

EAST AYRSHIRE LICENSING BOARD

**Minute of the Meeting of East Ayrshire Licensing Board held within The Council Chambers,
Council Headquarters, London Road, Kilmarnock on Tuesday 13 March 2018 at 10am.**

SEDERUNT: Councillor Tom Cook (Chair), Councillor John Campbell, Councillor William Crawford, Councillor Ian Grant, Councillor Lillian Jones, Councillor Claire Leitch and Councillor George Mair.

ATTENDING: Mr S McCall (Depute Clerk to the Licensing Board), Chief Inspector Cairns, Sergeant Dougan and Ms D Hastings (Police Scotland), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers) and Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

APOLOGIES : Councillor Fiona Campbell, Councillor Drew Filson and Councillor Jacqui Todd.

1. SEDERUNT

Noted.

2. MINUTE OF MEETING

2.1 The Minute of the meeting of East Ayrshire Licensing Board held on 12 December 2017 was approved and noted.

3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Depute Clerk provided details on the following applications, which were discharged by the Clerk under delegated authority from 5 December 2017 until 4 March 2018:-

Confirmation of Provisional Licence	:	2
Minor Variation	:	16
Variation on Transfer	:	1
S33 Transfer	:	4
Grant of Personal Licence	:	15
Automatic Entitlement to Gaming Machines	:	1
Small Lottery – Renewals	:	43
Small Lottery – Grants	:	2
Occasional Licence	:	159
Extended Hours	:	69

The Board noted the content of the report for information purposes.

4. APPLICATIONS

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

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

LICENSING (SCOTLAND) ACT, 2005
APPLICATION FOR PERSONAL LICENCE

Mr Jack Trainor
53 Balfour Court
Kilmarnock

Chief Inspector Cairns reported that Jack Trainor was convicted of Assault to Injury at Kilmarnock Sheriff Court on 10 January 2014 and fined £230.

The circumstances surrounding the conviction were that on 17 October 2013 at 27C Fullerton Street, Kilmarnock, Mr Trainor assaulted at 15 year old female and kicked her on the body, kicked a ball causing it to strike her on the body and punched her on the head to her injury.

Mr Trainor appeared before the Board and explained that he had not been living at home at the time of the incident and had ‘not been himself’. He advised that he was only 16 years of age at the time and has never been in trouble with the Police again.

Chief Inspector Cairns had no questions for Mr Trainor.

Councillor Jones asked if Mr Trainor was working.

Mr Trainor advised that he had just completed an 8 month trial period but was not in permanent employment, however hoped that a Personal Licence would assist in gaining employment.

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

Upon returning, the Chair moved that the application be granted, which was seconded by Councillor Jones. The Board agreed unanimously.

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

Mr Hua Zhang
175 Main Street
Prestwick
KA9 1LH

The Tartan Suite
4b John Finnie Street
Kilmarnock
KA1 1DD

The application is to amend the licensed hours as follows:-

Current Licensed Hours - On Sale

Sunday to Wednesday 6.30pm – 2.00am
Thursday – Saturday 6.30pm – 2.30am

Proposed Licensed Hours – On Sale

Sunday – Wednesday 11am – 12 Midnight
Thursday – Saturday 11am – 1am

The application is also to remove the current seasonal variations and replace as follows:- the premises will remain open until 2am on 25, 26 and 31 December and 1 January each year.

The application is also to permit children and young persons aged from birth to 17 years access to the premises for the duration of a private function.

The Depute Clerk reminded Members that these premises previously operated as a nightclub and that the variation was sought to revert back to standard operating hours.

Mr Stephen McCormack, Operations Manager, appeared before the Board. He explained that he was currently operating the licensed premises, The Tartan Sheep, next door and intended to operate these premises as a function suite to cater for parties etc. where children were normally present. He advised that his business was a family run business and that the safety of children was paramount.

There being no objections or representations received in respect of this application, the Chair moved that the variation be granted. This was seconded by Councillor Jones. The Board agreed unanimously.

