

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 26 June 2018 at 10am.**

SEDERUNT: Councillor Tom Cook (Chair), Councillor Fiona Campbell, Councillor John Campbell, Councillor William Crawford, Councillor Drew Filson, Councillor Ian Grant, Councillor Lillian Jones, Councillor George Mair and Councillor Jacqui Todd.

ATTENDING: Mr S McCall (Depute Clerk to the Licensing Board), Sgt Dougan and Ms V Thomson (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 Lillian Jones, Councillor Claire Leitch 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 29 May 2018 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 22 May until 18 June 2018:-

Minor Variation	:	7
Variation on Transfer	:	2
S33 Transfer	:	3
Grant of Personal Licence	:	19
Small Lottery – Grants	:	3
Occasional Licences	:	104
Extended Hours	:	10

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

4. EAST AYRSHIRE LICENSING BOARD : ANNUAL FINANCIAL REPORT

The Depute Clerk reminded Members that in terms of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015, Licensing Boards must prepare and public an Annual Financial Report, not later than three months after the end of each financial year.

The Depute Clerk outlined the Report and recommended that Members approve and authorise the publication of the Annual/Financial Report.

The Board unanimously agreed to approve the Report and authorised the Depute Clerk to proceed with the publication.

5. EAST AYRSHIRE LICENSING BOARD : ANNUAL FUNCTION REPORT

The Depute Clerk reminded Members that the Air Weapons and Licensing (Scotland) Act 2015 introduced a number of new measures in relation to alcohol licensing, including the requirement for Licensing Boards to produce an annual function report.

The Depute Clerk outlined the contents of the report and pointed out that the Scottish Government had not set out a reporting style which would lead to different licensing areas producing a variety of reports.

The Chair thanked the licensing staff for the production of this report which would have required a significant amount of work. The Chair pointed out that of all the Reviews detailed in the report only one was in respect of the operation of licensed premises.

The Depute Clerk stated that the role of the Licensing Standards Officer in ensuring that licensed premises are operating in terms of their operating plan has had a positive impact in the reduction of premises licence reviews coming before the Board.

The Board agreed unanimously to approve the Report and authorise the Depute Clerk to proceed with the publication.

6. STATEMENT OF LICENSING POLICY

The Depute Clerk reminded Members that the Board's Statement of Licensing Policy required to be in place by 30 November 2018 and that the Policy was the document which the Licensing Board based their decisions on.

The Depute Clerk advised that the draft Policy Statement, which had been circulated to Members, had been drafted using detailed statistical information in respect of the Overprovision Assessment and responses received within the consultation period.

The Depute Clerk proposed that the period of consultation on the Draft Licensing Policy Statement would be between 9 July and 3 September 2018, which is a period of eight weeks. Thereafter, subject to any amendments or revisions to the draft statement arising from the consultation exercise there will be an updated report presented to the Board Members at their meeting on 25 September 2018 with the finalised statement being placed before the Board at their meeting on 23 October 2018 for approval. This would allow a sufficient period of time for the publication of the statement by 30 November 2018 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.

7. APPLICATIONS

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

There being no other business the meeting ended at 12 Noon.

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

Hannah Cunningham
2 Blacksyke Avenue
Kilmarnock

The Murray Bar
30 Central Avenue
Kilmarnock

Details of the variation:-

Creation of an outside drinking area to the front of the premises, which will be approximately 30m2 and bound by a temporary fence.

Hannah Cunningham, the premises licence holder, was present at the meeting together with James Cunningham.

The Depute Clerk advised that there were no objections or representations in respect of this application. The Depute Clerk further advised that the outside drinking area was owned by the Council and that a ground lease would be required, as well as planning permission, if the area was to be used for more than 28 days per year.

The Chair asked for confirmation on the number of tables and chairs to be used within the area and if the area would be fenced off. Mr Cunningham advised that there would be between 6 and 8 tables and the area would be delineated with temporary crowd control barriers.

The Chair moved that the application be granted subject to the necessary permissions being granted and a 9pm restriction on the use of the area for consumption of alcohol, in accordance with the Board’s policy. The motion was seconded by Councillor Grant. There being no other motion it was unanimously agreed to grant the application.

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

Darvel Bowling Club
Ranoldcoup Road
Darvel

Darvel Bowling Club
Ranoldcoup Road
Darvel

Details of the variation:-

Request to allow the premises to open from 9.30am to cater for specific tournaments, subject to prior notification of the dates of the tournaments being made to the Licensing Board, in writing, prior to the start of the bowling season.

Jim Gilmour appeared on behalf of Darvel Bowling Club to provide the Board Members with any further information required.

The Depute Clerk outlined the application and advised that the variation was to bring the premises licensed hours in line with other bowling clubs. The Depute Clerk confirmed no objections or representations had been received in respect of the application.

