

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 25 September 2018 at 10am.

- SEDERUNT:** Councillor Tom Cook (Chair), Councillor John Campbell, Councillor William Crawford, Councillor Drew Filson, Councillor Ian Grant, Councillor Claire Leitch and Councillor George Mair.
- ATTENDING:** Mr S McCall (Depute Clerk to the Licensing Board), Chief Inspector Cairns and Sergeant Dougan (Police Scotland), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers) and Mrs P Duncan (Licensing Board Administrator).
- APOLOGIES :** Councillor Fiona Campbell, Councillor Lillian Jones 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 21 August 2018 was approved and noted.

3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk provided details on the following applications, which were discharged by the Clerk under delegated authority from 11 August until 17 September 2018:-

Minor Variation	:	7
Variation on Transfer	:	1
Grant of Personal Licence	:	9
Small Lottery – Renewals	:	3
Occasional Licences	:	105
Extended Hours	:	11

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

4. LICENSING BOARD MEETINGS

The proposed dates for Licensing Board meetings in 2019 were approved and noted.

5 REVIEW OF PREMISES LICENCE

5.1 Review of premises licence for premises at Bingham's Convenience Store, 97A Glaisnock Street, Cumnock in terms of the Licensing (Scotland) Act, 2005 for breach of mandatory licensing conditions.

The Depute Clerk advised that a Premises Licence Review request had been received from Ian Hiles, Licensing Standards Officer, in respect of premises at Bingham's Convenience Store, 97A Glaisnock Street, Cumnock for breach of the mandatory licensing conditions.

Mr Abdul Karim Nasim, premises licence holder, was present at the meeting, together with his son, Mr Irfan Nasim, who addressed the Board in respect of the premises licence review.

As no preliminary matters were raised, the hearing proceeded in accordance with the agreed procedure for hearings.

Mr Ian Hiles, LSO reported that Abdul Karim Nasim had held the Premises Licence for these premises since 10 December 2013.

Mr Hiles further reported:-

In terms of Section 36(4) a Licensing Standards Officer may make a Premises Licence Review on the grounds that one or more of the conditions to which the premises licence is subject has been breached only if -

- (a) In relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under Section 14(2)(a)(i)
- (b) Any other ground relevant to one or more of the licensing objectives.

In terms of Section 36(4) of the Licensing (Scotland) Act, a Licensing Standards Officer may request a Premises Licence review if, after the issue of a Compliance Notice, one or more conditions of the Premises Licence are not complied with.

Section 13(1) of the mandatory conditions of the Premises Licence state alcohol which is for sale only for the consumption off the premises may be displayed only in one or both of the following- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence or (b) a single area of the premises which is inaccessible to the public.

Section 6(1) of the mandatory conditions of the Premises Licence state that no person (other than a person who holds a premises licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph. Section 6 (2)(a) states that is a capacity (whether paid or unpaid) which involves the person making sales of alcohol.

Section 6 (2A) states that at any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity in the above paragraph, there must be kept of the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No.2)(Scotland) Regulations 2007 with Section 6 (2B) stating that a record kept on the premises must be produced to a Licensing Standards Officer on request.

In summary, all staff who do not hold a Personal Licence and are involved in the sale of alcohol must be trained for a minimum of two hours, a training record completed and kept on the premises and must be produced to a Licensing Standards Officer on request.

Mr Hiles reported that on 9 November 2016 a visited was carried out to the premises. At that time neither the Premises Licence Holder nor the Designated Premises Manager were present. During the inspection, the following issues were identified.

Summary of Premises Licence (or certified copy) – Not available
Main Premises Licence (or certified copy) – Not available
Approved layout plan of alcohol display area – Not available

Further, no staff training records were available for inspection nor was there a Personal Licence present for the Designated Premises Manager Shabnum Mohammed.

In addition, there was a fridge present at the end of the inaccessible alcohol display area. This fridge was approximately half a metre wide and two metres tall and contained several different brands of alcoholic drinks. As the approved layout plan was not available, the approved alcohol display area could not be checked. Upon returning to the office, it was ascertained that the extra fridge was not included in the alcohol display area. This fridge added another one metre square (1m²) to the alcohol display area, the approved area being 12.53m².

