

EAST AYRSHIRE LICENSING BOARD

**Minute of the meeting of East Ayrshire Licensing Board held within The Council Chambers on
Tuesday 25 May 2010 at 10am**

SEDERUNT : Councillor J Buchanan, Councillor J Campbell, Councillor H Coffey, Councillor R Cunninghame, Councillor J McGhee, Councillor J MacKay and Councillor H Ross

ATTENDING : Mr S McCall (Depute Clerk to the Licensing Board), Mr B Roy (Building Standards), Mrs C McEwan (Licensing Standards Officer), Mrs P Duncan and Ms S Gillies (Licensing Board Administrators).

APOLOGIES : Councillor G Cree, Councillor E Dinwoodie and Councillor N McGhee.

1. SEDERUNT

Noted.

2. MINUTES OF MEETINGS

2.1 Minute of the Licensing Board meeting held on 27 April 2010 was approved and noted.

3. APPLICATIONS

Consider applications received under the Licensing (Scotland) Act 2005, Licensing (Scotland) Act, 1976, as amended and the Gambling Act, 2005 – Appendix I.

There being no further business the meeting ended at 10.30am.

LICENSING (SCOTLAND) ACT, 2005

APPLICATION FOR PERSONAL LICENCE

Darren Armstrong
13 Dunaskin View
Patna

Withdrawn

APPLICATION FOR VARIATION OF PREMISES LICENCE

**Iftikhar Ahmed
37 Dippol Crescent
Auchinleck**

**Gogy's Mini Market
24/30 St Germain St
Catrine**

Details of the application are as follows:-

The purpose of the application is to alter the alcohol display area.

The Depute Clerk advised that this application had been submitted to alter the alcohol display area. He stated that the plans were available for any Member who wished to view them.

The Depute Clerk advised that the premises were inspected by Building Standards on 14 April 2010 and were found to be satisfactory.

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

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.

<u>Current Licensing Hours:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	11am – 12 Midnight	11am – 10pm
Thursday - Saturday	11am – 1am	11am – 10pm
Sunday	12 Noon – 12 Midnight	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 advised that the premises were inspected by Building Standards on 14 April and that all the outstanding issues reported in respect of the application for Premises Licence on 24 April 2008, remained outstanding, namely:-

- 1 Emergency exit signage was required to the door between the lounge bar and toilet area.
- 2 Emergency lighting to BS 5266 required to be tested and certified.
- 3 A Management Statement from the licensee was required to cover the removal of slip bolts at front / exit door.

Letting Rooms

- 4 External escape route lighting to be maintained on a protected circuit.
- 5 External handrail to be repaired.
- 6 Single escape stair from bedrooms required a uniform rise and going.
- 7 All doors and partitions required to have a 30 minute fire resistance.
- 8 Certification required for fire alarm detection system.

Beer Garden

- 9 Required upgrading for accessibility.

The Depute Clerk stated that, although Building Standards had advised of outstanding works required to the letting rooms, these rooms did not form part of the licensed premises and therefore could not be taken into consideration.

The Depute Clerk suggested that the Board may wish to issue a formal letter to the licence holders indicating that the outstanding work should be completed within a certain timescale. The Board could also continue consideration of the application to allow time for the works to be completed.

Councillor Campbell moved that consideration of the application be continued to the next meeting of the Board to allow time for the works to be completed. This was seconded by Councillor Ross.

The Board agreed unanimously to continue consideration of the application to the next meeting of the Board to allow time for the outstanding works to be completed.

APPLICATION FOR VARIATION OF PREMISES LICENCE

Boyle Shaughnessy
Solicitors
94 Hope Street
Glasgow

Weston Tavern
27 Main Street
Kilmaurs

Details of the variation are as follows:-

Amendment of the operating plan to include the provision of Club/Group meetings, outdoor drinking facilities, an extension of the area where children are to be permitted and seasonal extensions.

Amendment of the core licensing hours to allow the premises to remain open until 1am on Thursdays.

<u>Current Licensing Hours:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Thursday	11am – 12 Midnight	11am – 10pm
Friday and Saturday	11am – 1am	11am – 10pm
Sunday	12 Noon – 12 Midnight	12.30pm – 10pm

<u>Licensing Hours Applied For:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	11am – 12 Midnight	11am – 10pm
Thursday - Saturday	11am – 1am	11am – 10pm
Sunday	12 Noon – 12 Midnight	12.30pm – 10pm

The Depute Clerk advised that the premises were inspected by Building Standards on 1 April 2010 and were found to be satisfactory.

Mr Mirner, Solicitor, appeared before the Board and stated that the application had been submitted to amend the operating plan to include the provision of Club/Group meetings, outdoor drinking facilities, an extension of the area where children are to be permitted to include the lounge bar and seasonal extensions to allow the premises to operate additional hours in conformity with the Board's declared policy on festive extensions. He stated that the licence holders also sought an amendment to the core licensing hours to allow the premises to remain open until 1am on Thursdays.

Mr Mirner continued that the licence holders previously enjoyed the use of the outside drinking area in terms of the 1976 Act licence however had omitted to include it in the transitional application. Mr Mirner explained that the extension of the area where children are to be permitted was to include the lounge bar to be used for the overspill when the restaurant was full.

The Depute Clerk advised that the Council's Roads Section had been fully consulted in respect of the outdoor drinking areas and had made no comment.

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

APPLICATION FOR VARIATION OF PREMISES LICENCE

**John Kilpatrick
25 High Street
Stewarton**

**Stewarton Bowling Club
1B Dunlop Street
Stewarton**

Details of the variation are as follows:-

Amendment of the core licensing hours to allow the premises to open from 11am on Sundays.