The Board unanimously agreed to grant the variation.

LICENSING (SCOTLAND) ACT 2005 : S33
APPLICATION FOR TRANSFER OF PREMISES LICENCE

The New Clansman Ltd.
11 Portland Road
Kilmarnock

Braehead Bar
8 Langlands Street
Kilmarnock

The Depute Clerk reminded Members that this application was continued from the Licensing Board meeting on 29 May 2018, due to the applicant not being present or represented.

James Watson, Director of the applicant company and Leesa Kennedy, his partner, were present at the meeting and advised that the notification letter for the May Board meeting had been issued to their Accountants address and had not been passed to them in time to attend the meeting.

The Depute Clerk advised that notification had been received from Police Scotland of a relevant conviction held by Mr Watson. The Depute Clerk confirmed with Mr Watson that there were no preliminary matters and the hearing proceeded in accordance with the hearing procedures.

Sgt Dougan reported on behalf of the Chief Constable that James Watson was convicted on 17 October 2018 at Glasgow City JP Court in terms of the Misuse of Drugs Act 1971 Section 5(2) AGG: Bail and MOD: Cocaine and fined £150.

There were no questions for Police Scotland.

Mr Watson explained that he had been at a boxing event at the SECC in Glasgow with a group of friends when it was decided that they would purchase cocaine prior to entering the event. The purchase was witnessed by Police and the drugs were confiscated. Mr Watson stated that the group were advised by the Police that if one of them didn't take responsibility for the offence and receive a fixed penalty then all of them would be taken to a Police Station and charged. Mr Watson advised that he had taken responsibility for the offence.

The Chair asked if Mr Watson was on bail at the time of the offence.

Mr Watson confirmed that there had been an incident at a premises previously occupied by him but that he had been Admonished by the Court in respect of that incident.

The Depute Clerk confirmed that an Admonishment was a conviction and asked for clarification from Police Scotland if Mr Watson had a further conviction. Sgt Dougan confirmed that Mr Watson had been Admonished in respect of the previous matter.

Councillor Mair asked if Mr Watson had bought the property and Mr Watson confirmed that he had bought the property and was the sole Director of the Company with Leesa Kennedy being the DPM.

Councillor Campbell asked who the licensee was and Leesa Kennedy confirmed that the Premises Licence was being transferred from Hawthorn Leisure, the current premises licence holders to The New Clansman Ltd with Leesa Kennedy being the designated premises manager.

Councillor Grant pointed out that if the transfer was granted the Board would be expecting Mr Watson to be more careful in his private life and to give assurances that there would be no further incidents.

Mr Watson stated that the incident had occurred as a result of a foolish mistake. He continued that he had been involved in licensed premises for 10 years with no incidents.

The Chair asked for clarification as to whether Mr Watson had any other relevant convictions.

Sgt Dougan confirmed that Mr Watson had a further conviction in relation to an incident within The Clansman, 56 John Finnie Street, Kilmarnock however had been admonished.

Sgt Dougan had nothing further to add to his submission.

Mr Watson stated that it was an error of judgement which would not be repeated.

The Chair asked the Licensing Standards Officers if there had been any issues with the premises that Mr Watson had previously been involved with and it was confirmed that there had been no issues.

The Members adjourned to discuss the matter further.

Upon returning the Chair moved that the transfer be granted and this was seconded by Councillor Crawford. As there were no further motions, the Board unanimously agreed to grant the transfer.

The Depute Clerk stressed that the Board takes a very dim view of drug use in any licensed premises. He pointed out that Police Scotland and the LSOs inspect all licensed premises in respect of drugs and would expect licence holders' full co-operate in respect of any drug related issues.

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LICENSING (SCOTLAND) ACT 2005 : S34
APPLICATION FOR TRANSFER OF PREMISES LICENCE

Carters Bar Limited
c/o Young & Partners
1 George Square
Castle Brae
Dunfermline

The Clansman
58 John Finnie Street
Kilmarnock

The Depute Clerk advised the Board Members that this application had been withdrawn as the Lease between Carters Bar Limited and the Landlords, Kingdom Taverns Ltd. had been renounced. The Depute Clerk further advised that Police Scotland had intended to object to the transfer of the premises licence to Carters Bar Limited. The Depute Clerk stated that the Landlords, Kingdom Taverns Ltd. Now intended to transfer the premises licence into their name and that, once received, this application would be processed in the normal way.

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GAMBLING ACT 2005
APPLICATION FOR CLUB MACHINE PERMIT

Cumnock Juniors Football Club Social Club
148 Townhead Street
Cumnock

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 there were no objections or representations in respect of this application and the Board unanimously agreed to grant the Club Machine Permit.