

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 21 January 2025 at 10am.

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

ATTENDING: David Mitchell (Clerk to the Licensing Board), Sergeant David Markin and Aileen Dempster (Police Scotland), Ms Carolyn McEwan (Licensing Standards Officers), Mrs Patricia Duncan and Mrs Alison Hewitson (Licensing Board Administrators).

APOLOGIES: Councillor William Crawford.

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 10 December 2024, was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 3 December 2024 and 12 January 2025, namely:-

Minor Variation	:	14
S33 Transfer	:	1
Grant of Personal Licence	:	18
Renewal of Personal Licence	:	1
Renewal of Small Lotteries Registration	:	15
Grant of Small Lotteries Registration	:	3
Extended Hours	:	24
Occasional Licences	:	94

The Clerk reported that of the 94 Occasional Licences granted, 48 were granted to club premises, 27 to personal licence holders, 13 to voluntary organisations and 9 to premises licence holders.

It was noted that, as of the date of the report, there were 1027 Personal Licences in force, an increase of 23 since the last report and 291 Premises Licences in force, a reduction of 3 since the last report.

5. PREMISES LICENCE REVIEW

5.1 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 reminded Members that the Review Hearing in respect of The Douglas Hotel was continued from the last meeting to give the Licence Holder a further opportunity to pay the annual fee.

The Clerk advised that a reminder letter was sent to the Premises Licence Holder on 6 August 2024, advising that the annual fee in respect of Douglas Hotel, Kilmarnock was due to be paid on or before 1 October 2024.

In terms of Section 14 of the Act, a Licensing Standards Officer who believes that any condition to which a Premises Licence is subject has been breached, may issue a Notice requiring that such action be taken to remedy the breach specified in the Notice.

As payment of Annual Fee had not been received by 30 October 2024, a Compliance Notice was issued in terms of Section 14 of the Licensing (Scotland) Act 2005, requiring that the annual fee be paid to East Ayrshire Licensing Board within seven days of the date of the Notice and by the first day of October every year thereafter. This notice was sent by the Royal Mail signed for service and was delivered to the Premises Licence Holder on the 31 October 2024.

The premises have been closed since the Summer of 2022 and as at the date of this report the £280 fee remains unpaid.

Attempts have been made to contact the Premises Licence Holder without success. No application for transfer or enquiries have been made by any potential new owner/operator of the business.

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

6. APPLICATIONS

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

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

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Jamie John Scally

The Clerk reminded Members 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. Consideration of the application had been continued from the last meeting of the Board, to allow Mr Scally the opportunity to attend the meeting, or to provide a written statement in support of the application.

Sergeant Markin, on behalf of the Chief Constable, Police Scotland, provided details of the conviction.

The Clerk advised that Mr Scally was unable to attend the meeting, however had submitted a written statement for consideration, the terms of which were reported to the hearing by the Clerk.

Members had no questions.

Sergeant Markin had nothing further to add to his earlier submission.

The Board adjourned for advice.

Upon returning the Chair moved that the application be granted, which was unanimously agreed by Members.

The Clerk advised to the Police Scotland representations that the Board understood the seriousness of the incident which led to the conviction however, taking account the offence, the disposal and period of time since the incident, agreed to grant the licence.

The Clerk pointed out that any further incidents reported may lead to a review of the Personal Licence.

The Board agreed unanimously.

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

Henry Fitzsimmons

The Fenwick Hotel Junction 8,
M77 Fenwick

Details of variation:-

To amend the activities provided at the premises to include sports events (indoor/outdoor sports) and boxing events.

The Clerk outlined the application and explained that the variation was to amend the activities provided at the premises to include sports events including boxing.

Kayleigh–Anne Hannah appeared on behalf of the applicant, to speak in support of the application.

The Clerk advised that no objections or representations had been received in respect of the application, however the following observations had been provided:

- Building Standards recommended that any tables should be positioned so as not to compromise escape routes.
- Scottish Fire and Rescue Services recommended that an appendix with regards the boxing event could be compiled once full details are known and attached to the Fire Risk Assessment.
- Licensing Standards Officers recommended that any event should operate in terms of The Purple Guide, published by the Health & Safety Executive regarding health, safety and welfare at outdoor events.

The Clerk noted from the Fire Risk Assessment, the maximum occupant capacities for each room within the premises:-

Bar -	40
Dining Room -	120
Conference Room -	60
Function Room Bar -	80
Function Room 1 (by the bar) -	70
Function Room Centre -	160
Function Room 3 -	90

The Clerk advised a late request had been received to amend the occupant capacity for boxing events, however as this request had not formed part of the variation application, further clarification would be required from Building Standards and Scottish Fire and Rescue Services on proposed capacities.

Ms Hannah explained that Function Rooms 1, Centre and 2 were separated by partitions, which could be opened to form one large room.

Members expressed concern with regards to the operation of boxing events, and stressed that any boxing event should proceed with care, as there is different types of Boxing Events.

The Board agreed unanimously to grant the licence, subject to the condition that an appendix should be added to the Fire Risk Assessment for the premises regarding boxing events once full details are known.