

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 23 January 2024 at 10am.

SEDERUNT: Councillor Graham Barton, Councillor William Crawford, Councillor Elaine Cowan, Councillor June Kyle, Councillor Claire Leitch, Councillor Kevin McGregor and Councillor David Richardson.

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 Drew Filson, Councillor Stephen Canning and Councillor Lillian Jones.

1. SEDERUNT

Noted.

In the absence of the Chair, Councillor Richardson was nominated to Chair the meeting by Councillor Leitch. This motion was seconded by Councillor Cowan. There being no other motions, Councillor Richardson took the Chair.

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 14 November 2023 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 14 November 2023 was approved and noted.

4. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Clerk reported on the applications discharged under delegated authority between 7 November 2023 and 15 January 2024, namely:-

Minor Variation	:	11
S33 Transfer of Premises Licence	:	2
Grant of Personal Licence	:	19
Renewal of Personal Licence	:	3
Grant of Small Lotteries Registration	:	7
Renewal of Small Lotteries Registration	:	38

Extended Hours	:	33
Occasional Licences	:	108

The Clerk reported that of the 108 Occasional Licences granted, 43 were granted to personal licence holders, 41 to club premises, 18 to voluntary organisations and 6 to premises licence holders.

It was noted that, as of the date of the report, there were 950 Personal Licences in force, a reduction of 13 since the last report and 296 Premises Licences in force, which was no change from 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 FOR VARIATION OF PREMISES LICENCE

The Park Hotel Ayrshire Limited

The Park Hotel
Rugby Road
Kilmarnock

Details of the variation:-

To amend the operating plan of the premises to include off-sales and indoor/outdoor sports (e.g. boxing events).

Mr Gordon Anthony, DPM of The Park Hotel, 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 in respect of the application.

Addressing the request to allow off sale from the premises, Mr Anthony submitted that charity events were occasionally hosted at the premises, which included stalls selling various goods, and that it would be beneficial to include alcohol purchases without the requirement to have an Occasional Licence in place. He continued that, as off-sale was not currently permitted in terms of the operating plan, an Occasional Licence required to be obtained for an unlicensed part of the hotel to allow the sale of any promotions at such events.

Further, at events such as Christmas party nights, drinks could be pre-ordered, however customers were unable to take away any unfinished drinks from the package. Should off-sale be permitted, a system would be created whereby customers could collect any unfinished drinks the next day to take away.

With regards to the request for indoor/outdoor sports, Mr Anthony advised that the licence holders had received requests to hold charity boxing and Muay Thai events within the hotel, however these were not currently covered within the operating plan.

Councillor Richardson advised that he had attended one of the boxing events within The Park Hotel and that the event had been well organised. Addressing the request for indoor/outdoor sports, Councillor Richardson asked if it was intended to have outdoor events.

Mr Anthony explained that ‘indoor/outdoor sports’ was standard wording on the application and that it was not intended to hold outdoor events.

Councillor Leitch asked how these events would be managed. Mr Anthony advised that a full management team would be on duty for such events and that there would be a 1:50 ratio of security in place, the cost of which would be met by the event organisers.

There being no further questions, the Board agreed unanimously to grant the variation.

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

Dunlop Community Hub Ltd.

Merito
2-6 Stewarton Road
Dunlop

Details of the variation:-

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

Substitution of Premises Manager;

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

Current terms

Children and Young Persons will be permitted entry to the premises, when accompanied by an adult, for the consumption of a meal until 10pm or to attend a private function, for the duration of the function.

Proposed terms

Children and Young Persons will be permitted entry to the premises, when accompanied by an adult, until 10pm or to attend a private function, for the duration of the function.

Mr Gary Miller, Solicitor, appeared before the Board to speak in support of the application, together with Carolyn Nichol, Director of Dunlop Community Hub Ltd. and Jessica Cruikshank, proposed DPM of the premises.

The Clerk outlined the application and advised that no objections had been received in respect of the application, however noted that the proposed terms in which children and young persons are to be permitted access to the premises were contrary to the Board's policy.

Mr Miller was of the opinion that the variation requested should have been considered as a minor variation. Referring to the Board's Policy, he continued that Members of the Community Hub were well aware of their responsibilities for the protection of children and young persons and that provisions were already in place.

Mr Miller submitted that numerous family events were held within the premises which were attended by children and young persons but that catering was not always required. He explained that currently catering had to take place by way of outside caterers or food vans outside the premises. The amendment of the terms of which children and young persons could access the premises would make the operation of the premises much easier while continuing with a family atmosphere.

Mr Miller concluded that Dunlop Community Hub Limited had been created in 2018 and was the first community hub in Scotland.

Ms Cruikshank submitted that the Community Hub understood the Board's Policy, however the aim of the Hub was to hold family events and create a family atmosphere.

The Clerk enquired as to whether Dunlop Community Hub Limited is a charity or a company limited by guarantee. Ms Cruikshank advised that Dunlop Community Hub Limited is a company limited by guarantee and registered with Companies House.

Councillor Leitch enquired as to what type of events the Community Hub intended to hold within the premises.

Ms Nichol explained that initially it was intended to operate the ground floor of the premises as a 'pub' with the first floor operating as the Community Hub, however due to lack of funding, the first floor of the premises is not used and the intention is to incorporate the Hub into the ground floor licensed premises by creating a family environment.

Councillor Cowan asked what staff training would be provided.

Ms Cruikshank advised that Dunlop was a small village and that customers were known to staff. She continued that Challenge 25 training would be provided and that several staff members had PVG checks carried out via other associations. She continued that the Community Hub would be open to any further guidance to extend training already in place.

The Clerk expressed concern that, should the Board be minded to grant the variation and the licence transfer to someone other than the Community Hub, the terms for Children and Young Persons access would continue with the licence. He asked if the Community Hub would be willing to amend the application to show that children and young persons would be permitted access to the premises for the purpose of attending family events associated with the activities and operation of the premises as a community hub. It was agreed by all parties that the wording could be amended.

The Board agreed unanimously to grant the variation, subject to the terms in which Children and Young persons would have access to the premises being amended to :-

Children and Young Persons will be permitted entry to the premises, when accompanied by an adult, until 10pm for the purpose of attending family and community events concomitant with the activities and operation of the premises as a community hub or to attend a private function, for the duration of the function.

It was recognised that these terms would only apply to the community activities and operation of the premises by Dunlop Community Hub Ltd. and would not apply to any future transferee, unless they are constituted and operate in the same or similar manner.
