

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 17 September 2019 at 10am.**

- SEDERUNT:** Councillor Tom Cook (Chair), Councillor Fiona Campbell, Councillor John Campbell, Councillor Drew Filson, Councillor Claire Leitch and Councillor George Mair.
- ATTENDING:** Mr S McCall (Depute Clerk to the Licensing Board), Mr I Hiles (Licensing Standards Officer), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).
- APOLOGIES :** Councillor William Crawford, Councillor Ian Grant, 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 20 August 2019 was approved and noted.

3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Chair noted the applications discharged by the Clerk under delegated authority from 12 August 2019 until 10 September 2019 :-

Minor Variation	:	15
Variation on Transfer	:	1
S33 Transfer	:	3
S34 Transfer	:	1
Grant of Personal Licence	:	25
Renewal of Personal Licence	:	12
Small Lottery – Renewals	:	2
Small Lottery – Grant	:	1
Extended Hours	:	5
Occasional Licences	:	64

With regards to the 64 Occasional Licences granted, 12 were granted to Club premises, 25 to Personal Licence holders, 15 to Voluntary Organisations and 12 to Premises Licence holders.

The Chair noted that as of the date of the report, there were 1144 Personal Licences in force and 308 Premises Licences.

The Depute Clerk advised Members that the annual fee for premises licences was due by 1 October 2019 and that so far over 100 premises had paid. The Depute Clerk pointed out that, as shown in the delegated authority report, the Board business was a small part of the workload undertaken by the licensing staff.

The Chair asked if there was any update on the occasional licence consultation. The Depute Clerk advised that due to the holiday period there was no update from the Scottish Government but that the consultation period had now ended and it was hoped that the next SOLAR meeting would provide further information.

4. LICENSING BOARD MEETINGS

The proposed dates for Licensing Board meetings in 2020 were approved and noted.

5. APPLICATIONS

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

As there was no other business the meeting ended at 10.30am.

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

Kilmarnock Football Club Ltd. Park Suite, Sports Bar & Commercial Shop
 Rugby Park
 Rugby Road
 Kilmarnock

Details of the variation:-

Change opening times of the Park Suite and Sports Bar on a Sunday from 12.30pm until 12 midnight to 11am until 12 midnight.

Add hospitality rooms (Champions Lounge, Premier Club, Chairman’s Club and Legends Lounge) within the main stadium to the licence to provide hospitality during any football match, sporting event or concert. These rooms would also be available for private functions.

Hospitality rooms will operate :-

Sunday to Wednesday : 11am until 12 Midnight
 Thursday to Saturday : 11am until 1am

The rooms may remain open until 2am on 31 December every year to cater for festive celebrations.

Conference facilities may be provided and receptions including weddings, funerals, birthdays, group meetings etc. may be catered for. Recorded music, live performances and dance facilities may be provided, all within and outwith the core licensed hours.

Restaurant facilities and bar meals will be available and films and televised sports may be available, all within the core licensed hours.

Race nights, Bingo, Health & Safety Wellbeing classes, band, etc. rehearsals, Pre-match family rooms, VIP hosting room, TV Sport venue, Auctions, Retail selling space, exhibitions, functions, fitness classes and social meetings may be catered for.

Children and young persons will be permitted entry, when accompanied by an adult, when attending a private function, during the core hours.

Proposed occupant capacities are:-

1869 Suite (formerly Park Suite)	:	150
Champions Lounge	:	50
Premier Club	:	30
Chairman’s Club	:	90
Legends Lounge	:	40
Killie Club (formerly Sports Bar)	:	200

Greig McEwan, Head of Marketing and Commerce for Kilmarnock Football Club Ltd and Emma Wyper, Designated Premises Manager and Hospitality Manager, appeared before the Board to speak in support of the application.

The Depute Clerk outlined the application and advised that no objections or representations had been received.

Mr McEwan advised the Board Members that the Premises Licence holder was in the process of renovating the premises to increase commercial revenue and modernise the facilities. Mr McEwan

confirmed that the addition of the new hospitality rooms was to provide hospitality on match days, sporting events or concerts. He confirmed that they would also be available for private functions.

Mr McEwan further advised that the Park Suite had been given the new name of 1869 Suite to stop any confusion with the new facility within the Park Hotel to be called the Park View.

The Chair asked for confirmation that the Challenge 25 policy would be operated. Mr McEwan confirmed the policy would be operated, that the staff had all undertaken extensive training and that the Club used G4S security staff on match days.

