.

On Friday 19 February 2010, the Designated Premise Manager, Fred Brown, was invited into Kilmarnock Police Office for discussion with Officers from the Divisional Licensing Department regarding the aforementioned incidents. At this time, Fred Brown gave assurances that he would ensure the premise would trade in a satisfactory manner.

On Friday 26 March 2010 at approximately 2345 hours, whilst a member of staff was taking a cigarette break outside the front door of the premise, she was approached by approximately 6 males looking to gain entry. She refused them entry as they appeared drunk. They became abusive and at this time she relented and allowed them entry for one drink. Throughout their visit they were abusive and intimidating to staff who eventually sought Police assistance. Due to the nature of the incident five Police Officers were actioned to the call.

On Police arrival, the member of staff was evasive and nervous about what had happened and failed to point out those responsible. She stated to Police that the designated Premise Manager, Fred Brown, was off duty, however the Premise Licence Holder, Mr Mohammad Najim, had advised her by telephone to close the premise while he made his way there.

Police advised the member of staff to switch off the jukebox and ask all those present to drink up and leave. The member of staff switched off the music, however, despite prompting, seemed afraid to speak up.

At the request of staff, patrons were asked to drink up and leave by the Police Officers and the premise was clear within 10 minutes. A search of the premise at this time found a drunk female sitting on the floor within the ladies toilets. Police Officers requested that her friend remove her.

Furthermore, the member of staff stated that persons had been smoking cigarettes within the premise and she felt powerless to stop them.

It was the opinion of Police Officers attending this incident that members of staff were unable to rise to the challenge of dealing with disruptive customers. Staff were spoken to by the police officers, however, were reluctant to name any persons involved in this incident.

No door stewards were employed at the premises.

Divisional Commander Fitzpatrick further submitted that at approximately 2315 hours on Saturday 29 May 2010, East Ayrshire Council CCTV operators viewed an ongoing assault outside the premises. Police offers were requested to attend and on arrival, found the victim who had sustained a cut to his lip. The males responsible for this assault were identified by East Ayrshire Council CCTV operators.

The males were subsequently arrested and were now subject of a police report to the Procurator Fiscal. Police officers found these males to be extremely drunk.

Further enquiry with East Ayrshire Council CCTV operators confirmed that the males had exited The Bucks Head licensed premises prior to engaging in the assault.

It was the Chief Constable's submission that throughout the above mentioned period, Strathclyde Police had worked closely with the Premise Licence Holder, the designated Premise Manager and his staff in order to prevent crime and disorder but that the catalogue of events showed that there had been a shortfall in the duty of care, raising concerns for public safety and a total disregard of the Licensing Objective, Preventing Crime and Disorder.

The Depute Clerk advised Board Members that in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 it is a statutory requirement for Licensing Standards

Officers to submit a report in respect of a premises licence review and Carolyn McEwan, LSO, reported as follows:-

The Transitional Premises Licence application submitted in terms of the Licensing (Scotland) Act 2005 in respect of the premises forming and known as The Bucks Head, 8-10 Bridge Street, Galston, was submitted by Ayrshire Commercial Properties Ltd, and thereafter considered by the Board at their meeting on 31 March 2009. At that meeting it was agreed to continue consideration of the application to a future meeting to allow both Building Standards Officers and Environmental Health Officers to re-inspect the premises due to problems with the sanitary accommodation.

A letter of complaint in terms of Section 31 of the 1976 Act and dated 5 May 2009 was received from the Divisional Commander, Strathclyde Police in respect of the premises. The Chief Constable complained in terms of Section 31(2)(a) of the 1976 Act that Mohammed Najim, the Secretary of Ayrshire Commercial properties Ltd and the Section 11 nominee, was no longer a fit and proper person to be the holder of the licence and that in terms of Section 31(2)(b) of the Act the use of the premises had caused undue public nuisance or a threat to public order or safety.

On 12 May 2009 the Board decided to hold a hearing in terms of Section 31 of the Licensing (Scotland) Act 1976. The Hearing was scheduled to take place on 23 June 2009. Mr Najim advised that he was unable to attend the Hearing on that date and as such the Hearing was re-scheduled to take place on 4 August 2009.

An application for Substitution of Employee was lodged by Ayrshire Commercial Properties Ltd., to substitute John McConnachie as the Section 11 Nominee of the premises. This application was granted by the Board on 17 June 2009.

Subsequent to the Hearing a letter dated 27 July 2009 was received from the Chief Inspector advising that the Chief Constable wished to withdraw the complaint as there had been no further incidents of note within the premises since Mr McConnachie had been appointed.

The letter also advised that Strathclyde Police would continue to monitor the premises and that any future issues would be brought to the attention of the Board.

The Transitional Premises Licence application was placed before the Board for consideration on 4 August 2009 and was duly granted.