<u>Current Licensing Hours:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	7 pm – 11pm	N/A
Thursday	7 pm – Midnight	N/A
Friday	1 pm – 1am	N/A
Saturday	11am – 1am	N/A
Sunday	12.30pm – 12 Midnight	N/A

<u>Licensing Hours Applied For:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	7 pm – 11pm	N/A
Thursday	7 pm – Midnight	N/A
Friday	1 pm – 1am	N/A
Saturday	11am – 1am	N/A
Sunday	11am – 12 Midnight	N/A

The Depute Clerk advised that an objection had been received in respect of this application. He advised that the premises were inspected by Building Standards on 6 May 2010 and were found to be satisfactory.

Mr Kilpatrick, Secretary of Stewarton Bowling Club, appeared to speak in support of the application.

Mr Cuthbertson, objector, appeared before the Board.

As there were no preliminary matters, the letter of objection was circulated to Board Members and the hearing proceeded in accordance with the agreed procedure for hearings.

Mr Cuthbertson submitted that should the variation be granted, the bowling club would open in excess of twelve hours on Sundays. He stated that in his view there was no need for the additional hours as the premises were for the provision of bowling facilities and were not primarily licensed premises. Mr Cuthbertson concluded that early opening on Sundays would be an attraction for people to use the premises.

Mr Kilpatrick had no questions for Mr Cuthbertson.

Mr Kilpatrick submitted that the variation was sought to provide refreshments to members and guests during early morning competitions and was not an attempt to attract people to the premises only to drink.

Mr Kilpatrick advised that the variation was sought only during the bowling season which was from April to September each year. He stated that the premises would not open from 11am every Sunday, only to cater for competitions.

Mr Cuthbertson had no questions for Mr Kilpatrick.

Councillor Ross asked if Mr Cuthbertson was aware of any history of unruly behaviour at the premises. Mr Cuthbertson stated that there were occasionally high noise levels but was not aware of any unruly behaviour at the premises.

Councillor Buchanan asked for clarification as to how many times the 11am extension would be used for competitions.

Mr Kilpatrick explained that 4 competitions were scheduled for this year, however the 11am opening would also be used for other purposes such as televised football matches.

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

Mr Cuthbertson stated that in Mr Kilpatrick's earlier submission he stated that the early morning extension would be used only to cater for early morning competitions, however had now extended this to cater for televised football matches. He reiterated that these premises were to provide bowling facilities and not the sale of alcohol. Mr Cuthbertson concluded that

non alcoholic drinks could be served to those attending early morning competitions and moved that the application be refused.

Mr Kilpatrick pointed out that the grounds of objection in Mr Cuthbertson's letter were that the sale of alcohol was likely to cause undue public nuisance or a threat to public order and safety. He stated that there was no history of unruly behaviour at the premises and that the Club's bye-laws had sanctions for dealing with unacceptable behaviour, including abusive language.

Mr Kilpatrick concluded that the club had a good relationship with neighbours and assured Mr Cuthbertson that any concerns he had would be taken seriously.

For the avoidance of doubt, the Depute Clerk asked whether the variation was sought only during the bowling season of April to September. Mr Kilpatrick confirmed that the variation was sought from April to September each year.

The Board adjourned to consider the application.

Upon returning Councillor J McGhee moved that the variation be granted as a seasonal variation. This was seconded by Councillor Campbell. The Board agreed unanimously to grant the variation.

APPLICATION FOR TRANSFER ON VARIATION OF PREMISES LICENCE

Green King Retailing Ltd.
Westgate Brewery
Bury St Edmunds
Suffolk

Smugglers Inn
79 High Street
Stewarton

Details of the variation are as follows:-

Amend core licensing hours to allow the sale of alcohol both on sales and off sales from 11am on Sundays and the sale of alcohol on sale until 2am on Fridays and Saturdays.

<u>Current Licensing Hours:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	11am – 12 Midnight	11am – 10pm
Thursday - Saturday	11am – 1am	11am – 10pm
Sunday	12.30 pm – 12 Midnight	12.30pm – 10pm

<u>Licensing Hours Applied For:</u>	<u>On-Sale</u>	<u>Off-Sale</u>
Monday - Wednesday	11am – 12 Midnight	11am – 10pm
Thursday	11am – 1am	11am – 10pm
Friday and Saturday	11am – 2am	11am – 10pm
Sunday	11am – 12 Midnight	11am – 10pm

The Depute Clerk advised that the applicants were applying to vary the core hours to open from 11am on Sundays and to remain open until 2am on Fridays and Saturdays. He pointed out that to allow the premises to remain open until 2am on Fridays and Saturdays would be outwith the Board's policy.

The Depute Clerk advised that the premises were inspected by Building Standards on 27 April 2010 and were found to be satisfactory.

Mr Mirner appeared on behalf of the applicants and asked that the application be amended to delete the request to open until 2am on Fridays and Saturdays.

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

GAMBLING ACT 2005

APPLICATION FOR A CLUB MACHINE PERMIT

Mauchline & District Kilmarnock F.C. Supporters Recreation Club
8-12 Earl Grey Street
Mauchline

Granted

APPLICATION FOR A CLUB MACHINE PERMIT

Galston Bowling Club
14 Station Road
Galston

Granted

APPLICATION FOR A CLUB MACHINE PERMIT

Townholm Bowling Club
Old Townholm
Kilmarnock

Granted