During the visit, the staff member made contact by telephone with a male person who identified himself as Mr Nasim. The above issues were pointed out and time given to rectify matters. The additional fridge was also pointed out and Mr Nasim advised that if the fridge was not included in the approved alcohol display, a Major Variation application would require to be submitted to include the fridge, or the fridge removed with immediate effect. Mr Nasim agreed that all matters would be dealt with prior to re-inspection.

On 25 November 2016, the premises were re-visited. Neither the Premises Licence Holder nor the Designated Premises Manager were present.

Some of the matters raised at the visit on 9 November had been addressed. This included two training records having been completed for then current staff. There was no Personal Licence present for the Designated Premises Manager and the additional fridge was still present and displaying alcoholic drinks. This was brought to the attention of the staff member working.

On 9 May 2018, a visit was made to carry out a licensing inspection and also to ensure that the premises were complying with the Minimum Unit Pricing. The staff member on duty, Pamela McWilliam, was unable to produce her staff training record and on her admission, stated that she had not received two hours training and had not signed a training record. There were two other training records that had been signed by the named staff member. There were also two blank training records that had been signed by the Designated Premises Manager.

The half metre wide and two metres tall fridge was still present. The staff member was able to produce the current approved layout plan of the alcohol display area and the fridge was not shown on the plan. A further check upon return to the office showed that no Major Variation application had been submitted since the matter had first been brought to the attention of the Premises Licence Holder, Mr Nasim, in November 2016.

As a result of this visit, on 10 May 2018, a Compliance Notice in terms of Section 14 of the Licensing (Scotland) Act 2005 was issued. The Compliance Notice required that the Premises Licence Holder, Abdul Karim Nasim, was to submit a Major Variation application to include the additional display on the approved layout plan or remove the fridge display completely. The Compliance Notice further required that all staff receive the mandatory two hours training with a separate training record being completed for each staff member, all to be completed within 14 days. The Compliance Notice was sent out by Recorded Delivery to the home address of the Premises Licence Holder and posted to the premises address at 97A Glaisnock Street, Cumnock.

On 17 July 2018, the premises were visited to ascertain if the additional fridge had been removed from the alcohol display area. The fridge was still present and had alcoholic drinks

displayed within.

The staff member on duty, who was the same staff member who had been working during the last visit on 9 May 2018, namely Pamela McWilliam stated that she had not received two hours of training and that the Premises Licence Holder had 'gone over a couple of things' but it had been nowhere near two hours. She also admitted that she had not signed a staff training record since the last visit.

The staff member was also unable to produce the staff training records, the approved layout plan of the premises or the Main Premises Licence or Summary of Premises Licence or a certified copy.

Following notification from Glasgow City Licensing Board that the Designated Premises Manager, Shabnum Mohammed's Personal Licence had been revoked on 2 July 2018, the premises were visited on Thursday 19 July 2018. Isobel Shaw, who was the only member of staff on duty was asked if she could contact Mr Nasim, which she did by telephone. It was noticed that the contact name on the phone was Tony. Mr Nasim was informed that the premises had to stop selling alcohol with immediate effect due to the Personal Licence of the DPM being revoked on 2 July 2018 and no notification being made to East Ayrshire Licensing Board with 7 days of the revocation. He stated that alcohol would not be sold and he would arrange for new DPM to be nominated.

On 23 May 2018, a Major Variation application was received from the Premises Licence Holder, Abdul Karim Nasim. The application was incomplete as the applicant had not included six proposed layout plans including the additional 1m² fridge display.

On 24 May 2018, Mr Nasim was spoken to by Licensing Board staff and advised that updated plans would be required. He agreed that he would send them in as soon as possible.

On 27 June 2018, Mr Nasim was spoken to by telephone as the revised layout plan had not been submitted. He claimed that he had sent in the plans but a check of the mail log found this not to be the case. He was reminded that the application could not be considered until the plans had been received. He then stated that he would write in to withdraw the application and remove the fridge. No letter or email was received from Mr Nasim.