On 28 September 2009, Mr Mohammed Najim, Director of Ayrshire Commercial Properties, attended at the Council Headquarters and advised that John McConnachie had left the premises on 24 September 2009. He advised that he intended to submit a Variation application to substitute a new Manager.

In terms of the legislation Mr Najim had six weeks in which to submit an application for Variation, otherwise the premises would need to close. The Mandatory Conditions attached to the Premises Licence state that alcohol is not to be sold on the premises at any time when there is no Premises Manager in respect of the premises, or the Premises Manager does not hold a Personal Licence.

An application for variation was lodged on 19 November to nominate Fred Brown as the Premises Manager. As Mr Brown was not in possession of a Personal Licence the application for Variation was not granted until 27 November 2009, following the grant of his Personal Licence. As a consequence Mr Najim had to close the premises between 9 November 2009 and 27 November 2009.

The premises were visited by Ian Hiles, Licensing Standards Officer on 23 September 2009. Training records were not available for inspection at that time. The Summary was properly displayed, however assistance was given with regard to the displaying of Notices.

The premises were visited again on 21 October 2009, however were closed and it was not possible to inspect the premises at that time. The premises were re-visited on 19 January 2010 at which time the Summary and Notices were not displayed as per the requirements of the Act. Training Records were checked and found to be in order. A further inspection of the premises was carried out on 29 January 2010 and at this time all was found to be in order.

The premises were visited again on 27 April 2010 following a complaint that the licensee was selling pints of lager for £2.00 between the hours of 12 Midday and 6.00pm and £2.50 from 6.00pm onwards. The mandatory conditions attached to the Premises Licence state that where the price of alcohol is varied the variation may only be brought into effect at the beginning of a period of licensed hours and no further variation of the price may be brought into effect before the expiry of 72 hours.

Fred Brown, Premises Manager, was present during this visit and was informed of the complaint. Mr Brown advised that he charged £2.00 for a pint of lager at all times throughout the day and stated that he was aware that he was not allowed to change the price during licensed hours.

An inspection of the premises was subsequently carried out and all was found to be in order. On checking the Training Records it was ascertained that there were a total of four members of staff who worked within the premises, one of whom was a Personal Licence Holder and one person was in possession of the Scottish Certificate for Personal Licence Holders. The two other members of staff had been trained by Fred Brown.

On 4 May 2010 at 3.00pm whilst visiting neighbouring premises, Carolyn McEwan and Ian Hiles, Licensing Standards Officers, observed a crowd of approximately 15 persons outside the Bucks Head, most of whom appeared to be under the influence of alcohol. Some of the persons also appeared to be under the age of 18 years, however, this was only the opinion of the Officers and was not confirmed.

Approximately 20 minutes later the Officers witnessed one of the males who had earlier been standing outside the Bucks head attempt to cross Polwarth Street. The Officers witnessed the male, who was unsteady on his feet, fall in front of an oncoming van. He thereafter became abusive, shouting and making gestures at the driver of the van and was thereafter taken away by males who had been accompanying him.

As the Licensing Standards Officers were not present and did not witness the events surrounding the incidents outlined in the police report we are unable to offer any information at this time.

Mohammad Najim, Premises Licence Holder and Fred Brown, Premises Manager, appeared before the Board.

Mr Najim submitted that all staff at the premises had received the minimum 2 hours training provided by the Premises Manager and that the training records were up to date. Mr Najim stated that customers moved between licensed premises in the area

and his premises. Mr Najim stated that some entered drunk and when asked to leave it was difficult to move them on from outside his premises. Mr Najim further stated that they were co-operating with the Police.

Councillor Ross asked the police if these premises were a greater strain on police resources than other licensed premises.

Divisional Commander Fitzpatrick replied that all premises were actively policed but a small list had a special designation and these premises were part of that list.

Councillor Neil McGhee asked the police if there was a comparison between incidents within the premises and outside and also if they were aware of the movement between these premises and premises in the locality.

Divisional Commander Fitzpatrick replied that there were a significant number of incidents both within the premises and outside and that even if there was movement between premises the premises licence holder requires to be able to deal with this.

Councillor Ross asked Mr Najim to explain the different periods of incidents requiring police attendance within the premises, as incidents in 2009 was high, then improved and now has risen again.

Mr Najim stated that the premises were busier now and harder to control. Mr Najim stated that he listened to the advice given by Strathclyde Police and the LSO's. Mr Najim further stated that it was difficult to tell if a person was drunk until they were in the premises. The drunken person would be asked to leave and not sold alcohol but they may linger outside the premises talking to friends.

Councillor Campbell asked Mr Najim why he did not employ stewards at busy periods.

Mr Najim stated that it was difficult to tell in advance when the premises would be busy but that in future he would employ door stewards at busy periods.

The Depute Clerk requested confirmation on whether Mr Najim was a Personal Licence holder. Mr Najim replied that he was not a Personal Licence Holder.

Divisional Commander Fitzpatrick further submitted to the Members that the males who were involved in the incident which took place on 9 January 2010 had been traced and were now the subject of a report to the Procurator Fiscal. One of the males was an employee at The Buck's Head.

