

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the Meeting of East Ayrshire Licensing Board, held within meeting room at East Ayrshire Council Headquarters, London Road, Kilmarnock and digitally through Microsoft Teams, on Tuesday 11 October 2022 at 10am.**

**SEDERUNT:** Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Stephen Canning, Councillor Elaine Cowan, Councillor William Crawford, Councillor Lillian Jones, Councillor June Kyle, Councillor Claire Leitch, Councillor Kevin McGregor and Councillor David Richardson.

**ATTENDING:** David Mitchell (Clerk to the Licensing Board), Mrs Carolyn McEwan (Licensing Standards Officer), Sergeant Sheryl Syme (Police Scotland), Mrs Patricia Duncan and Ms Sheila Duncan (Licensing Board Administrators).

### **1. SEDERUNT**

The Clerk advised that the standard Declaration of Interest item would be added to all future Agendas.

Noted.

### **2. MINUTE OF MEETING**

Minute of the meeting of East Ayrshire Licensing Board held on 23 August 2022 was agreed and noted.

The Chair asked for an update on the premises licence review for the Portmann Hotel, 42 Portland Road, Kilmarnock, which was continued at the Licensing Board meeting on 23 August 2023.

Mrs McEwan, Licensing Standards Officer, reported that a noise limiter had been installed at the front of the premises and that a joint visit with colleagues from Environmental Health, to assist with setting the noise level, was scheduled for 28 October 2022, with further visits scheduled for December 2022.

### **3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY**

The Clerk outlined the report which was noted by the Members.

### **4. ANNUAL LICENSING REPORT**

The Chief Constable's Annual Licensing Report for 2021-2022 was presented by Sergeant Syme and it outlined the work carried out by Police Scotland over the past year. The Report referred to the hard work carried out by Police Scotland, the Local Authority and Licensing Section in supporting licensed premises on their road to recovery as Covid-19 restrictions were lifted.

Since the production of the report it was noted that Inspector Barry McNaught had taken over as Head of the Licensing Department.

Councillor Barton requested an update on the bottle marking initiative and Sgt Symes confirmed that 39 premises had shown an interest and that Sgt Farmer would be continuing work on this initiative.

The Chair stated that as there were only two premises licence reviews for the year it showed that a close working relationship between Police Scotland and the Local Authority and Licensing Section was essential to ensure licensing standards. The Chair thanked Police Scotland and the Licensing Section for their hard work over the previous year.

## **5. APPLICATIONS**

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

There being no other business the meeting ended at 10.30am

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

The Prince's Foundation

Dumfries House Estate  
Cumnock

Details of the variation:-

To include the pavilion marquee within the licence.

The occupant capacity of the marquee will be 300.

Current capacity : Dumfries House Lodge : 12  
Coach House : 60 & Stables : 60 (outside seating area : 120)  
Woodlands Restaurant : 100  
Tapestry Room : 110  
Great Steward's Dining Room : 60  
Entrance Hall : 110  
Library : 60  
Rothsay Room : 60  
Queen Elizabeth Pavilion : 40

**The Clerk outlined the application and confirmed that there were no objections or representations.**

**Sheila Gregory, representative of the Prince's Foundation, was present to speak in support of the application.**

**Ms Gregory stated that the application was to add the Pavilion to the current premises licence. Ms Gregory advised that the Pavilion was used for events of over 60 persons and that currently occasional licences were being applied for to cover the area. The granting of the variation would end the requirement for occasional licences.**

**It was unanimously agreed by the Members to grant the variation as sought.**

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

Fraser Capital Management Ltd.

Club 3000 Bingo  
74 Portland Street  
Kilmarnock

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

The premises will operate as a bingo hall.

Licensed hours applied for (on sale) :-  
Sunday to Wednesday : 11am – 12 Midnight  
Thursday to Saturday : 11am – 1am

Restaurant facilities and bar meals will be available within the premises; recorded music, live performances, gaming and televised sport may be provided. These activities may be provided both within and outwith the core hours as reasonably required to meet customer demand whenever the premises are open. Recorded music and televised sport may be played and AWP machines will be available when the premises are open. No alcohol will be sold outwith the core hours, unless an extended hours licence has been granted.

Children and young persons will not be permitted entry to the premises. The proposed occupant capacity of the premises is 800.

Disable access and facilities :-

Access to the building is from the public footpath and is step free; all public accessible facilities within the unit are also step free; accessible toilets are available; there are 11 dedicated spaces for wheelchair users with counters designed to be accessible.

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GAMBLING ACT 2005  
APPLICATION FOR VARIATION OF PREMISES LICENCE

Fraser Capital Management Ltd. Club 3000 Bingo  
74 Portland Street  
Kilmarnock

Details of the variation:-

Variation to layout of premises – minor changes to bar front counter, relocation of one disabled toilet and updated fire alarm system

**It was agreed that the grant of the Premises Licence and the Variation of the Premises Licence would be considered as one submission.**

**The Clerk outlined both applications and advised that there were no objections or representations for either application.**

**Julie Sullivan, Agent for the applicant and Oliver Fraser, Designated Premises Manager, were present to speak in support of both applications.**

**Ms Sullivan stated that the application was for on-sales only and entry to the premises would be for persons who had a Membership Card. Ms Sullivan further stated that the premises would not permit entry to persons under 18 years and the Challenge 25 Policy would be operated. Ms Sullivan stated that the capacity of the premises was 800 persons and that the variation application that had been submitted showed that the premises now fully complied with disabled access. Ms Sullivan advised that the premises had been operating under occasional licences since 27 August 2022 and that there had been no**

**operational problems. Ms Sullivan concluded her submission by stating that the applicant owned the premises and had made a significant financial investment in the property and created 40 secure jobs.**

**The Board Members unanimously agreed to grant the Premises Licence and Variation of Premises Licence as sought.**

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