On 11 July 2018, Mr Nasim telephoned the Licensing Office and spoke with Carolyn McEwan, LSO. Guidance was again provided in respect of the submission of the amended layout plans and Mr Nasim again stated that he would send them in as soon as possible.

On 12 July 2018, Mr Nasim telephoned the Licensing Office again. He asked for information about what was required in the amended layout plan and how he could get one made up. Guidance was again provided and he was reminded that he had been requested to submit the amended layout plans on 24 May 2018. He was reminded that by not submitting a complete and correct Major Variation application, he had not taken the action specified in the Compliance Notice to the satisfaction of the Licensing Standards Officer and that a Premises Licence Review could be requested. Mr Nasim again stated that he would write in and withdraw the application.

On 17 July 2018, an enquiry was made with Glasgow City Licensing Board to ascertain the validity of the Personal Licence of the Designated Premises Manager, Shabnum Mohammed. The Glasgow City Licensing Board stated that the Personal Licence had been revoked on 2 July 2018 as the licence holder had not undertaken the mandatory refresher training within 5 years of the issue of the Personal Licence. The Premises Licence Holder, Mr Nasim did not contact East Ayrshire Licensing Board within 7 days as per the terms of Section 54(3) of the Licensing (Scotland) Act 2005 to advise that the Personal Licence of the Designated Premises Manager had been revoked or suspended. This resulted in the premises not being permitted to

sell alcohol from Thursday 19 July 2018 as there was no Designated Premises Manager at the premises.

On Friday 3 August 2018, the Premises Licence Holder, Abdul Karim Nasim attended East Ayrshire Council Headquarters, London Road, Kilmarnock to lodge an application to nominate a new Designated Premises Manager. This permitted alcohol to be sold again from the premises. Mr Nasim was asked again as to his intentions with the additional alcohol display area. He stated that the display would be removed straightaway and the application withdrawn.

On Tuesday 14 August 2018, notification was made by the Designated Premises Manager to East Ayrshire Licensing Board that he no longer worked at the premises with immediate effect.

On Thursday 16 August 2018, the Premises Licence Holder, Abdul Karim Nasim, attended East Ayrshire Council Headquarters, London Road, Kilmarnock to lodge an application to nominate a new Designated Premises Manager. Mr Nasim was again asked as to his intentions with the additional alcohol display. Mr Nasim again stated that the extra alcohol display area would be removed and the application withdrawn.

On Friday 7 September 2018, the premises were visited to check if the additional alcohol display had been removed. The additional fridge display was still located in the same place with alcoholic drink products on display for sale.

As of 17 September 2018, no letter had been received by East Ayrshire Licensing Board requesting that the Variation application had been withdrawn. There had been no amended layout plans submitted to accompany the application to vary the Premises Licence and allow progression of the application.

On 18 September 2018 a visit was carried out to the premises and the fridge was still present, however later that day an e-mail had been received by the Licensing Section from Mr Nasim requesting that the variation application be treated as withdrawn and that the fridge had been removed from the alcohol display area.

Mr Hiles reported that during a visit to the premises on 17 July 2018 he was not satisfied that the Compliance Notice had been complied with and had concerns that the Premises Licence Holder was allowing persons who have not received the required statutory training to be in charge of the premises. In addition, the Premises Licence Holder had repeatedly failed to lodge the revised layout plans in order to make the Major Variation application complete and competent. The Premises Licence Holder has continued to use the unauthorized additional 1m² alcohol display fridge from November 2016 until 7 September 2018 – Mr Hiles produced for Members, a photograph of the fridge, together with a copy of the layout plan showing the location of the fridge.

Mr Hiles stated that the Licence Holder contacted the Licensing Section to discuss the issues raised both in general correspondence and on receipt of the Compliance Notice, however, no correspondence other than an incomplete application form has been received, despite assurances that the additional requested documentation or letters would be sent in. The applicant submitted two variation applications to substitute the Designated Premises Manager but on these two occasions failed to either withdraw the application to add the additional alcohol display or submit updated layout plans to allow the application to progress. Between May 2016 and July 2018 the named Premises Manager, Shabnum Mohammed, was not present on the premises during any of the inspections detailed above and the current Designated Premises Manager Parveen Irfan was not present on visits on 7 or 18 September 2018.