The Members adjourned to consider the matter further.

Upon returning the Depute Clerk confirmed that the Members had agreed that the ground of crime and disorder had been established.

Councillor Ross moved that the premises licence should be suspended for a period of 3 months. This motion was seconded by Councillor Neil McGhee.

The Members agreed unanimously that the Premises Licence should be suspended for a period of 3 months effective immediately.

The Depute Clerk advised that the Members had determined that Fred Brown, Premises Manager of The Buck's Head had acted in a manner which was inconsistent with the licensing objectives and the Members requested that a Personal

Licence Review Hearing be set regarding Mr Brown's personal licence. It was agreed that the Depute Clerk write to Mr Brown to advise him of the Personal Licence Review Hearing date.

4.4 Review of premises licence for premises at Woodstock Stores, 18 West Woodstock Street, Kilmarnock following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised Members that additional information had been received today for the premises at Woodstock Stores and this Review would require to be continued to a future Board meeting.

Mr Hamilton, Solicitor, appeared on behalf of the premises licence holder and stated that the premises licence holder would not be available for the next Licensing Board meeting on 10 August 2010 and requested that the Review be continued to the following Board meeting.

The Members agreed to this request.

4.5 Review of premises licence for premises at Nice Days, 42 Dalvennan Avenue, Patna following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised that Strathclyde Police had applied for a review of premises licence for Nice Days, 42 Dalvennan Avenue, Patna, on the grounds that the premises licence holder had failed to comply with the licensing objective of preventing crime and disorder.

Divisional Commander Fitzpatrick submitted that at 1750 hours on Friday 9 April 2010 a Test Purchase Operation was conducted at the premises and a test purchaser was sold four cans of Stongbow cider without being asked for identification or being challenged as to their age. Consequently, a sales assistant was now the subject of a report to the Procurator Fiscal at Ayr regarding the contravention of Section 102 of the Licensing (Scotland) Act 2005.

On Friday 23 April 2010 a second Test Purchase Operation was conducted at the premises. On that occasion alcohol was not sold to the test purchaser.

The Depute Clerk advised Board Members that in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 it is a statutory requirement for Licensing Standards Officers to submit a report in respect of a premises licence review and Ian Hiles, LSO, reported as follows:-

The Transitional Premises Licence application submitted in terms of the Licensing (Scotland) Act 2005 in respect of the premises forming and known as Nice Days, 42 Dalvennan Avenue, Patna, was considered and granted by the Board at their meeting on 18 November 2008. The applicants, Nisa Bellsbank Superstore were not represented at the board meeting.

The premises known as Nice Days, Patna were visited on Wednesday 23rd September 2009, Wednesday 21st October 2009 and Thursday 19th November 2009 to ascertain that all statutory requirements in terms of the current legislation were being met.

During the first visit in September, it was ascertained that the staff training records were locked in the safe and there was no key holder available to open the safe to gain

access to them. The Summary Premises Licence and a relevant Notice in terms of Section 110 were correctly displayed at this time.

During the second visit in October, the Designated Premises Manager, Korena McCreath, was present. It was ascertained that two staff training records were locked in a safe at the company's Bellsbank, Dalmellington store and had not been brought across to the Patna store. Other training records were available for inspection and found to be in order. The Summary Premises Licence and Section 110 Notice were still correctly displayed at this time.

During the third visit in November, all staff training records were available for inspection and the Summary Premises Licence and Section 110 Notice were correctly displayed.

The premises were re-inspected on Wednesday 19th May 2010. The sole director of Nisa Bellsbank Ltd, Mr Aftab Malik was present along with the Designated Premises Manager, Korena McCreath. Mr Malik produced various documentation to demonstrate training given to staff, this included a City & Guilds staff workbook which he required any staff employed to complete. Mr Malik also stated that staff are also given a verbal test in relation to sales of alcohol prior to commencing employment. Mr Malik also stated that it was written into his staff's contract that if they were to be responsible for an under age sale, they would be liable to dismissal. Mr Malik further stated that the staff member involved in the alleged incident was still working within the premises after being re-trained and was the staff member serving when a further test purchase was made at the premises which was subsequently passed. Mr Malik stated that subject to the result of the review now before the board, the staff member would either receive a final written warning or dismissal.

The training records showed that there are seven staff members working at the premises consisting of two Personal Licence Holders, one holder of a Scottish Certificate for Personal Licence Holders and four staff who had received the mandatory two hours training. The Summary of Premises Licence and Section 110 notices were clearly displayed. The refusals book had been completed regularly and a sample check of various bottles found them to have been correctly bottle marked.

As the Licensing Standards Officers were not present and did not witness the events surrounding the test purchase we are unable to offer any information at this time.

Mr Hamilton, Solicitor, appeared with the premises licence holder Mr Malik.

