EAST AYRSHIRE LICENSING BOARD

Minute of the meeting of East Ayrshire Licensing Board held within The Council Chambers, Council HQ., London Road, Kilmarnock on Tuesday 25 June 2013 at 10am

SEDERUNT : Councillor T Cook (Chair), Councillor J Buchanan, Councillor J Campbell, Councillor L Jones, Councillor J Knapp, Councillor M Pirie and Councillor H Ross.

ATTENDING : Mr S McCall (Depute Clerk to the Licensing Board), Superintendent N Kerr and Mrs L McGhee (Police Scotland), Mr I Hiles and Mrs C McEwan ( Licensing Standards Officer) and Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

APOLOGIES : Councillor G Mair, Councillor J McGhee and Councillor S Primrose.

1. SEDERUNT
Noted.

2. MINUTE OF MEETING

2.1 The Minute of the meeting of East Ayrshire Licensing Board held on 21 May 2013 was noted and approved.

3. NOTICE FOR DISPLAY WITHIN LICENSED PREMISES

The Depute Clerk explained that at their meeting on 16 April 2013, the Local Licensing Forum requested that the Licensing Board be invited to approve a notice which details the five licensing objectives as set out in the Act, and thereafter circulate the notice to all licence holders. The Forum felt that it may be beneficial for licence holders to display the notice within their premises.

The Depute Clerk explained that should Members be mindful to approve the notice and thereafter agree to circulate such notice to all licensed premises, the cost implications would be substantially reduced if the notice accompanied either the annual fee reminder or the consultation letter in respect of the Licensing Policy Statement, thereby ensuring that no additional postage costs would be incurred.

Members approved the notice produced by the Local Licensing Forum, however noted that the Board could not insist that licence holders display the notice. Members agreed that the Depute Clerk circulate the notice to all licence holders with the annual fee reminder or the consultation letter in respect of the Licensing Policy Statement.

4. LICENSING POLICY STATEMENT

The Depute Clerk reminded Members of the requirement in terms of section 6 of the Licensing (Scotland) Act 2005 for the Board to publish a statement of their policy with respect to the exercise of their functions under the Act before the beginning of each 3 year period. As part of the statement’s preparatory process the legislation requires that a period of consultation take place with the Local Licensing Forum for the Board’s area and such other persons as the Board thinks appropriate.
The Depute Clerk reminded Members that Section 7 of the Act requires that the policy statement includes a statement as to the extent to which the Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board’s area. He advised that information which could be used to support the over provision assessment was requested from various local agencies and provided details of the responses received from those able to provide the information requested. He also provided details of the numbers of licensed premises within each locality.

The Depute Clerk referred to the draft statement circulated to Members and stated that, subject to the approval of the Board, it was proposed that the period of consultation last between 8 July and 2 September 2013, which is a period of eight weeks. Thereafter, subject to any amendments or revisals to the draft statement arising from the consultation exercise, the finalised statement will be placed before the Board at their meeting on 29 October, 2013. This will allow a sufficient period of time for the publication of the statement by 30 November in accordance with the Board’s statutory obligations.

After a full discussion, the Board approved the draft statement of licensing policy and authorised the Depute Clerk to the Licensing Board to embark on the formal consultation exercise in relation thereto.

5. APPLICATIONS

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

There being no further business, the meeting ended at 10.50am.
Paul McLelland
72 Ballochmyle Avenue
Auchinleck

Superintendent Kerr reported that Paul McLelland was convicted at Glasgow High Court on 11 December 2007 of the offence, assault to severe injury, permanent disfigurement and danger of life and was imprisoned for 45 months. Superintendent Kerr continued that, having regard to the conviction and for the purposes of the crime prevention objective, the Chief Constable recommended that the application be refused.

Mr McLelland appeared before the Board and confirmed the conviction. He submitted that he was trying to get on with his life and had worked within licensed premises since his release from prison, with no problems.

Councillor Buchanan asked when Mr McLelland was released from prison and Mr McLelland advised that he had been released approximately four years ago.

Councillor Cook asked Mr McLelland why he was applying for a personal licence when he already worked within licensed premises.

Mr McLelland answered that he was attempting to make a better life for himself and thought that by having a personal licence he could progress to manage licensed premises.

Councillor Cook asked for more details about the conviction.

Mr McLelland advised that the conviction was the result of a knife assault, which he deeply regretted.

Councillor Campbell asked if Mr McLelland was currently employed.

Mr McLelland advised that he had been unemployed since November but had been offered a job, subject to him getting a personal licence.