Mr Hiles concluded that he is concerned that the Licence Holder has demonstrated a blatant disregard for the legislation in not ensuring that staff have undertaken the statutory training prior to being involved in the sale of alcohol and by failing to ensure that alcohol is only displayed within the approved alcohol display area. Mr Hiles respectfully requested that Members take the necessary action to ensure compliance with the Mandatory Conditions attached to the Premises Licence.

Mr Nasim had no questions for Mr Hiles.

Mr Nasim submitted that the DPM of the premises, Shabnum Mohammed, had not passed on information and that he had been unsure what was happening.

Mr Nasim could offer no further explanation and apologised to the Board that the matters reported by Mr Hiles had not been dealt with.

Mr Hiles had no questions for Mr Nasim.

The Chair asked if Mr Hiles could confirm whether the fridge had now been removed.

Mr Hiles advised that a further visit to the premises had not yet been carried out to confirm whether the fridge had been removed.

Mr Nasim advised that the fridge had now been removed. He stated that the fridge had been in place since 2016 and, as no one had been in touch again about the fridge, he had thought that the fridge could stay in place. Mr Nasim again apologised and advised that the training records were now all up to date and that he now worked in the shop on Fridays and Saturdays.

Councillor Mair referred to the telephone call made from the premises on 19 November 2016 and asked who Mr Hiles had spoken to. Mr Irfan Nasim advised that he had spoken with Mr Hiles on the telephone.

Councillor Mair asked if Mr Nasim operated any other businesses. Mr Nasim advised that he had another business in Glasgow and that he had been unaware that Shabnum Mohammed's Personal Licence had been revoked.

Councillor Mair asked if the premises were currently trading and Mr Hiles advised that, apart from the period between 19 July and 3 August 2018 when there had been no DPM, the premises continued to operate.

The Deputy Clerk asked if the issue regarding the fridge had been addressed with Mr Nasim during the telephone call with Mr Hiles on 19 November 2016 and Mr Hiles confirmed that the matter of the fridge had been discussed.

The Deputy Clerk asked if Mr Nasim could explain why it had taken nearly two years to rectify the position.

Mr Nasim confirmed that he had spoken with Mr Hiles regarding the additional fridge on the telephone, however as time had passed and he had heard nothing further, he had thought that the fridge could stay in place. He advised that at that time his brother had been operating the shop.

The Deputy Clerk pointed out that the matter had again been raised with staff on 25 November 2016 and then again from 9 May 2018 onwards and no yet action had been taken.

Mr Nasim advise that he had not been aware that he would require to consult Architects for updated plans to lodge with the variation application and was getting quotes.

The Chair asked if Mr Nasim had not considered removing the fridge until the matter had been rectified.

Mr Nasim advised that he had considered removing the fridge but decided to obtain quotes for updated plans.

The Depute Clerk asked if Irfan Nasim and his wife, Parveen Ifran held Personal Licences and Mr Nasim confirmed that both held Personal Licences.

The Depute Clerk pointed out that, having completed relevant training, Mr Nasim should have been aware of the requirement to submit plans with the variation application.

Mr Nasim stated that he had thought that he could prepare plans himself.

The Depute Clerk asked if Mr Nasim was aware that the layout plan of the premise formed part of and was attached to the premises licence. Mr Nasim confirmed that he was aware that the layout plan was part of the premises licence.

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

Mr Hiles had nothing further to add to his earlier submission.

Mr Nasim submitted that he would ensure that everything was kept up to date in future and apologised to the Board. He confirmed that the fridge had now been removed.

The Board adjourned to consider the matter.

Upon returning the Chair moved that the grounds for review had been established. The Board agreed unanimously.