Mr Hamilton submitted that Mr Malik operated a total of 6 premises with 4 being within East Ayrshire. Mr Hamilton further submitted that the employee Samantha Parker who had failed the test purchase on 9 April 2010 applied for the position on 1 April 2010. Mr Hamilton advised that job applicants were required to complete a questionnaire to ascertain if they were aware of the terms in which alcohol may be sold and when they commenced employment were given a City and Guilds licensing booklet. Mr Hamilton further advised that a clause was written into their contract of employment that if they were responsible for a failed test purchase they may be dismissed. Mr Hamilton advised that it was Ms Parker's second work shift when the failed test purchase occurred and she was flustered and did not request assistance from a colleague who was in the shop at the time. Mr Hamilton stated that Mr Malik had six monthly meetings with all his managers to ensure that compliance with the licensing legislation was being met. Mr Hamilton informed the Members that a new Central Polling Operating System was being installed in Mr Malik's 4

premises within East Ayrshire which automatically locks the till when an item has gone through that requires proof of age.

Mr Hamilton referred to the Licensing Standard Officer's report and pointed out that the two training records referred to were in Mr Hamilton's office at the time of inspection but were now on the premises, all the relevant licensing legislation were being met, there were two personal licence holders and one employee with a relevant certificate and that the premises were complying with Strathclyde Police bottle marking initiative.

Mr Hamilton summed up by stating that mistakes can be made and requested that the Members issue a written warning letter.

The Members adjourned to discuss the matter further.

Upon returning the Depute Clerk advised that the Members had agreed that the ground of preventing crime and disorder had been established and the Members had requested that the Depute Clerk arrange for a written warning letter to be issued.

The Depute Clerk also advised that should a further application be made for a premises licence review in respect of the premises at any time in the future and the ground for review is established, the issuing of this written warning letter would be taken into account in determining any future course of action deemed suitable or necessary to the Licensing Board.

Councillors Ross and Councillor Dinwoodie both left the meeting at 12.10pm.

4.6 Review of premises licence for premises at Muirkirk Caravan Park, Furnace Road, Muirkirk following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised that Strathclyde Police had applied for a review of premises licence for Muirkirk Caravan Park, Furnace Road, Muirkirk, on the grounds that the premises licence holder had failed to comply with the licensing objective of preventing crime and disorder.

Divisional Commander Fitzpatrick submitted that at about 2150 hours on Sunday 21 March 2010, police were called to an ongoing disturbance at the above premises involving five to six males. On police arrival the disturbance had quelled, however staff confirmed that a number of persons residing at the caravan park had been fighting with a number of locals.

Police officers noted that a number of tables and chairs had been knocked over and broken, blood on the walls and a smashed window at the entrance to the premises. The Premises Licence holder, Tom Mounsey, was spoken to and refused to make any complaint regarding the disturbance or damage. The designated Premises Manager, Anne Mounsey, was not present at the time of the incident. The person in charge, Donna Wallace, was not the holder of a personal licence under the Licensing (Scotland) Act, 2005, however had received the mandatory training as per the Licensing (Training of Staff)(Scotland) Regulations 2007.

During the afternoon of Friday 2 April 2010 police officers on patrol had occasion to speak to a local youth who informed them that a 16th birthday party was going to take place at Muirkirk Caravan Park that evening.

About 1800 hours that evening, police officers carried out a routine visit at the premises where they spoke to the designation Premises Manager, Anne Mounsey. She confirmed at this time that she would be on duty and had arranged for a local accredited door steward to manage the door. She confirmed she was aware of her obligations as Premises Manager. All appeared to be in order at this time.

About 2120 hours that evening, an anonymous report was received regarding under age drinking at the premises. The police officers re-attended and found no offences being overtly committed at this time. They also found one additional member of staff, who was acting as a door steward/glass collector.

About 2300hours, night shift personnel police officers carried out a routine visit to the premises. At this time they observed two males engaged in a stand up fight directly outside the premises, however within the curtilage of the caravan park.

The officers attempted to arrest the parties, however it quickly escalated with the police officers being assaulted. An urgent assistance call was made by the police officers who, fearing for their and the party goers' safety drew their CS spray.

Three males were subsequently arrested, these being 15, 18 and 20 years of age. The arrest proved difficult due to patrons, who were clearly under the influence of alcohol, who sought to free the arrested persons.

Further enquiry revealed that the male on duty had completed his SIA training, however was not yet in possession of his SIA authorisation.

The designated Premises Manager, Anne Mounsey, confirmed that she had employed the male, however she is not a non front line manager.

The designated Premises Manager, Anne Mounsey, confirmed that she had concerns regarding people leaving the premises and consuming alcohol outwith, however she had not attempted to stop them.

