

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 19 November 2024 at 10am.

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

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

APOLOGIES: Councillor Stephen Canning, Councillor William Crawford 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

The Minute of the meeting of East Ayrshire Licensing Board, held on 22 October 2024, was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 15 October and 11 November 2024, namely:-

Minor Variation	:	7
S34 Transfer	:	1
Grant of Personal Licence	:	17
Renewal of Personal Licence	:	1
Renewal of Small Lotteries Registration	:	4
Grant of Small Lotteries Registration	:	1
Extended Hours	:	3
Occasional Licences	:	49

The Clerk reported that of the 49 Occasional Licences granted, 18 were granted to personal licence holders, 15 to club premises, 12 to voluntary organisations and 4 to premises licence holders.

It was noted that, as of the date of the report, there were 1000 Personal Licences in force, an increase of 15 since the last report and 294 Premises Licences in force, a reduction of 1 since the last report.

The Clerk highlighted the S34 transfer application, which had been granted under delegated authority, for Crosshouse Post Office. He reminded Members of the premises licence review application placed before the Board at a meeting on 27 August 2024. At that time the Board were advised that transfer and variation applications had been lodged and, if granted, would address the issues reported in the review application. Accordingly, the Board agreed to continue the review hearing to allow time for the applications to be processed. He continued that, although the transfer of licence had been granted, the applicant was advised that the Board reserved the right to resume the Premises Licence Review Hearing should any further concerns be brought to their attention with regards to the management of the premises.

5. APPLICATIONS

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

There being no further business, the meeting ended at 10.40am.

LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Portland Bowling Club

Portland Bowling Club
7-9 South Hamilton Street
Kilmarnock

Details of the variation:-

Amend the terms for children and young persons access to the premises to include:-

Children and young persons going to sports matches at Rugby Park Stadium will be permitted access to the lounge bar, when accompanied by an adult, for the duration of two hours prior to the kick off and for two hours after the finish of any Kilmarnock FC football match, with the exception of evening matches when children and young persons will not be permitted entry after the match.

To remove from the operating plan, permission to open at 9.30am on the First Friday in July on alternate years to cater for the Glasgow/Ayrshire bowling tournament.

Stephen Brown, Secretary of Portland Bowling Club, appeared before the Board to speak in support of the application.

The Clerk outlined the application and advised that no objections or representations had been received, however the request for children and young persons to be permitted access to the premises for two hours prior to the kick off and for two hours after the finish of any Kilmarnock FC football match was contrary to the Board's policy. The policy supported children and young persons being present in licensed premises for one hour prior to the kick off, but did not support children and young persons' access after a match.

Mr Brown submitted that the request to amend the terms for children and young persons access to the premises was made in an attempt to encourage younger persons to take up bowling. He continued that social members attending the premises on a Saturday prior to a football match may attract younger people to join the bowling club. He continued that challenge 25 was operated within the premises

Mr Brown advised that the average age of the current members of the bowling club was 69. It was hoped to bring this average age down by encouraging younger membership. He concluded that there are currently 213 members of the club, made up of 170 playing members, 41 social members and 2 youth members.

After considering Mr Brown's submission, the Chair moved that the variation be granted to permit children and young persons entry to the lounge bar of the premises for the duration of two hours prior to the kick off of any Kilmarnock FC football match, however no access would be permitted after a match.

The Board agreed unanimously.

LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Co-operative Group Food Ltd

Co-op
16 Henrietta Street
Galston

Details of the variation:-

To amend additional activities within the operating plan to include:-

The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

Ms Audrey Junner, Solicitor, appeared before the Board to speak in support of the application.

The Clerk outlined the application and advised that no objections or representations had been received.

Mr Junner explained that, as a result of Covid, the provision of home deliveries was being rolled out to all Co-op premises throughout Scotland. Deliveries would be carried out either in-house or by third party couriers. All drivers would require to complete the mandatory two hours training and no deliveries would be made to anyone under the age of 18 years. ID would be checked for anyone who looked under the age of 25 years. If ID could not be provided, the delivery would be returned to the store.

There being no objections or representations in respect of the application, the Board agreed unanimously to grant the variation.

LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

BDC Fuels Limited

Ayr Road Service Station
7 Ayr Road
Dalmellington

Details of the variation:-

To nominate a new Premises Manager.

To amend the layout of the premises and increase the alcohol display from 6.15m² to 29.8m²

Mr Brian Connolly, Director of BDC Fuels Limited, appeared before the Board to speak in support of the application.

The Clerk outlined the application and advised that no objections or representations had been received.

Mr Hiles, LSO, reported that the application for variation was to change the Designated Premises Manager and increase the alcohol display area, which would include the creation of a controlled beer cave, with access being approved by staff. The current alcohol display capacity is 6.15m² and the proposal is to increase the alcohol display area to 29.8m², an increase of 23.65m².

The layout plan shows that the proposal is to increase the overall shop floor area by opening up the existing office, store and workshop. A new kitchen and toilets will be formed, together with the siting of a storage container which is accessible from the shop.

Mr Hiles concluded that Members may wish to satisfy themselves that robust and reliable evidence is available to demonstrate that the proposed substantial increase to the alcohol display capacity outweighs any detriment to the licensing objectives and the Board's current overprovision policy.