The Chair expressed very serious concern over the lack of training and lack of knowledge of the operation of the licensed premises. He moved that the premises licence be suspended with immediate effect, until 31 December 2018 or until such time as all staff involved in the sale of alcohol within the premises have undertaken a re-training programme with an external training provider, obtained a Personal Licence and evidence of same provided to the Board. In the event that this requirement is not been complied with by 31 December 2018, the Board would consider the matter again at the earliest opportunity. This motion was seconded by Councillor Crawford. The Board agreed unanimously.

5. APPLICATIONS

Applications considered under the Licensing (Scotland) Act 2005 – See Appendix I.

6. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Depute Clerk reminded Members that, in terms of the Gambling Act 2005, all licensing Boards require to prepare and publish an appropriate Statement of Principles which the Board will thereafter apply under the statutory regime. Each licensing authority requires to publish a revised Statement of Principles every three years.

The Depute Clerk produced a draft revised Statement of Principles and invited Members to approve the draft Statement of Principles for the purposes of consultation and to remit to the Clerk to the Board to carry out all necessary consultation and thereafter submit a further report to the meeting of the Board on 11 December 2018, presenting a finalised Statement of Principles for consideration and approval by the Board.

The Board approved the draft Statement of Principles and remitted to the Clerk to the Board to carry out the necessary consultation.

7. STATEMENT OF LICENSING POLICY – UPDATE

The Depute Clerk updated the Board following the formal consultation on the draft Statement of Licensing Policy and invited Members to consider the responses received and the proposed amendments to the draft Statement of Licensing Policy.

He advised that, despite the wide range of parties consulted during the consultation exercise, only 4 responses were received, which were from NHS Ayrshire & Arran, Alcohol Focus Scotland, East Ayrshire Local Licensing Forum and East Ayrshire Council's Planning & Economic Development Services.

Taking account of the responses received following the formal consultation and the proposed amendments to the draft Statement of Licensing Policy, the Board delegated to the Clerk to the Licensing Board to produce a finalised statement to meeting of the Board on 23 October 2018. This would allow a sufficient period of time for the publication of the statement by in accordance with the Board's statutory obligations.

There being no further business, the meeting ended at 11.50am.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Chloe Hart
56 Loudoun Road
Newmilns

The Depute Clerk reminded Members that this application had been continued from the last meeting of the Board as Ms Hart had not been present. He advised that Police Scotland had advised that Ms Hart had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005.

Ms Hart appeared before the Board and confirmed that she had no preliminary matters to raise.

Chief Inspector Cairns reported that Chloe Hart was convicted on 4 January 2018 at Kilmarnock Sheriff Court of offences in terms of:-

1. Road Traffic Act 1988 Section 4(1) and fined £300, Disqualified for 1 year and licence endorsed; and
2. Misuse of Drugs Act 1971 Section 5(2) when Ms Hart was admonished.

The circumstances surrounding charge 1 was that on 22 May 2017 on a road or other public place, namely Harbour Street, Irvine, Chloe Hart was, when driving motor car registered number EY07 UCN, unfit to drive through drink or drugs, contrary to the Road Traffic Act 1988, Section 4(1).

The circumstances surrounding charge 2 was that on the date and place stated above, Chloe Hart had in her possession a controlled drug, namely cannabis, a Class B drug specified in Part II of Schedule 2 to the Misuse of Drugs Act 1971 in contravention of Section 5(1) of the said Act, contrary to the Misuse of Drugs Act 1971, Section 5(2).

Ms Hart apologised for not being in attendance at the last meeting of the Board.

Ms Hart advised the Board that as well as the reported convictions, she was due to appear at Court on 2 October 2018 for a drink driving offence. She submitted that she took full responsibility for her actions and had pled guilty quickly to the charge.

Ms Hart explained that she had been a good student at school, however after leaving school had started a long term relationship with a much older man, which she described as toxic.

Ms Hart continued that she had not been working or studying during this time and had lost all confidence. She advised that she had now taken steps to rectify the position and had completed various training, was now working part time with Wetherspoons and had started an HNC in Hospitality in August. She continued that she now lived with her mother, was now focused on her career and that a Personal Licence would be an advantage to her.

