

EAST AYRSHIRE LICENSING BOARD

Minute of the Meeting of East Ayrshire Licensing Board held within the Council Chambers, Council Headquarters, London Road, Kilmarnock, and digitally through Microsoft Teams, on Tuesday 10 December 2024 at 10am.

SEDERUNT: Councillor Drew Filson (Chair), Councillor Elaine Cowan, Councillor June Kyle, Councillor Claire Leitch and Councillor Clare Maitland.

ATTENDING: David Mitchell (Clerk to the Licensing Board), Ms Carolyn McEwan and Mr Ian Hiles (Licensing Standards Officers), Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

APOLOGIES: Councillor Stephen Canning, Councillor William Crawford, Councillor Linda Mabon, Councillor Kevin McGregor and Councillor David Richardson.

1. SEDERUNT

Noted.

2. DECLARATIONS OF INTEREST

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

3. MINUTE OF MEETING

3.1 The Minute of the meeting of East Ayrshire Licensing Board, held on 19 November 2024, was approved and noted.

3.2 The Minute of the joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum, held on 19 November 2024, was approved and noted.

For information, the Clerk advised that, following the joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum on 19 November, an e-mail was issued to all licence holders reminding them of the various safety schemes/campaigns, which may be implemented in licensed premises, particularly over the festive period.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 12 November and 2 December 2024, namely:-

Minor Variation

: 9

S33 Transfer	:	1
Grant of Personal Licence	:	3
Renewal of Personal Licence	:	1
Renewal of Small Lotteries Registration	:	10
Grant of Small Lotteries Registration	:	2
Extended Hours	:	2
Occasional Licences	:	52

The Clerk reported that of the 52 Occasional Licences granted, 21 were granted to club premises, 13 to personal licence holders, 9 to voluntary organisations and 9 to premises licence holders.

It was noted that, as of the date of the report, there were 1004 Personal Licences in force, an increase of 4 since the last report and 294 Premises Licences in force, the same number as the last report.

5. STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Clerk presented, for approval, following an appropriate consultation, a revised Statement of Principles for East Ayrshire Licensing Board in terms of Section 349 of the Gambling Act 2005. He advised that, as a result of the consultation, only three responses were received, from NHS Ayrshire & Arran, GamCare and East Ayrshire Local Licensing Forum.

The Clerk reported that consideration had been given to all responses received, however not all requests could be accommodated.

Following a discussion and full consideration of the responses, the Board agreed to approve the revised Statement of Principles and to formally adopt this Statement of Principles for the purpose of discharging its future statutory responsibilities under the Gambling Act 2005.

6. PREMISES LICENCE REVIEW

- 6.1 Review of premises licence for The Douglas Hotel, 64 London Road, Kilmarnock in terms of Section 38 of the Licensing (Scotland) Act, 2005 for breach of a licensing condition, namely non payment of the annual licensing fee.

The Clerk requested that the Premises Licence Review Hearing in respect of The Douglas Hotel be continued to the next meeting of the Board to allow further time for payment, as it was thought that the licence holder may wish to pay the fee. The Board agreed unanimously.

- 6.2 Review of premises licence for Toni Macaroni, Queens Drive, Kilmarnock in terms of Section 38 of the Licensing (Scotland) Act, 2005 for breach of a licensing condition, namely non payment of the annual licensing fee.

The Clerk advised that the Premises Licence for Toni Macaroni had been surrendered prior to the meeting. Accordingly the Premises Licence Review Hearing was no longer required.

- 6.3 Review of premises licence for Pressure Nightclub, 58 John Finnie Street, Kilmarnock in terms of Section 38 of the Licensing (Scotland) Act, 2005 for breach of a licensing condition, namely non payment of the annual licensing fee.

The Clerk advised that these premises had been closed since the summer of 2022 and every effort had been made to contact the Premises Licence Holder without success. No application for transfer of licence or enquiries had been made by any potential new owner/operator of the business, however the premises are currently being marketed on the website of TSA Property Consultants from Glasgow as being a former night club with residential development potential.

As every effort had been made to contact the Licence Holder, the Board agreed unanimously to revoke the Premises Licence.

- 6.4 Review of premises licence for The Clydesdale, 30 The Square, Cumnock in terms of Section 38 of the Licensing (Scotland) Act, 2005 for breach of a licensing condition, namely non payment of the annual licensing fee.

The Clerk advised that the Premises Licence for The Clydesdale had been surrendered prior to the meeting. Accordingly the Premises Licence Review Hearing was no longer required.

7. APPLICATIONS

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

There being no further business, the meeting ended at 10.10am.

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Jamie John Scally

The Clerk advised that Mr Scally had been convicted of a relevant offence in terms of the Licensing (Scotland) Act 2005 and that Police Scotland had recommended refusal of the application.

The Clerk advised that Mr Scally was unable to attend the Board meeting due to work commitments, however was happy for the application to be considered in his absence.

The Board agreed to continue consideration of the application to the next meeting of the Board to allow Mr Scally to attend the meeting, or provide a written statement in support of the application.