The Depute Clerk advised Board Members that in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 it is a statutory requirement for Licensing Standards Officers to submit a report in respect of a premises licence review and Ian Hiles, LSO, reported as follows:-

The Transitional Premises Licence application submitted in terms of the Licensing (Scotland) Act 2005 in respect of the premises forming and known as Muirkirk Caravan Park, Furnace Road, Muirkirk, was submitted by Muirkirk Caravan Park 2004 Ltd, and thereafter considered by the Board at their meeting on 16 December 2008. The Premises Licence was granted on this date.

On 17th August 2009, notification was received by the Licensing Board that the Designated Premises Manager for the premises had been changed to Anne Mounsey.

The premises were visited by Licensing Standards Officer on 7th October 2009 and 2nd November 2009, the premises were closed on both occasions.

The premises were visited again on 16 February 2010, The Designated Premises Manager, Anne Mounsey was present. The premises were closed at the time of visit. It was observed that the Summary of Premises Licence and Children & Young Persons Entry notice were not displayed. Anne Mounsey was requested to ensure that both of these were displayed as soon as possible. The Section 110 Notice was

correctly displayed. Anne Mounsey informed me that she was the only person working at the premises and as such, there were no training records to inspect.

The premises were visited again on 9 April 2010 to ascertain that the Summary Premises Licence and mandatory notices were correctly displayed. The designated Premises manager, Anne Mounsey was present. The premises were closed. The Summary Premises Licence and Statutory Notices were found to be correctly displayed.

During this visit, Anne Mounsey stated that she was going to employ and train up another person through the Scottish Certificate for Personal Licence Holders course to work within the premises. Mrs Mounsey produced a training record for Donna Wallace, a staff member.

Anne Mounsey also stated that there had been two incidents within the premises over the previous few weeks that had required Police attendance. The first was on the 21st March 2010 when there was a fight within the pool room between two persons, both of whom left the premises. One male was a resident on the site who was required to leave the site the next day. The other male was a local resident who was barred from the premises. Anne Mounsey stated that both males had not returned to the premises since the incident.

The second incident was on the 2nd April 2010 where there was a disturbance at a 16th Birthday Party that was being held within the premises. Anne Mounsey stated that she had been approached by an official from the Muirkirk Boys Brigade who requested to use the premises for a party. Mrs Mounsey allowed this to go ahead as she was believed that there would be sufficient adults from the Boys Brigade within the premises to ensure that the party went without any problems. Mrs Mounsey stated that it was an uninvited person who attended later that evening who had caused the problems. Mrs Mounsey also stated that on hindsight, she wishes she had not taken the booking and had more staff working. She also made mention that her barmaid had also reported in sick that evening.

A further visit was made to the premises on Thursday 20 May 2010. The Designated Premises Manager, Anne Mounsey was present. The premises were closed. A check of the Summary of Premises Licence and Statutory notices found them to be correctly displayed.

Mrs Mounsey stated that she had submitted a Variation to Premises Licence in December 2009 to reduce the opening hours of the premises. She stated that the premises only opened the following hours.

4pm until 1am – Friday
6pm until 1am – Saturday
11am until 12 Midnight – Sunday
7pm until 12 Midnight – Wednesday (Subject to customer demand)

A check of the records found that this application has not been received.

Mrs Mounsey further stated that she had sent an employee (Donna Wallace) to a Scottish Certificate for Personal Licence Holders course and the course was on the 20th May 2010. Mrs Mounsey also stated that she was looking to employ two further bar staff with previous experience of working within a bar. Mrs Mounsey also stated that she would no longer be taking bookings for parties in the premises unless they were from more mature persons.

As the Licensing Standards Officers were not present and did not witness the events surrounding the incidents outlined in the police report we are unable to offer any information at this time.

Mrs Mounsey was present at the meeting.

Mrs Mounsey submitted that at the time of the incident on 21 March 2010, she had been called away as her father had been admitted to hospital and confirmed that the bar was closed for that night following the incident. Mrs Mounsey further submitted that at the time of the second incident on 2 April 2010 the attendance was not routine as the Police were already observing the premises from the road when the fight started.

The Members adjourned to discuss the matter further.

Upon returning the Depute Clerk advised that the Members had agreed that the ground of preventing crime and disorder had been established and the Members had requested that the Depute Clerk arrange for a written warning letter to be issued.

4.7 Review of premises licence for premises at Crookedholm Stores, 3 Grougar Road, Crookedholm following receipt of a notice in terms of Section 38 of the Licensing (Scotland) Act, 2005 from Strathclyde Police.

The Depute Clerk advised that Strathclyde Police had applied for a review of premises licence for Crookedholm Stores, 3 Grougar Road, Crookedholm, on the grounds that the premises licence holder had failed to comply with the licensing objective of preventing crime and disorder.

Divisional Commander Fitzpatrick submitted that at 1645 hours on Friday 26 March 2010 a Test Purchase Operation was conducted at the premises and a test purchaser was sold four cans of Fosters lager without being asked for identification or being challenged as to their age. Consequently a sales assistant was now the subject of a report to the Procurator Fiscal at Kilmarnock regarding the contravention of Section 102 of the Licensing (Scotland) Act 2005.

