

EAST AYRSHIRE LICENSING BOARD

Minute of the meeting of East Ayrshire Licensing Board held within The Council Chambers on Tuesday 26 October 2010 at 10am

SEDERUNT : Councillor J Buchanan, Councillor H Coffey, Councillor E Dinwoodie, 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 Thomson and Sergeant U Menzies (Strathclyde Police), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers), Ms S Gillies (Licensing Board Administrator).

APOLOGIES : Councillor J Campbell, Councillor G Cree, Councillor R Cunninghame and Councillor J McGhee.

1. SEDERUNT

Noted.

2. MINUTES OF MEETINGS

2.1 Minute of the Licensing Board meeting held on 31 August 2010 was approved and noted.

2.2 Minute of the Licensing Board meeting held on 28 September 2010 was approved and noted.

3. PERSONAL LICENCE REVIEW

3.1 Review of personal licence granted to Patrick Rodgers, 9 Braehead Road, Fenwick, following a notice issued in terms of Section 84 of the Licensing (Scotland) Act 2005 by East Ayrshire Licensing Board.

The Depute Clerk reminded Members that during a premises licence review hearing for premises known as The Sporran Bar, 16 Bridge Street, Galston, on 28 September 2010, it was determined that Mr Rodgers, being the Licence Holder and Premises Manager acted in a manner which was inconsistent with the licensing objectives and accordingly a decision was taken to hold a Personal Licence Review Hearing. The Depute Clerk advised that the Personal Licence Review Hearing could not be held on the 28 September and required to be dealt with at this meeting.

The Depute Clerk advised that in terms of Section 84 of the 2005 Act, the options available to the Board were to endorse the licence, suspend the licence for a period not exceeding 6 months, revoke the licence, or take no action.

Patrick Rodgers appeared before the Board and stated that he wished to remain involved in the alcohol licensed trade and submitted that due to the issues that had arisen with The Sporran he had to deal with a number of different Council Departments and had found it difficult to address all of the issues. Mr Rodgers also stated that the customers who frequented his premises had bought cheap alcohol elsewhere and consumed it within their houses which meant they were already drunk when they came to his premises. Mr Rodgers submitted that he had found it difficult to combine his personal life with the long hours he was expected to attend at his premises. Mr Rodgers also submitted that he had to deal with a family bereavement which added to his difficulties.

Councillor Ross asked Mr Rodgers if he was currently employed.

Mr Rodgers stated that he previously had been involved with the building trade but due to the current climate had no current employment or business at the moment.

The Chair asked Mr Rodgers if The Sporran had been his first licensed premises and Mr Rodgers confirmed that he had no previous experience in the licensed trade.

Mr Rodgers further submitted that he hoped to employ a new manager and re-open The Sporran.

The Depute Clerk explained to Mr Rodgers that The Sporran's premises licence had been revoked and no longer existed and could not be transferred to a new person. The Depute Clerk also advised Mr Rodgers that a full grant of a new premises licence would be required before the premises could re-open and explained that due to the condition of the premises this would be a complex process.

The Depute Clerk asked for confirmation from Mr Rodgers that he understood the position with regard to the premises licence and Mr Rodgers confirmed that he understood.

The Board adjourned to consider the matter.

On returning Councillor McKay moved that Mr Rodgers' Personal Licence should be endorsed which was seconded by Councillor Neil McGhee.

The Depute Clerk confirmed that the Board had agreed unanimously that Mr Rodgers' Personal Licence should be endorsed for a period of 5 years from today's date. The Depute Clerk further confirmed that the Board did not want to take away Mr Rodgers' ability to work within the licensed trade where he could gain experience but reminded Mr Rodgers that any new employer would have the right to information regarding the endorsement on his Personal Licence.

