

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 5 February 2019 at 10am.

SEDERUNT: Councillor Tom Cook (Chair), Councillor Fiona Campbell, 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), Chief Inspector G Docherty and Ms V Thomson (Police Scotland) Mrs C McEwan (Licensing Standards Officer) and Mrs P Duncan (Licensing Board Administrator).

APOLOGIES : 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 11 December 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 3 December 2018 until 28 January 2019:-

Confirmation of Provisional Grant	:	1
Minor Variation	:	7
Variation on Transfer	:	2
S33 Transfer	:	2
Grant of Personal Licence	:	9
Small Lottery – Renewals	:	35
Small Lottery – Grant	:	3
Extended Hours	:	55
Occasional Licences	:	94

The Depute Clerk reported that of the 94 Occasional Licences granted, 33 were granted to Club premises, 31 to Personal Licence holders, 20 to Voluntary Organisations and 10 to Premises Licence holders.

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

The Depute Clerk advised that applications for extended hours had been received from some licenced premises in Auchinleck requesting to open from 10am to cater for the Auchinleck Talbot –v- Ayr United Scottish Cup football match which took place in Auchinleck on 19 January 2019. He advised that, following consultation with the Chair and Police Scotland and careful consideration of all of the circumstances surrounding the event, it was decided to adhere to the previously adopted position and not to allow premises to open earlier than 11am. He continued that Auchinleck would play Hearts in the next round of the Scottish Cup on 9

February 2019 and that a few extended hours applications had been received requesting premises to open earlier prior to buses leaving for the match.

Chief Inspector Docherty advised that there had been no trouble at the football match on 19 January 2019.

The Depute Clerk suggested that extended hours applications be granted on 9 February 2019 from 10am for premises where supporters' buses are leaving from the premises. The Board unanimously agreed.

4. BEST BAR NONE SCHEME

Carolyn McEwan, LSO, updated Members on the Best Bar None Scheme, a National Award Scheme administered by the Scottish Business Resilience Centre aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out. The Scheme is funded by leading members of the alcohol industry who factor social responsibility as a key priority, namely Diageo, Edrington-Beam Suntory UK, Heineken, Tennents and Chivas Brothers-Pernod Ricard. The Scheme is also supported by Police Scotland, Scottish Fire & Rescue and the Scottish Government.

The purpose of the Best Bar None Scheme, the principles of which are based on the five licensing objectives, is:

- To reduce alcohol related crime
- Promote social responsibility and duty of care
- Improve knowledge and skills to assist in responsible management
- Promote partnership working to identify good practice and areas for improvement
- Support due diligence

Mrs McEwan advised that the Scheme was first piloted in Glasgow in 2005, with premises across 58 towns and cities across Scotland now participating. She reminded that at a meeting on 27 September 2017 East Ayrshire Licensing Board agreed to support the implementation of a Best Bar None Scheme in East Ayrshire, this being the first scheme to be implemented in the whole of Ayrshire.

Nine Licence Holders participated in the Scheme in 2017 with this number increasing to 15 premises in 2018. During the first year of operation the Scheme was restricted to premises within Kilmarnock Town Centre, however this was extended to premises outwith the Town Centre last year. It is hoped to further extend the Scheme into areas not currently participating.

Mrs McEwan reminded Members that two local premises competed in the Best Bar None National Awards at Dunblane Hydro last year, competing against 53 venues from across Scotland for 11 Category Awards. WG13 were not only crowned as best Specialist Entertainment Venue but also as National Champions, which is an excellent achievement and a credit to East Ayrshire. The Brass and Granite were also crowned as Best Newcomer, again an excellent achievement given the level of competition involved.

Mrs McEwan advised that The Best Bar None Local Award Ceremony was held in The Park Hotel on Monday 14 January 2019, with fifteen premises receiving an Award. Gold Awards were presented to The Brass & Granite, WG13, The Park Hotel, The Fairburn Hotel, First Edition, Rock Diner and Aces. Silver Awards were presented to The Wheatsheaf Inn, Fanny by Gaslight, Macks Bar, Palace Complex, Salt & Barrel and The Fenwick Hotel with Bronze Awards being presented to The Tartan Suite and The Tartan Sheep.