On 9 April 2010 a second Test Purchase Operation was conducted at the premises. On that occasion alcohol was not sold to the test purchaser.

The Depute Clerk advised Board Members that in terms of Section 38(4)(a) of the Licensing (Scotland) Act 2005 it is a statutory requirement for Licensing Standards Officers to submit a report in respect of a premises licence review and Carolyn McEwan, LSO, reported as follows:-

The Transitional Premises Licence application submitted in terms of the Licensing (Scotland) Act 2005 in respect of the premises forming and known as Crookedholm Stores, 3 Grougar Road, Crookedholm, was submitted by Gorrie & Davidson, Solicitors, on behalf of their client Misbah Sharif of 13/15 Main Street, Darvel. The application was thereafter considered and granted by the Board at a meeting on 1 July 2008.

Notification was thereafter received by the Licensing Section that the Premises Manager would be Elaine Bain of 17 Ralston Drive, Crookedholm.

The premises were first visited by Carolyn McEwan and Ian Hiles, Licensing Standards Officers, on 23 October 2009. During the inspection it was ascertained that the Summary, or a certified copy, was not displayed as per the requirements of

Section 52 of the Act. The Notice in terms of Section 110 of the Act was also not displayed. Training records were inspected at that time and were found to be in order.

The premises were re-visited on 29 November 2009, and during the inspection it was established that the previously noted faults had been rectified and that all was in order.

Following receipt of a letter dated 5 May 2010 from the Divisional Commander, Strathclyde Police, requesting a review of the Premises Licence due to a failed Test Purchase Operation, a visit to the premises was carried out by Carolyn McEwan. Whilst carrying out the inspection it transpired that the member of staff working within the premises, namely Jodie Adams, had not received the statutory two hours training as required by The Licensing (Training of Staff) (Scotland) Regulations 2007.

During a discussion with Ms Adams she advised that she was employed by Linda Orr and that as far as she was aware Linda Orr held the Premises Licence.

Ms Adams then contacted Linda Orr and requested that she attend at the premises. On arrival, Linda Orr advised that she had taken over the premises in January and had signed a lease with Misbah Sharif, who no longer had any involvement with the premises. She thereafter admitted that an application for Transfer had been completed at that time however she had failed to lodge the application.

Ms Orr was advised that she was trading illegally from the premises as the Premises Licence was still in the name of Misbah Sharif. She was advised to remove all alcohol from the premises until such time as an application for Transfer had been lodged and determined.

Ms Orr was asked to contact the Licensing Section with a view to arranging a suitable date for a meeting to take place to discuss all aspects of the new legislation, more particularly with regard to training of staff.

During a telephone conversation with Mr Sharif on 10 May he advised that he was not aware that the Transfer application had not been lodged and confirmed that Ms Orr had signed a lease for the premises.

The premises were re-visited on 11 May 2010 to ascertain if all alcohol had been removed from the premises. On inspection it was established that all alcohol had been removed.

An application for Transfer was lodged in terms of Section 33 of the Act by Misbah Sharif on 11 May 2010. This application was granted by the Clerk in terms of delegated authority on 20 May 2010.

At the time of the Test Purchase Operation on Friday 26 March 2010 the Premises Licence was held in the name of Misbah Sharif.

As the Licensing Standards Officers were not present and did not witness the events surrounding the incident outlined in the police report we are unable to offer any further information at this time.

Mr Misbah Sharif and Mrs Linda Orr were present at the meeting.

Mrs Orr submitted that there had been a mix up with the transfer of the premises licence from Mr Sharif to herself as both parties had assumed the other had submitted the application. Mrs Orr further submitted that since the failed test purchase she had undertaken further training of staff beyond the minimum 2 hours and that all relevant Notices were displayed.

The Depute Clerk advised Members that Mrs Orr had been trading from January 2010 until May 2010 without the premises licence being transferred to her name. Mrs Orr confirmed that this was accurate. The Depute Clerk asked if Mrs Orr was aware of her responsibilities as the premises licence holder and Mrs Orr confirmed she was aware of her responsibilities.

Mrs Orr confirmed that all alcohol had been removed from the shelves as soon as she was requested to do so and only re-stocked the shelves with alcohol when the premises licence had been transferred to her name. She stated she understood the seriousness of the matter.

The Members adjourned to discuss the matter further.

Upon returning the Depute Clerk advised that the Members had agreed that the ground of preventing crime and disorder had been established and the Members had requested that the Depute Clerk arrange for a written warning letter to be issued.

The Depute Clerk further advised that due to the failed test purchase having taken place when the premises licence was still in the name of Misbah Sharif, the letter would require to be addressed to Mr Sharif but a copy would be also be sent to Mrs Orr.

The Depute Clerk also advised that should a further application be made for a premises licence review in respect of the premises at any time in the future and the ground for review is established, the issuing of this written warning letter would be taken into account in determining any future course of action deemed suitable or necessary to the Licensing Board.