The Chair pointed out that the application stated that children and young persons would be permitted access when accompanied by an adult for a private function within the Park Suite and no information was provided regarding access to the new hospitality rooms. Mr McEwan confirmed that children and young persons would be permitted access when accompanied by an adult only to the Park Suite on match days.

Councillor Mair asked if there were restrictions to the sale of alcohol during a football match.

The Depute Clerk confirmed that no alcohol may be sold if you are able to see the football match so this restriction would apply to the Legends Lounge as it was fully glass fronted to enable patrons to watch the football match.

Emma Wyper confirmed that the Challenge 25 policy would be operated, that all match day staff had undertaken the mandatory 2 hours training and that all relevant notices were displayed. Ms Wyper further confirmed that there was always a personal licence holder present on match days.

The Chair moved that the application be granted. The Board agreed unanimously.

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LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PROVISIONAL GRANT OF PREMISES LICENCE

Ryan McCubbin
The Boolers
Milmannoch Avenue
Drongan

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

Licensed hours applied for:-

On Sale

Sunday – Wednesday 11am – 12 Midnight

Thursday – Saturday 11am – 1am

The premises will consist of a function hall and a gym (the gym will only be used to cater for functions if the main function hall is already in use. Alcohol will not be available when the area is used as a gym).

The premises will cater for weddings, funerals, birthdays, group meetings, etc. all within the core licensed hours. Recorded music, live performances, dance facilities and televised sport may be provided, all within the core licensed hours. Indoor/outdoor sports may be provided both within and outwith the core licensed hours. The gym will open outwith the core licensed hours (Monday – Thursday from 5.30am until 10pm and Friday – Saturday 7am until 5pm). Discos, live music, karaoke, race nights and quiz nights may take place within the premises.

Children from birth to 15 years will be permitted access to the premises, to attend a private function, during the core hours when accompanied by a responsible adult. Young persons aged 16 and 17 years will be permitted access to the premises, to attend a private function, during the core hours unaccompanied by an adult. Children and young persons will be permitted entry to the premises unaccompanied by an adult to use the gym.

The proposed occupant capacity of the premises is 125.

The premises have disabled access – the premises are all at ground level, entrance can be gained using ramps to the front of the premises (the fire exit also has a ramp) and there are disabled toilet facilities.

Ryan McCubbin appeared before the Board to speak in support of his application.

The Depute Clerk pointed out that the premises were leased to Mr McCubbin by East Ayrshire Council. This being the case, all Members declared a non-pecuniary interest in this application and, in declaring the interest, did so in accordance with the Councillors' Code of Conduct. As the nature of the interest was not deemed significant, having considered the terms of the objective test as outlined in paragraph 5.3 of the Councillors' Code of Conduct, each Member accordingly did not withdraw from the meeting but remained and participated in the decision.

The Depute Clerk outlined the application and advised that, while no objection to the application had been received, a representation had been received from Drongan Community Council stating that “Mr McCubbin had confirmed his intention to hold juvenile football events outside the premises and that some parents may be in attendance inside the premises, therefore no children should be allowed in the bar area at any time.”

Mr McCubbin advised that he had taken over the premises in July 2019 and that as Drongan was an expanding community served by only one licensed premises and two halls for hire, he was attempting to provide additional facilities which would benefit the community. Mr McCubbin stated that the premises had a large hall which would be used for private functions and a smaller hall which would be used as a gym. He clarified that if there was a private function taking place in the main hall, the smaller hall would be cleared of gym equipment and used as an additional bar area.

Mr McCubbin confirmed that he intended using the grassed area as a football pitch to help the Drongan grass roots football teams. Mr McCubbin further confirmed that the premises had glass windows running along the length of grassed area permitting patrons to watch the football matches and that these games might take place outwith the core license hours when no alcohol would be available. Mr McCubbin confirmed that children would only be permitted within the function hall accompanied by an adult when attending a private function.

Councillor Leitch congratulated McCubbin on developing a derelict building and bringing it back into use for the community, especially the formation of the gym. Councillor Leitch asked for confirmation that the Challenge 25 policy would be used.

Mr McCubbin confirmed that the Challenge 25 policy would be adhered to and that under his Personal Licence he currently operated licensed bars on an occasional licence basis. Mr McCubbin stated that the staff he employed for the occasional licences would be working within these premises and that they all had undertaken the mandatory 2 hours training. He further stated that it was his intention that all staff would hold a Personal Licence course and was currently in the process of arranging this.

The Chair asked if Mr McCubbin would be the DPM for the premises and Mr McCubbin confirmed this.

The Chair moved that the provisional premises licence be granted and as there were no other motions, the Board unanimously agreed to grant the licence.

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