Mr Connolly submitted that there had been a significant investment in the extension of the premises. He advised that the applicant company had taken over premises in Maybole approximately 10 years ago and lessons had been learned throughout that process.

Mr Connolly advised that the alterations had been carried out to make the alcohol more secure. An existing office, store and workshop had been opened up to create an office and a secure area for alcohol. Access to this area could only be gained when staff pressed a button to open the doors, to ensure no one under the age of 18 had access to the area.

Mr Connolly concluded that it was not intended to have such a significant increase to the premises, however the area was the most obvious space within the premises to use.

The Chair advised that Ayr Road Service Station was the first premises within a garage forecourt to be granted a premises licence by East Ayrshire Licensing Board.

The Clerk reminded Members of the policy position, Mr Connolly's submission that the alcohol within the premises would be more secure and that each application should be considered on its own merit.

The Chair advised that he was aware that currently only two school children were permitted access to the premises at a time and asked if it was intended to continue with this.

Mr Connolly advised that, going forward, there would be no limit to the number of children accessing the premises and that children would be welcome as, under the new operation, children would not have access to alcohol.

The Chair moved that the variation be granted. The Board agreed unanimously.

LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Rosemount Inns Limited

The Kadikoi
10-12 Bonnyton Road
Kilmarnock

Details of the variation:-

To reduce the licensed area.

The description of the premises to be amended to read "The premises consist of a Lounge Bar/Restaurant and Function Room";

Any reference to a beer garden at the premises to be deleted;

The occupant capacity of the premises to be amended to 229 persons.

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

Rosemount Inns Limited

The Kadikoi
10-12 Bonnyton Road
Kilmarnock

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

Licensed hours applied for:-

On Sale

Sunday - Wednesday : 11am - 12 Midnight

Thursday - Saturday : 11am – 1am

Off-Sale

Sunday – Saturday : 11am – 10pm

The premises will consist of a public bar and beer garden. It is intended to provide conference facilities, restaurant facilities, bar meals and to cater for receptions including weddings, funerals and birthdays and club/group meetings, indoor/outdoor sports and televised sport within the premises, all within and outwith the core licensed hours; it is intended to provide recorded music, live performances, dance facilities, theatre, films, gaming, karaoke, DJ/disco, race nights, auctions and outdoor drinking facilities within the premises, during the core licensed hours.

The premises may open prior to the commencement of the core licensed hours for the provision of breakfasts and non-alcoholic refreshments, weddings, parties and catering for funerals, christenings etc.

Films in the form of media presentations by football teams or other sponsored parties or private meetings may take place before the commencement of the core licensed hours.

With regard to indoor/outdoor sports in the event that there is an overrun of a pool/darts or domino competition which has to be played to result the indoor/outdoor sports may continue to take place but for the avoidance of doubt alcohol will only be provided within the core licensed hours.

Children and young persons aged 0 to 17 years will be permitted access to the premises, when accompanied by an adult, for the consumption of a meal until 9pm

The proposed occupant capacity of the premises is 112.

Disabled access & facilities statement – the premises are accessible by the ambulant disabled. Sanitary accommodation is available for the ambulant disabled.

Mr Archie Maciver, Solicitor, appeared before the Board to speak in support of the application and agreed that both the variation application and the application for the grant of a premises licence should be considered together.

The Clerk outlined the application and explained that the premises currently operated under one licence, however as two separate businesses now operated from the premises, the applications had been lodged to rectify this. He advised that no objections had been received in respect of the application, however East Ayrshire Council's Environmental Health service had received one single noise complaint sometime ago. The matter had been addressed and no further complaints had been received.

The Clerk continued that the Scottish Fire & Rescue Service required to be satisfied that there was adequate fire compartmentalisation between the licensed premises and the dwellings above. The Scottish Fire & Rescue Service also had some concerns regarding fire detection system within the premises.

Mr Maciver confirmed that two separate businesses were operating within the premises and that the applications had been lodged to rectify the position. Addressing the concerns of the Scottish Fire & Rescue Service, he explained that his clients were the owners of the property and that they would co-operate fully with any requirements in terms of fire safety. It had been arranged for a fire safety audit to be carried out by the Scottish Fire & Rescue Services on 20 November at 1pm.

Mr Maciver submitted that the concerns regarding compartmentalisation between the licensed premises and the dwellings above related to pipes running through the ceiling. He reminded the Board that his clients legally required to comply with fire regulations and noted that the Scottish Fire & Rescue Services had categorised the issues as a medium breach. Mr Maciver assured the Board that any issues raised during the Fire Safety Audit would be rectified and moved that the applications be granted.

The Clerk referred to the request to provide restaurant facilities and bar meals within the premises and noted that there was no kitchen.

Mr Maciver requested that restaurant facilities be removed from the application but that bar meals remain to allow snacks to be served or for outside caterers to provide food within the premises.

After full consideration of the applications, and the submissions made, the Chair moved that the applications be granted, as amended, subject to the condition that any works required by the Scottish Fire & Rescue Service following the Fire Safety Audit must be carried out within two months. The Board agreed unanimously.