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

Nicedays Store Ltd.
62 Merrick Drive
Dalmellington

Nicedays
42/44 Dalvennan Avenue
Patna

Details of the variation:-

The variation comprises incorporation of the adjacent shop premises at 41 Dalvennan Avenue, Patna, into the licensed shop area (currently No. 42 Dalvennan Avenue) and full refurbishment of the sales area at No. 42, including re-siting the alcohol display areas with a small increase to the display capacity from 24.43m² to 28.28m². The incorporation of No. 41 is with a view to providing storage accommodation and staff facilities, thereby allowing greater use of the floor area of No. 42 for retail purposes.

The variation is also for the correction of the postal address from “42/44” Dalvennan Avenue, Patna to “41/42” Dalvennan Avenue, Patna.

Mr Dunlop, Solicitor, appeared before the Board on behalf of the applicants and explained that his clients currently operated 42 Dalvennan Avenue and had acquired number 41. It was intended to incorporate number 41 into the existing licensed premises and refurbish same at a cost of approximately £200,000, producing a high quality convenience store for Patna. He advised that the shop would double in size, that the alcohol display area would increase by 15% and would open mid April.

There being no objections or representations received in respect of this application, the Chair moved that the variation be granted. The Board agreed unanimously.

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LICENSING (SCOTLAND) ACT, 2005
APPLICATION FOR PROVISIONAL PREMISES LICENCE

Craufurdland Ltd.
Craufurdland Estate
Kilmarnock

The Lairds Table
Craufurdland Estate
Kilmarnock

Proposed Licensed Hours – On Sale

Monday – Wednesday 11am – 10pm
Thursday – Sunday 11am – 12 Midnight

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

The Lairds Table is a stand-alone building housing a cafe/restaurant plus the leisure and fishery reception for Craufurdland Estate, Kilmarnock. The licensed area will be the cafe/restaurant area only and any alcohol served would be served to customers partaking of food. There will be an outdoor serving hatch operating from the bar area to serve food for consumption outwith the building/outdoor drinking area. No alcohol will be served via this hatch.

The premises will provide restaurant facilities and will cater for weddings, funerals, birthdays, group meetings, etc. Recorded music will be provided and there will be an outdoor drinking area.

Children and young persons from birth to 17 years will be permitted access to the cafe/restaurant and outdoor seating area when accompanied by a suitable adult. Children under 12 years of age will be permitted entry to the building until 8pm and children and young persons aged between 12 and 17 years will be permitted entry to the building until 10pm.

The proposed capacity of the premises is :-

Main Dining Area	: 60
Informal Seating/Waiting Area	: 14
Outdoor Seated Area	: 20

The Depute Clerk advised Members that this application was for a provisional premises licence for a cafe/restaurant at Craufurdland Estate, Kilmarnock.

Mr Simon Houison Craufurd appeared before the Board and advised that he had taken delivery of the modular building, which was being fitted out and it was hoped to open towards the end of April. He submitted that experienced staff would be employed and that a full risk assessment would be carried out.

The Chair asked if Mr Houison Craufurd was aware of the Board's policy to restrict the use of outdoor drinking areas to 9pm. Mr Houison Craufurd was not aware of the policy but accepted that the use of the outdoor drinking area would be restricted to 9pm.

There being no objections or representations received in respect of this application, the Chair moved that the provisional licence be granted, subject to the use of the outdoor drinking area being restricted to 9pm each evening. The Board agreed unanimously.

The Depute Clerk reminded Mr Houison Craufurd that an application for Confirmation of Provisional Licence would require to be applied for prior to the premises opening.

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GAMBLING ACT 2005
APPLICATION FOR CLUB MACHINE PERMIT

New Cumnock Working Men's Club
103 Afton Bridgend
New Cumnock
KA18 4JG

Permission to make available for use, up to three gaming machines of Category B3A, B4, C or D (category B3A machines may not be made available for use in commercial clubs).

The Depute Clerk advised that no objections or representations had been received in respect of this application.

The Board agreed unanimously to grant the permit.

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