In addition to the abovementioned, Judges agreed to award two Specialist Awards for Best Newcomer and Excellence. The Fairburn Hotel, Mauchline, which is a family run business, were awarded Best Newcomer for their effort and commitment to the Scheme. The Excellence Award, which was sponsored by the Alcohol and Drug Partnership, was presented to The Brass & Granite, who received the highest overall score during the independent Assessments.

Mrs McEwan reported that following on from the Local Awards, the five top Gold award winners are eligible to apply for the National Awards, which will be held in Dunblane Hydro on 28 March 2019. The premises, who scored highest in their category are The Brass and Granite, WG13, The Park Hotel, First Edition and Aces Nightclub and Licence Holders of these premises will be able to apply for their own Mainstream Category as well as one Unique Category of Hearth of the Community, Best Newcomer or Innovation in Social Responsibility. Mrs McEwan concluded that Members would be updated at a future meeting if any of these participants are recognized at National Level.

The Chair thanked both Carolyn McEwan and Constable Craig Marshall for their hard work in rolling out the scheme and was happy that other premises were coming on board.

Councillor F Campbell asked who the independent assessors were and Mrs McEwan advised that Westbourne Park Solution Ltd. were used as independent assessors. She explained that assessments could be carried out by local co-ordinators, however it was agreed that it was better to use an independent company.

The Depute Clerk commented on the amount of work and effort put in by both Carolyn and Craig in rolling out the scheme and stated that this was not only a success story but a great example of joint working.

Chief Inspector Docherty has happy that the scheme was being rolled out to others areas and advised that crime rates within the town centre had reduced in number since the implementation of the scheme in 2017.

5. REVIEW OF PERSONAL LICENCE

- 5.1 Review of personal licence for Parveen Irfan, following a notice issued in terms of Section 84 of the Licensing (Scotland) Act 2005 by East Ayrshire Licensing Board.
- 5.2 Review of personal licence for Abdul Karim Nasim, following a notice issued in terms of Section 84 of the Licensing (Scotland) Act 2005 by East Ayrshire Licensing Board.
- 5.3 Review of personal licence for Irfan Nasim, following a notice issued in terms of Section 84 of the Licensing (Scotland) Act 2005 by East Ayrshire Licensing Board.

The Depute Clerk reminded Members of the premises licence review hearing for premises at Bingham's Convenience Store, 97A Glaisnock Street, Cumnock, held at the last meeting of the Board. At that time Members determined that Personal Licence Reviews hearings be arranged for Abdul Karim Nasim, Irfan Nasim and Parveen Irfan, due to their conduct being inconsistent with the Licensing Objectives of Preventing Crime and Disorder and Protection of Children and Young Persons from Harm.

The Depute Clerk advised that the above Personal Licence holders had notified that they were unable to attend the Board meeting as they were involved in a Court case calling today. He continued that all three licence holders intended to surrender their Personal Licences, however, to date the licences had not been surrendered with City of Glasgow Licensing Board.

As the licence holders were not present at the meeting, the Depute Clerk felt that the most appropriate action would be to continue the review hearings to the next meeting of the Board to allow time for the licences to be surrendered or for the licence holders to appear before the Board. He confirmed that the premises remained open but that no alcohol could be sold as the suspension remained in place.

The Board agreed to continue the review hearings to the next meeting of the Board.

6. APPLICATIONS

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

There being no further business, the meeting ended at 10.25am.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Mary McLelland

The Depute Clerk reported that Ms McLelland had advised that she was unable to attend the meeting due to illness. As the applicant had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005 and Police Scotland had recommended that the application be refused, the Depute Clerk proposed that the application be continued to the next meeting of the Board to allow Ms McLelland to be present at the meeting to address the conviction. The Board agreed unanimously.

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LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Russell Simon Watson Abercrombie

Mr Abercrombie was not present or represented at the meeting.

As Police Scotland had advised that the applicant had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005, the Board agreed unanimously to continue consideration of the application to the next meeting of the Board to allow Mr Abercrombie to be present to address the conviction.

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

Mohammad Shoaib
c/o 25 Titchfield Street
Kilmarnock

Usave
25 Titchfield Street
Kilmarnock

Details of the variation:-

Variation to increase the alcohol display area within the premises from 12.225m² to 15.6m².

Withdrawn

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