Chief Inspector Cairns had no questions for Ms Hart.

The Chair asked if Ms Hart was still in the relationship referred to and Ms Hart advised that she was no longer in the relationship.

The Chair asked if Mr Hart was currently employed by Wetherspoons and Ms Hart confirmed that she was.

Councillor Grant asked if Ms Hart would have any problem working with alcohol. Ms Hart stated that working with alcohol was not a problem.

The Board adjourned to consider the application.

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

The Chair stressed that the Board did not wish to see Ms Hart before the Board with any further relevant offences.

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LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Nico Moore
12 Ardgour Place
Kilmarnock

The Depute Clerk reminded Members that this application had been continued from the last meeting of the Board as Mr Moore had not been present. He advised that Police Scotland had advised that Mr Moore had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005.

As Mr Moore was again not present at the meeting, despite his confirmation that he would be in attendance, the Board agreed to consider the application in Mr Moore's absence.

Chief Inspector Cairns reported that Nico Moore was convicted on 21 October 2013 at Ayr Sheriff Court of Assault to Injury when sentence was deferred to 19 November 2013, sentence was deferred to 17 December 2013 when Mr Moore was imprisoned for 4 months.

The circumstances surrounding the offence dated 21 October 2013 was that on 1 May 2013 at 102 Princes Court, Ayr, Nico Moore assaulted a 40 year old female and repeatedly punched her on the head and body, threaten her with violence, place his hands around her neck and compress her throat rendering her unconscious, all to her injury.

Further Mr Moore was convicted on 18 August 2017 at Kilmarnock Sheriff Court for Assault to Injury AGG : Child when sentence was deferred to 26 September 2017, then Community Payback Order for 1 years unpaid work for a period of 200 hours to be completed within 6 months, then on 23 March 2018 conditions of the Community Payback Order were carried to extend time to complete the order by 6 months.

The circumstances surrounding the offence dated 18 August 2017 was that on 21 June 2017 at 12 Ardgour Place, Kilmarnock, Nico Moore assaulted a 5 year old male, seized him by the body and lifted him and threw him onto a bed, all to his injury.

Chief Inspector Cairns submitted that in light of the above, the Chief Constable considers that it is necessary for the purpose of the securing public safety and protecting children and young persons from harm licensing objections, that the application be refused.

The Chair moved that the application be refused and the Board agreed unanimously.

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

Martin McColl Ltd.
McCull's House
Ashwells Road
Brentwood
Essex

McColls
59-61 West Main Street
Darvel

Details of the variation:-

Change to the internal layout of the premises resulting in an increase in the alcohol display area from 23.4m² to 26.82m²

Mr McDougall, Solicitor, appeared before the Board on behalf of the applicants, together with Martin Black, Area Manager with Martin McColl Ltd.

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

Mr McDougall submitted that these premises traded well and that the increase to the alcohol display area was a very modest area behind the till.

Mr McDougall advised that Martin McColl Ltd. had various policies in place to ensure premises operated well and that only 10% of sales from the premises were alcohol.

The Chair asked if the size of the store was to increase or only the alcohol display area.

Mr McDougall advised that there would be no change to the size of the premises, only a small increase in the alcohol display behind the till.

The Board agreed unanimously to grant the variation.

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

Rifat Bibi
9 Terringzean View
Cherrytrees
Cumnock

Craigens Road Post Office
34-36 Craigens Road
Netherthird
Cumnock

Details of the variation:-

Increase in alcohol display area within the premises from 9.60m² to 24.5m²

The Depute Clerk reminded Members that this application had been continued from the last meeting of the Board as Ms Bibi had not been present. He advised that no objections or representations had been received in respect of this application.

Ms Rifiat Bibi was present to speak in support of the application.

Ms Bibi explained that, with the opening of the new Farmfoods store in Cumnock, the variation was sought to keep business in the Cumnock area.

The Chair asked if the size of the store was to increase or only the alcohol display area.

Ms Bibi advised that the size of the shop would not change, only the layout.

The Board were given the opportunity to look at the approved plan of the premises and the proposed plan showing the new layout.

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

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

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