Councillor Pirie asked if Mr McLelland had been convicted of any other offences since his release from prison. Superintendent Kerr confirmed that Mr McLelland had no other convictions.

There being no further questions, the Board adjourned to consider the matter.

Upon returning Councillor Cook moved that the licence be granted, which was seconded by Councillor Pirie. The Board agreed unanimously.

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David Mackenzie
21 The Paddock
Perceton
Irvine

The Jefferson
34-36 Grange Street
Kilmarnock

Details of the variation:-
Amendment of the layout plan and operating plan of the premises as follows:

Additional activities permitted within the premises - bar meals, club or other group meetings, televised sport and gaming;
increase in occupant capacity from 99 to 150;
alteration of terms in which children and young persons are to have access to the premises to include children and young persons from birth to 17 years to be permitted entry to the restaurant and bistro of the premises to attend a private function, for the duration of the function;
internal alterations to the premises; and
amendment of core hours as follows :-

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<tr>
<th>Current Hours</th>
<th>Off-Sale</th>
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<tr>
<td>Monday - Thursday : 12 Midday - 12 Midnight</td>
<td>Sunday - Saturday : 12 Midday – 10pm</td>
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<td>Friday &amp; Saturday : 11am - 1am</td>
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<td>Sunday : 11am – 12 Midnight</td>
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<tr>
<th>Proposed Hours</th>
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The Depute Clerk advised that Building Standards had reported that the occupant capacity applied for was excessive based on the means of escape provision, the sanitary provisions and the available floor area when applying an occupant load factor of 1.0. As a result of this report, the applicant had amended the application to delete the request to increase the occupant capacity and Building Standards were now satisfied with the application.

The Board Members agreed unanimously to grant the variation, as amended.

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**LICENSING (SCOTLAND) ACT, 2005**

**APPLICATION FOR VARIATION OF PREMISES LICENCE**

Auchinleck Bowling Club
7 Market Place
Auchinleck

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7 Market Place
Auchinleck

Details of the variation:-

Amendment of the operating plan of the premises as follows:

Change to the name of the premises to Auchinleck Outdoor Bowling and Social Club, inclusion of outdoor drinking facilities to 9pm each evening, permission to open earlier than 6pm outwith the bowling season subject to membership demand and permission to open from 9am on the first Thursday in July every second year to cater for the Glasgow/Ayrshire competition.

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

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Details of the variation:

Amendment of terms in which children and young persons are to have access to the premises as follows:

- Children and young persons to be allowed on the premises until 9pm accompanied by a responsible adult (i.e. a person over 18 years of age).
- Young persons to be allowed on the premises until 9pm, unaccompanied, at the management’s discretion, for the consumption of a meal.

Mr Maciver, Solicitor, appeared before the Board to speak in support of the application. He advised that this was one of a number of similar applications which had been lodged to Licensing Boards throughout the country for Wetherspoon premises. He explained that JD Wetherspoon (Scot) Ltd. operated approximately 50 licensed premises and offered food within their premises.

Mr Maciver submitted that currently children and young persons were permitted access to the premises for the consumption of a meal, which was fine at meal times, however did not allow, for example, a young mother to enter the premises with her children in the morning for a coffee.

Mr Maciver continued that similar applications had been granted in a number of other Board areas, the most recent being in South Ayrshire. He stated that one Board did however have concerns about young persons being within licensed premises unaccompanied until 9pm and restricted the time when they would be permitted entry unaccompanied to 6pm.

Councillor Ross asked if there would be a designated area within the premises for children and young persons.

Mr Maciver advised that there was no intention to alter the layout of the premises and that there was no separate area for children.

Councillor Ross expressed concern that young persons would be within the public bar and may be tempted to attempt to purchase alcohol.

Mr Maciver advised that the company had a very strict policy with regards to requesting identification and were subject to challenge 25. He stated that he had never been required to appear before a Licensing Board for any Wetherspoon premises regarding under age sales. Mr Maciver continued that the company had an operating rule that no adult would be sold more than two drinks when there were children in their company.

Councillor Buchanan asked if any teenagers entering the premises would require to produce identification.

Mr Maciver confirmed that teenagers would require to produce identification. He then reminded Members that, not so long ago, in terms of the Licensing (Scotland) Act 1976, 14 year old children were permitted within licensed premises.
The Board adjourned to consider the matter.

Upon returning the Chair moved that the variation be granted, subject to the application being amended to young persons being allowed on the premises until 6pm, unaccompanied, at the management’s discretion, for the consumption of a meal.

Mr Maciver asked that the application be amended as above.

The Board agreed unanimously to grant the variation, as amended.