4. APPLICATIONS

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

LICENSING (SCOTLAND) ACT, 2005

APPLICATION FOR PERSONAL LICENCE

Miss Nancy Lee Wright
28 Blacksyke Avenue
Kilmarnock

The Depute Clerk advised the Board that Strathclyde Police had confirmed that the applicant had been convicted of a relevant offence at Kilmarnock Sheriff Court on 31 March 2006, the offence being Breach of the Peace and the applicant was fined £100.

Nancy Lee Wright appeared before the Board and confirmed the existence of the offence.

Divisional Commander Thomson confirmed that the incident was of a minor nature and Miss Wright had no further involvement with the Police since the offence.

The Board agreed unanimously to grant the personal licence.

APPLICATION FOR VARIATION OF PREMISES LICENCE

Mauchline & District Kilmarnock
FC Supporters Club
8-12 Earl Grey Street
Mauchline

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Mauchline

Details of the application are as follows:-

The purpose of the application was to amend the operating plan to include indoor/outdoor sports, playing of pool, darts and dominoes and the playing of poker.

The Depute Clerk advised Members that the premises had recently been inspected by Building Standards and the following issues were identified:-

1. Emergency Lighting had still to be tested.
2. Escape signage required above lounge doors and above smoke control door in hall.
3. External lighting required at exit doors.
4. Fire exit keep clear sign required externally to function hall / stage exit door.
5. Smoke control door in ground floor hall should be kept closed.

The Depute Clerk further advised that one of the amendments to the operating plan was to include the playing of poker and he pointed out that the Gambling Commission had produced guidance of the playing of poker within Clubs and that this would be issued to the Club. He also confirmed that the Licensing Standards Officers would ensure that this guidance was being adhered to.

Mr Roy, Building Standards, pointed out that the issues identified at inspection were outstanding from the original operating plan and requested that an undertaking be sought from the Club as to when these points would be addressed.

The Depute Clerk advised Members that he recently had discussions with the Building Standards Manager and confirmed that all premises with outstanding works from their

original operating plan were being looked at to ensure that any outstanding works are carried out.

The Chair stated that it was important that any undertakings for outstanding works should be adhered to.

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

APPLICATION FOR VARIATION OF PREMISES LICENCE

**Kay Park Bowling Club
Strawberrybank Road
Kilmarnock**

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Strawberrybank Road
Kilmarnock**

Details of the application are as follows:-

The purpose of the application was to amend the seasonal variation section within the operating plan to allow the premises to remain open until 2am on 31 December each year and to open from 9am on the last Sunday in September each year.

The application was also to amend the local condition to permit the sale of alcohol from 9am to cater for funerals and bowling tournaments, subject to prior notification to the Board.

The Depute Clerk advised that the premises had been inspected by Building Standards on 7 September 2010 and the following issue had been identified:-

1. Provide periodic test results for emergency lighting and fire alarm detection system. Testing should be certified by an approved body or alternatively an approved electrician providing evidence to demonstrate that they are a competent installer.

Carolyn McEwan, LSO, pointed out that the Club already had permission to open from 10.00am for particular bowling tournaments subject to prior notification to the Board but were now requesting that alcohol be available from 9.00am subject to prior notification.

The Depute Clerk advised that the 9.00am on the last Sunday in September each year was to cater for annual Mussleborough event.

Mr Roy again pointed out that the works identified were outstanding from the original operating plan.

Councillor Dinwoodie stated that the 10.00am for certain tournaments should remain.

The Board agreed that the application be granted apart from the request for amendment from 10.00am to 9.00am for certain bowling tournaments.

The Depute Clerk advised that as the Club were not represented it would be appropriate to continue the application to permit the Club Members to address the Board on the reason for their request to open at 9.00am for certain bowling tournaments.

The Board agreed to continue the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE

Sukhjinder Shergill
28B Bank Street
Irvine

Keystore
92 Titchfield Street
Galston

Details of the application are as follows:-

The purpose of the application was to amend the layout plan and alter the alcohol display area which will result in a decrease of capacity from 35.4 square metres to 28.98 square metres.

The Depute Clerk advised that the premises were inspected by Building Standards on 2 September 2010 and 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.
