

EAST AYRSHIRE LICENSING BOARD

Minute of the Meeting of East Ayrshire Licensing Board, held within the Council Chambers, East Ayrshire Council Headquarters, London Road, Kilmarnock and digitally through Microsoft Teams, on Tuesday 20 June 2023 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Graham Barton, Councillor Stephen Canning, Councillor William Crawford, Councillor June Kyle and Councillor Claire Leitch.

ATTENDING: Stuart McCall (Depute Clerk to the Licensing Board), Mr Ian Hiles (Licensing Standards Officer), Ms Carolyn McEwan (Licensing Standards Officer) Mrs Patricia Duncan (Licensing Board Administrator).

APOLOGIES: Councillor Elaine Cowan, Councillor Lillian Jones, Councillor Kevin McGregor and Councillor David Richardson.

The Chair welcomed Alex McCann to the meeting. He explained that Alex was undertaking work experience within Legal Services and was observing the meeting.

1. SEDERUNT

Noted.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated by the Board Members.

3. MINUTE OF MEETING

The Minute of the meeting of East Ayrshire Licensing Board held on 23 May 2023 was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Depute Clerk reported on the applications discharged under delegated authority between 16 May and 12 June 2023, namely:-

Minor Variation	:	7
S34 Transfer of Premises Licence	:	1
Confirmation of Provisional Licence	:	2
Grant of Personal Licence	:	11
Renewal of Personal Licence	:	1
Grant of Small Lotteries Registration	:	1
Renewal of Small Lotteries Registration	:	7
Automatic Entitlement to Gaming Machine	:	1
Extended Hours	:	2
Occasional Licences	:	67

The Depute Clerk reported that of the 67 Occasional Licences granted, 14 were granted to Club premises, 26 to Personal Licence holders, 15 to Premises Licence holders and 12 to Voluntary Organisations.

It was noted that, as of the date of the report, there were 1002 Personal Licences in force, an increase of 7 since the last report and 294 Premises Licences in force, an increase of 2 since the last report.

5. APPLICATIONS

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

Councillor Canning joined the meeting at this point. As he was not present during all of the submissions in respect of the variation application for Bakers, 17 Fowlds Street, Kilmarnock, he did not take part in any decision taken.

Councillor Leitch left the meeting due to other business commitments.

6. ANNUAL FINANCIAL AND ANNUAL FUNCTIONS REPORT

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 publish an Annual Financial Report.

The Depute Clerk pointed out that the Scottish Government only specified that the content of the Report must include a statement of the amount of relevant income received by the Licensing Board during the financial year; the amount of relevant expenditure incurred in respect of the Board's area during the year; and an explanation of how the amounts in the statement were calculated.

The Depute Clerk advised that on further examination of the figures, he had some queries and asked that consideration of the Financial Report be continued to the next meeting of the Board to allow the matter to be clarified.

The Board Members unanimously agreed to continue consideration of the Annual Financial Report to the next meeting of the Board.

Annual Functions Report

The Depute Clerk reminded Members that the Air Weapons and Licensing (Scotland) Act 2015 introduced the requirement for Licensing Boards to produce an Annual Functions Report.

The Depute Clerk outlined the contents of the report and pointed out that the Licensing Board meetings only dealt with a small percentage of licensing business. The remainder of the business was reported to Members in the delegated powers report submitted to each Licensing Board meeting.

The Depute Clerk recommended that Members approve and authorise the publication of the Annual Functions Report.

The Chair thanked the licensed trade in its efforts in promoting and upholding the licensing objectives and complying with the Board's policy. He also thanked officers and Licensing Board staff for all their work during the previous year.

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

There being no further business, the meeting ended at 10.30am.

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

I P Partnership Limited

Bakers
17 Fowlds Street
Kilmarnock

Details of the variation:-

Amend description of the premises to – The premises operates as a nightclub/entertainment venue.

Amend operating plan to include - when occupied, there are likely to be more customers standing than seated. Remove reference to breakfast/brunch from the operating plan; Remove the facility for activities provided outwith core hours (bar meals, receptions, club or group meetings).

Amend terms in which children and young persons are to be permitted access to the premises:-

Current terms

Children and young persons aged 0 – 17 years will be permitted entry to the premises when accompanied by a responsible adult for the consumption of a meal until 9pm or to attend a private function, for the duration of the function.

Proposed terms

Children and young persons aged 0 – 17 years will be permitted entry to the premises when accompanied by an adult to attend a private function, for the duration of the function.

Amend core licensed hours:-

Current Hours

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

Proposed Hours

Sunday – Wednesday : 6.30pm – 2am
Thursday - Saturday : 6.30pm – 2.30am

Andy Morgan, Business Development Manager with I P Partnership Limited appeared before the Board to speak in support of the application, together with Mikey Lennon, proposed operator of the premises.

The Depute Clerk advised that these premises had been vacant for some time. The premises had previously operated as a nightclub, but had then been adapted to allow the premises to operate as pub type premises. This application was to allow the premises to revert back to nightclub premises.

The Depute Clerk continued that no objections had been received in respect of the application, however comments had been received from Building Standards regarding various works required to the premises prior to re-opening.

The Depute Clerk advised that a letter had been received from the local MSP supporting this application.

Mr Lennon submitted that the variation was sought to revert the premises back into a nightclub, to bring nightlife back to the town.

The Depute Clerk advised that there was only one nightclub currently operating in Kilmarnock.

The Chair asked if Mr Lennon had any experience in the licensed trade. Mr Lennon advised that he had operated Bakers for 3 years prior to the premises closing. He had also worked in The Kings Arms, Fenwick and The Kadikoi, Kilmarnock.

The Chair moved that the variation be granted, subject to all outstanding work reported by Building Standards being carried out prior to re-opening. The Board agreed unanimously.
