

## **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 22 October 2024 at 10am.**

**SEDERUNT:** Councillor Drew Filson (Chair), Councillor Stephen Canning, Councillor June Kyle, Councillor Linda Mabon, Councillor Clare Maitland and Councillor Kevin McGregor.

**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 Elaine Cowan, Councillor William Crawford, Councillor Claire Leitch 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 24 September 2024 was approved and noted.

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

The Clerk reported on the applications discharged under delegated authority between 19 August and 14 October 2024, namely:-

Minor Variation	:	13
S33 Transfer	:	1
Grant of Personal Licence	:	13
Renewal of Personal Licence	:	2
Renewal of Small Lotteries Registration	:	3
Grant of Small Lotteries Registration	:	2
Extended Hours	:	4
Occasional Licences	:	101

The Clerk reported that of the 101 Occasional Licences granted, 40 were granted to personal licence holders, 22 to premises licence holders, 21 to club premises and 18 to voluntary organisations.

It was noted that, as of the date of the report, there were 985 Personal Licences in force, a reduction of 6 since the last report and 295 Premises Licences in force, an increase of 1 since the last report.

## **5. APPLICATIONS**

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

There being no further business, the meeting ended at 10.20am

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

Star Pubs & Bars Limited

The Howard Arms  
5-7 Glencairn Square  
Kilmarnock

Details of the variation:-

To amend the layout plan of the premises to reflect the swap of the cellar and kitchen to the rear of the premises, as well as the replacement of the outdoor seating furniture in the beer garden. Also, to reflect the change in childrens access areas and to add additional outdoor seating to the outside of the premises near the entrance for proposed pavement seating.

To amend the operating plan of the premises as follows:-

Amend the occupant capacity to:-

Internal - 260

External - 60 (overall capacity not to exceed 260).

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

Children and young persons will be permitted access to all public areas within the premises when accompanied by an adult until 9pm; or if attending a private function, for the duration of the function; or for one hour prior to the departure of supporters buses for Kilmarnock Football Club or the Scotland National Team.

**The Clerk outline the application and advised that no objections or representations had been received, however comments had been received from East Ayrshire Council's Planning, Building Standards and Environmental Health Services and from the Scottish Fire & Rescue Service in respect of the application as follows:-**

**Planning**

**No furniture may be placed in a public road so as to cause an obstruction, unless consent has first been obtained from the relevant roads authority under section 59 of the Roads (Scotland) Act 1984.**

**Building Standards**

**Based on 50/50 split of male to female, in accordance with Std 3.12, current sanitary provision would allow for 130 persons based on 3 female WCs plus disabled WC being for unisex use. Although female toilets are short of 1 wash hand basin.**

**The Clerk explained that the premises had previously operated with an occupant capacity of 260, based on safety, taking account of emergency escape.**

### **Environmental Health**

Noise associated with the application shall not give rise to a noise level from either the interior of the premises or beer garden area, assessed with windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise rating Curve (NCR) 30 between the hours of 7am and 11pm and NCR 25 at all other times. Use of the beer garden facility should be limited to no later than 9pm

### **Scottish Fire & Rescue Service**

A fire risk assessment should be submitted in support of the changes and confirmation that the remedial work from the findings and recommendations from the fire risk assessment has been completed.

The Clerk advise that the applicant had recently submitted a Fire Risk Assessment, which had been forwarded to the Scottish Fire & Rescue Service for comment.

Iain Gibson, Business Development Manager for Star Pubs & Bars Limited appeared before the Board to speak in support of the application, together with Rick Houston, tenant of the premises.

Mr Gibson reminded Members that the premises had not operated for over two years. The aim was to have the alterations to the premises completed by 4 November and re-open the premises a week later, when all staff had been fully trained.

Mr Houston advised that he had thirty five years experience in the licensed trade, operating mostly food orientated businesses. He submitted that he had taken over The Cartvale in Busby, Glasgow approximately 4 years ago and that the premises now operated well, being 40% food driven and 50/60% alcohol. The customer profile of the premises is a family friendly food business, which is also dog friendly. Mr Houston envisaged the same operation for The Howard Arms. He continued that he wanted to embrace the locality of the premises and the close proximity to Rugby Park and not make any drastic changes.

Mr Gibson concluded that £350k had been invested in the premises and that 15/20 new jobs would be created.

The Clerk referred to the request to permit children and young persons access to the premises, when accompanied by an adult, until 9pm and asked the purpose of children being present within the premises.

Mr Houston could envisage no other reason for children being present within the premises, other than for the consumption of food or to attend a function.

The Clerk highlighted that, in terms of the current operating plan, children and young persons were permitted access to the premises, when accompanied by an adult for the purposes on consuming a meal, attending a private function or for one hour prior to all Kilmarnock Football Club home games or one hour prior to the departure of supporters buses for Kilmarnock Football Club or the Scotland national team.

Noting that the request restricted childrens access to the premises to 9pm, Mr Gibson asked that that application be amended to remove the variation to the terms for children and young persons access to the premises. The Board agreed to the amendment.

Referring to the layout plan of the premises, Councillor Maitland asked if baby changing facilities would be available. Mr Gibson advised that a baby changing table would be attached to the wall within the easy access toilet.

Referring to the comments made by Building Standards in relation to the permitted capacity of the premises based on toilet facilities, Councillor Maitland noted that the current sanitary provision would allow for 130 persons.

Mr Houston explained that the accessible toilet was unisex and that he doubted very much that there would be 260 customers within the premises at any one time.

After full consideration of the application, comments received and submissions made, the Board agreed unanimously to grant the application, as amended, subject to the following conditions:-

1. A satisfactory Fire Risk Assessment must be provided and all matters raised by the Scottish Fire & Rescue Service addressed prior to the premises reopening.
  2. Noise associated with the premises shall not give rise to a noise level from either the interior of the premises or beer garden area, assessed with windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise rating Curve (NCR) 30 between the hours of 7am and 11pm and NCR 25 at all other times.
  3. A Permit in terms of Section 59 of the Roads (Scotland) Act 1984 must be obtained prior to the outdoor drinking area (pavement) being used.
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