

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 20 August 2019 at 10am.

- SEDERUNT:** Councillor Tom Cook (Chair), Councillor John Campbell, Councillor Drew Filson, Councillor Ian Grant, Councillor Lillian Jones, Councillor Claire Leitch and Councillor George Mair.
- ATTENDING:** Mr S McCall (Depute Clerk to the Licensing Board), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers) and Mrs P Duncan (Licensing Board Administrator).
- APOLOGIES :** Councillor Fiona Campbell, Councillor William Crawford 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 25 June 2019 was approved and noted.

3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Chair noted the applications discharged by the Clerk under delegated authority from 18 June 2019 until 11 August 2019 :-

Minor Variation	:	14
Variation on Transfer	:	1
S33 Transfer	:	3
Grant of Personal Licence	:	29
Renewal of Personal Licence	:	68
Small Lottery – Renewals	:	14
Small Lottery – Grant	:	1
Automatic Entitlement to Gaming Machines	:	1
Extended Hours	:	9
Occasional Licences	:	111

With regards to the 111 Occasional Licences granted, 33 were granted to Club premises, 49 to Personal Licence holders, 19 to Voluntary Organisations and 10 to Premises Licence holders.

The Chair noted that as of the date of the report, there were 1110 Personal Licences in force and 307 Premises Licences.

The Chair noted the number of Personal Licence renewals granted in this period. The Depute Clerk advised that number of Personal Licence renewals received by East Ayrshire Licensing Board were in line with the number of renewal applications received across Scotland. He

explained that there would now be an ongoing process of issuing reminder letters in respect of Personal Licence refresher training as well as Personal Licence renewal applications.

The Depute Clerk informed Members that he awaited the outcome of the consultation on Occasional Licences.

4. APPLICATIONS

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

There being no further business, the meeting ended at 10.50am.

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

RAD Ltd.	The Royal Hotel
The Royal Hotel	1 Glaisnock Street
1 Glaisnock Street	Cumnock
Cumnock	

Details of the variation:-

Amend the core licensed hours:-

Current Hours (on sale)

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

Proposed Hours (on sale)

Sunday – Wednesday	:	11 am – 12 Midnight
Thursday	:	11 am – 1am
Friday & Saturday	:	11 am – 2am

The Depute Clerk advised that this variation application was to increase the core licensed hours of the premises until 2am on Fridays and Saturdays, which was outwith the Board's policy.

Thomas Stevenson, Finance Director for RAD Ltd. was present at the meeting to speak in support of the application.

The Depute Clerk explained that in order for the variation to be granted, Mr Stevenson would require to persuade the Board to deviate from policy.

Mr Stevenson submitted that the increase in hours was sought due to customer demand. He explained that currently clientele travelled outwith Cumnock on Fridays and Saturdays for late night entertainment and it was felt that the Royal Hotel and the 1906 Bar could provide a good service for Cumnock, which was not well served with entertainment venues.

Mr Stevenson continued that RAD Ltd. had invested significantly in the Cumnock area and that the company could have some return on that investment by providing these facilities. He advised that support had been gained for the proposal via a Facebook post which had received 84 'likes', 35 encouraging comments and many more positive comments such as 'anything that attracts business to Cumnock is good'.

Mr Stevenson submitted that RAD Ltd is a very committed East Ayrshire company. He reminded Members that an increase in the core hours had recently been granted for premises owned by RAD Ltd. at Lochside House Hotel, New Cumnock and stressed that deviating from policy on this occasion would not be setting a precedent as Cumnock was in much need of entertainment venues.

Mr Stevenson concluded that between the Head Office, Lochside House Hotel and The Royal Hotel, RAD Ltd. had over 200 employees and that the granting of the variation would have a positive effect on Cumnock.

The Chair asked what entertainment would be provided in the premises.

Mr Stevenson advised that the premises had a state of the art sound system for live bands and DJs, providing quality entertainment. He added that the granting of an additional hour would retain people in Cumnock who would normally leave early to travel to late night entertainment establishments.

The Chair asked if the LSOs knew of any issues with the operation of the premises. Mr Hiles confirmed that there were no issues with the operation of the premises.

Councillor John Campbell asked if RAD Ltd. employed stewards at the premises. Mr Stevenson advised that stewards were employed on Friday and Saturday nights.

Councillor Grant asked if there were any residential properties near to the licensed premises.

Mr Stevenson replied that there were some residential properties nearby but that the premises were situated in the town centre, in the heart of Cumnock.

Referring to the number of people employed by RAD Ltd. and to the request for an additional opening, Councillor Leitch asked if RAD Ltd. paid employees minimum wage.

Mr Stevenson advised that a system was in place to ensure that staff were paid above the minimum wage.

The Depute Clerk stressed that minimum wage was not a relevant consideration for the Licensing Board.

Councillor Grant asked if there were other licensed premises within walking distance of the application premises.

Mr Stevenson advised that there were other licenced premises in the area, however that these premises were in a different market set. He explained that approximately £1m had recently been invested in the Royal Hotel which had transformed that side of The Square, Cumnock. He submitted that the Royal Hotel was situated on its 'own island' and were not bad neighbours.

Referring to the proposed entertainment, Councillor Filson asked if the premises had sound proofing. Mr Stevenson confirmed that the premises had sound proofing and that Building Standards had been satisfied with all the works carried out.

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

Upon returning the Chair stated that, after full consideration of the application and the information presented, he was not satisfied that the Board should deviate from policy and moved that the application be refused. This motion was seconded by Councillor John Campbell and the Board agree unanimously.

The Depute Clerk reminded Mr Stevenson that extended hours applications could be lodged for any special events taking place within the premises.

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

Hamid Mahmoudi

Binghams Convenience Store
97A Glaisnock Street
Cumnock

The Depute Clerk reminded Members that, following a premises licence review hearing on 11 December 2018, Members determined that the premises licence in respect of Binghams Convenience Store, 97A Glaisnock Street, Cumnock be suspended until such time as the premises are sold. He advised that a transfer application had been received to transfer the licence into the name of Hamid Mahmoudi, together with a request to lift the suspension.

Mr Irfan Nasim, son of the licence holder, Abdul Karim Nasim, was present before the Board to speak in support of the application and produced a Minute of Agreement outlining the business arrangement between Abdul Nasim and Hamid Mahmoudi.

There was a short adjournment while the Depute Clerk considered the terms of the Agreement and provided the appropriate advice to the Board.

The Board accepted the terms of the Agreement and agreed unanimously to grant the transfer application and lift the suspension imposed in December 2018.

The Depute Clerk stressed to the parties present that the Licensing Board must be advised immediately should the agreement fall as in such circumstances a further premises licence review hearing would be required.

The Depute Clerk confirmed that the transfer application had been granted and the suspension had been lifted however, as Irfan Nasim was still named as designation premises manager (DPM) on the licence, the new licence holder could not sell alcohol until such time as a variation application had been lodged nominating a new DPM.

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