There being no further business the meeting ended at 12.45pm.

LICENSING (SCOTLAND) ACT, 2005

APPLICATION FOR PERSONAL LICENCE

James McLelland
52 Peden Drive
Auchinleck

The applicant had been requested to attend the Board Meeting as Strathclyde Police had confirmed the existence of a relevant conviction.

Mr McLelland was not present at the meeting and it was agreed to continue the application to a future meeting.

Heather Montgomery
54 Lanehead Terrace
New Cumnock

The Depute Clerk advised the Board that Strathclyde Police had confirmed that the applicant had been convicted of a relevant offence at Ayr Sheriff Court on 29 August 2005, the offence being Reset and the applicant was fined £300.

Heather Montgomery appeared before the Board and confirmed the existence of the offence.

Councillor Campbell asked Miss Montgomery if she was currently employed. Miss Montgomery replied that she was currently unemployed and was awaiting the issue of her Personal Licence.

The Board agreed unanimously to grant the personal licence.

APPLICATION FOR TRANSFER ON VARIATION OF PREMISES LICENCE

**Greene King Retailing Ltd.
Westgate Brewery
Bury St Edmunds
Suffolk**

**Thistle Inn
22 Glaisnock Road
Cumnock**

Details of the variation are as follows:-

Amendment of core licensing hours to allow the sale of alcohol both on-sales and off-sales from 11am on Sundays.

Current Licensing Hours:

On-Sale

Off-Sale

Monday - Wednesday
Thursday - Saturday
Sunday

11am – 12 Midnight
11am – 1am
12 Noon – 12 Midnight

11am – 10pm
11am – 10pm
12 Noon – 10pm

<u>Licensing Hours Applied For:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Sunday – Wednesday	11am – 12 Midnight	11am – 10pm
Thursday - Saturday	11am – 1am	11am – 10pm

The Depute Clerk reminded Board Members that this application had been continued from the Licensing Board meeting on 25 May 2010 to allow time for the outstanding works reported by Building Standards to be completed.

The Depute Clerk advised Members that Building Standards had re-inspected the premises on 11 June 2010 and the works were still outstanding.

The Depute Clerk further advised that a letter had been received from Mr Donnelly, Operations Manager for Belhaven Brewery Co Ltd prior to commencement of the Board Meeting, intimating that the outstanding works had been completed apart from the beer garden and confirming that the beer garden would not be used until this work was completed.

Mr Roy, Building Standards, advised that the premises would be re-inspected on 23 June, 2010 to confirm that these works were complete.

The Depute Clerk advised that the application could be granted and the premises licence held by Licensing administration staff until confirmation that the works were complete.

As there were no objections or representations the Board Members agreed to grant the variation, subject to the premises licence being held by Licensing administration staff until confirmation that the works were complete.

APPLICATION FOR VARIATION OF PREMISES LICENCE

Hurlford Bowling Club
8 Main Road
Crookedholm
KA3 6JT

Hurlford Bowling Club
8 Main Road
Crookedholm
KA3 6JT

The Depute Clerk advised Members that the purpose of the application was to increase the permitted access of children and young persons to the premises, namely:-

- a) During any Junior Tournament children and young persons will be permitted access to all areas of the club house; and
- (b) Member's children and grandchildren will be permitted access to all areas of the club house until 7.00pm.

The Depute Clerk further advised that Building Standards had inspected the premises on 11 May 2010 and the premises were found to be satisfactory.

As there had been no objections or representations in respect of the application, the Board agreed to grant the variation.

APPLICATION FOR GRANT OF A PROVISIONAL PREMISES LICENCE

Duffield Morgan Limited
Rowallan Castle
Kilmaurs

Rowallan Castle Golf Club
Rowallan Castle
Kilmaurs

The sale of alcohol shall be for consumption on the premises only.

Licensing Hours Applied For: **On-Sale** **Off-sale**

Monday - Sunday 7.00am - 12 Midnight

Seasonal Variations: No

Activities/Services to be Provided:

The premises will be a golf clubhouse. Restaurant facilities and bar meals will be available. Club/group meetings will be catered for and outdoor drinking facilities will be available.

Children and Young Persons:

It is intended to allow children and young persons aged from 12 to 17 years entry to the premises as junior members or for the consumption of food during the core hours.

The Depute Clerk advised that the premises were inspected on 3 June 2010 and the following issues were identified:-

1. An application for building warrant 06/00475/S1 was applied for on the 10th May 2006, to date no building warrant approval has been granted.
2. Planning permission 03/0044/FL was granted on the 16th January 2004 but due to the extent of changes from the planning permission granted to the completed Club House building a new planning application will be required. The application for the grant of a Provisional Section 50 certificate cannot be determined until this application has been granted.
3. The Building Standards Section 50 Certificate can only be issued once the Building Warrant has been approved and a completion Certificate accepted.
4. Works on site are near completion and the applicant has been advised that some elements of the construction shall have to be opened up to confirm compliance and also that the Stage 1 application should be approved and the Stage 2 application should be applied for and approved prior to works being completed. The building should not be occupied until times as a completion certificate has been issued. Failure to comply with this request shall initiate the need for enforcement action under Section 27 of the Building (Scotland) Act 2003.

The Depute Clerk reminded Members that as the application was for a Provisional Premises Licence it only required a Provisional Planning Section 50 Certificate which had been issued.

The Depute Clerk pointed out to Members that the applicant had requested 7.00am – Midnight Monday to Sunday with no seasonal variation being sought. The Depute Clerk reminded Members that this was outwith the Board’s guidelines.

Mr Campbell of Duffield Morgan Limited appeared before the Board and stated that the 7.00am opening was an attempt to attract customers from early morning flights from Prestwick and Glasgow Airport who wished to play golf on the Ayrshire golf circuit. Mr Campbell stated that some patrons may wish to have an early morning drink.

Councillor John McGhee pointed out that it would be dark at 7.00am at certain times of the year.

Councillor Campbell stated that the guidelines should be adhered to and a seasonal variation could be applied.

Councillor Ross stated that consistency should be maintained regarding hours granted to other golf clubs.

The Depute Clerk advised that Caprington Golf Club had a seasonal variation from the months of June to September for 10.00am opening on a Saturday and Sunday. He further advised that he had attempted to obtain information regarding hours granted in a similar situation from South Ayrshire Licensing Board but was unable to retrieve this information in time for the Board meeting.

Mr Campbell intimated that the golf course was of an international standard with a high profile and nothing compared to it within East Ayrshire. He further stated that a Hotel would be established in the future and that they were targeting the overseas market.

The Board Members adjourned to discuss the application.

On returning Councillor John McGhee moved that 7am was too early in terms of consistency with other Clubs but that a seasonal variation of 9am – Midnight April – September could be considered. He also reminded Members that a Hotel would be in operation in the future which would permit the sale of alcohol at any time to guests residing in the Hotel.

Councillor Ross seconded the motion. Councillor Dinwoodie moved that consistency should be maintained and 10.00am should be granted, there was no seconder for this motion.

The Board Members agreed to grant the provisional premises licence with an opening time for the sale of alcohol from 11.00am until Midnight Monday to Sunday for the months of October – March and a seasonal variation of 9.00am until Midnight Monday to Sunday from the months of April – September.

APPLICATION FOR GRANT OF A PREMISES LICENCE

**Munaza Kausar
41 Muirkirk Drive
Annie'sland
Glasgow**

**Maz Grocers
1 Loanhead Street
Kilmarnock**

The premises will be a licensed convenience store.
The sale of alcohol shall be for consumption off the premises only.

Licensed Hours Applied For:

Monday – Sunday

Off-Sale

10.00am – 10.00pm

The Depute Clerk advised Members that these premises previously had a premises licence but this was surrendered by the Premises Licence Holder and had been closed. He further advised that the premises had been refurbished and the applicant was now applying for a new licence to sell alcohol.

The Depute Clerk further advised that these premises were inspected by Building Standards on 28 May 2010 and were found to be satisfactory.

Munaza Kausar was present at the meeting.

As the application was in order and no objections or representations had been received, the Board Members agreed to grant the premises licence.

APPLICATION FOR GRANT OF A PREMISES LICENCE

**Stephen McKnight
29 Sinclair Court
Kilmarnock**

**The Corner Shop
2 Grougar Road
Crookedholm
Kilmarnock**

The premises will be a licensed convenience store and newsagents.
The sale of alcohol shall be for consumption off the premises only.

Licensed Hours Applied For:

Off-Sale

Monday – Sunday

10.00am – 10.00pm

The Depute Clerk advised that the premises were inspected by Building Standards on 3 June 2010 and were found to be satisfactory.

The Depute Clerk advised the Board that Strathclyde Police had confirmed that the applicant had been convicted of a relevant offence at Dumbarton Sheriff Court on 29 October 2002, the offence being in terms of the Road Traffic Act 1988, S5(1)(A). The applicant had been fined £300 and disqualified from driving for 18 months and his license endorsed.

Mr McKnight appeared before the Board and confirmed the accuracy of the conviction.

As the application was in order and no objections had been received the Board agreed to grant the premises licence.

GAMBLING ACT 2005

APPLICATION FOR CLUB MACHINE PERMIT

Kilmarnock Conservative Club
24 Sturrock Street
Kilmarnock

Granted

APPLICATION FOR CLUB MACHINE PERMIT

Auchinleck Indoor Bowling Club
Well Road
Auchinleck

The Depute Clerk advised Members that this application would require to be continued to allow Strathclyde Police and the Gambling Commission their full statutory timelimit to respond to the application.

APPLICATION FOR CLUB MACHINE PERMIT

Catrine Bowling Club
44 St Cuthbert Street
Catrine

Granted
