

EAST AYRSHIRE LICENSING BOARD

Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 15 December 2020 at 10am.

SEDERUNT: Councillor Tom Cook (Chair), Councillor Fiona Campbell, Councillor William Crawford, Councillor Drew Filson, Councillor Lillian Jones, Councillor Claire Leitch and Councillor Jacqui Todd.

ATTENDING: Mr S McCall (Depute Clerk to the Licensing Board), Inspector Peter and Sergeant Barrie (Police Scotland), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

APOLOGIES : Councillor John Campbell, Councillor Ian Grant and Councillor George Mair.

1. SEDERUNT

Noted.

1.1 Exclusion of Press and public

The Licensing Board resolved that the press and public be excluded from the meeting for the following items of business on the grounds that if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

2. MINUTE OF MEETING

2.1 Minute of the meeting of East Ayrshire Licensing Board held on 17 November 2020 was agreed and noted.

2.2 Minute of the joint meeting of East Ayrshire Licensing Board and East Ayrshire Local Licensing Forum held on 17 November 2020 was agreed and noted.

3. APPLICATIONS CONSIDERED UNDER DELEGATED AUTHORITY

The Chair noted the applications discharged under delegated authority by the Clerk to the Licensing Board between 6 November and 4 December 2020:-

Confirmation of Provisional Grant	:	1
Minor Variation	:	6
Variation on Transfer	:	1
S33 Transfer	:	1
S34 Transfer	:	1
Grant of Personal Licence	:	8
Renewal of Personal Licence	:	1

The number of Occasional Licence applications considered had not been included in this report as, due to the COVID-19 restrictions, many Occasional Licence applications were withdrawn or could not be granted.

The Chair noted that as of the date of the Report there were 1155 Personal Licences and 303 Premises Licences in force.

The Depute Clerk advised the Members that he had taken part in a virtual SOLAR meeting where it was noted that in the whole of Scotland only two Licensing Board areas had decided to reduce the amount of Premises Licence Annual Fees due in 2020 due to the current pandemic.

The Depute Clerk further advised that all East Ayrshire off-sales premises had paid their annual fee for 2020, with only 44 on-sales premises remaining to pay, equating to 85% of premises having paid. He advised that the remainder of the premises would be reminded that their fees were outstanding.

The Board Members agreed to note the Report.

4. APPLICATIONS

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

There being no further business the meeting ended at 10.50am

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR PERSONAL LICENCE

Shyrell Andrina Morrow-Moore

The Depute Clerk advised that Shyrell Morrow-Moore had been convicted of relevant offences in terms of the Licensing (Scotland) Act 2005.

The Depute Clerk advised that Ms Morrow-Moore had problems connecting to the meeting and had provided further information regarding the convictions by e-mail.

The Board agreed to continue consideration of the application in Ms Morrow-Moore's absence.

Sgt Barrie advised that Ms Morrow-Moore was convicted at Kilmarnock Sheriff Court on 7 December 2019 of two offences of assault to injury when a Compensation Order of £200 was imposed.

Sgt Barrie reported that the circumstances surrounding Charge 1, were that on 16 February 2019 at Titchfield Street, Kilmarnock, Shyrell Andrina Morrow-Moore assaulted a 21 year old female and slapped her on the face, pulled her hair and pulled her to the ground, all to her injury.

The circumstances surrounding Charge 2, were that on 16 February 2019 at Titchfield Street, Kilmarnock, Shyrell Andrina Morrow-Moore assaulted a 27 year old female and pushed her against a wall, seized her by the hair and pulled her to the ground, all to her injury.

The Depute Clerk provided the Members with the details of Miss Morrow-Moore's email, that on the date of the incident Ms Morrow-Moore was out in town and happened to come across two women. There was an exchange of words and one of the women grabbed a necklace from her neck and put it in her pocket. This annoyed Ms Morrow-Moore who pushed one of them and told her to give back her property. Things became a little more heated as she was refusing to return her property and the woman's friend got involved. Ms Morrow-Moore pushed her friend away as she was starting to feel a little intimidated. Ms Morrow-Moore didn't really remember all that happened after that as it all happened so fast and she had been drinking throughout the day. Police Scotland were passing and found all three in an altercation. As there were two women and only Ms Morrow-Moore she stated that it was her word against theirs and she was arrested and advised by her lawyer to plead guilty. After some consideration Ms Morrow-Moore decided it would probably be for the best to plead guilty.

The Depute Clerk reminded Members that it was a statutory duty for Police Scotland to provide details of relevant convictions and that there was no suggestion that the conviction was in relation to the sale of alcohol.

Councillor Jones asked Police Scotland for confirmation on why compensation had been awarded. Inspector Peter advised that it was up to the Judge to decide whether to award compensation which is paid direct to the victim. Sgt Barrie advised that the victim's property had minor damage and that was why compensation was awarded.

Councillor Filson joined the meeting at 10.25am and took no part in the decision making of this application.

The Board Members adjourned to consider the matter further.

Upon returning the Board Members unanimously agreed to grant the personal licence.

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

Heather Young

The Burns Tavern
18-20 Titchfield Street
Galston

Details of the variation:-

Amendment of operating plan to include restaurant facilities and to permit bar meals to be provided within the premises.

The Depute Clerk reminded the Board Members that this application had been continued from the Licensing Board meeting held on 22 September 2020, as the restaurant facilities part of the application required to be removed but due to ill-health the premises licence holder was not present at the meeting to agree to the amendment.

Heather Young appeared before the Board along with Mark Miller.

The Depute Clerk pointed out that the addition of food was to allow the premises to comply with the provision of food part of the Covid legislation when premises were allowed to re-open. The Depute Clerk advised that Environmental Health had reported that the kitchen facilities were only suitable for providing filled rolls and Building Standards were dealing with an outstanding Building Warrant.

Heather Young confirmed that they were dealing with the Building Warrant and were agreeable to the amendment of the application and would only be providing filled rolls.

The Board Members unanimously agreed to grant the application subject to the amendment and the granting of the Building Warrant.

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

The Park Hotel Ayrshire Limited
Rugby Park
Rugby Road
Kilmarnock
KA1 1UR

The Park Hotel
Rugby Road
Kilmarnock

Details of the variation:-

The purpose of the variation is due to the construction of an extension to the existing Hotel. The extended area is to be used as a Coffee Shop and Bar area. The maximum capacity of this area will be 100 which brings the overall operating plan capacity for the Hotel to 1600.

It is also proposed to change the use of the existing lounge on the ground floor to a restaurant and change the use of the existing restaurant on the first floor to a function suite.

Gordon Anthony initially joined the meeting on behalf of the Park Hotel, but due to internet connection problems was unable to remain in the meeting.

The Depute Clerk advised that there was one objection in respect of this application but that the objector had been unable to connect to the meeting. The Depute Clerk also advised that a letter had been received from Kilmarnock Football Club in support of the application.

The Depute Clerk outlined the application and advised that it was a retrospective application and that all the work had been completed in compliance with Planning and Building Standards permissions.

The Depute Clerk proceeded with the hearing and requested that IT support now show both the objection letter and letter in support of the application to the Board Members.

The Depute Clerk pointed out that the objection was in respect of planning matters which had already been dealt with by the Planning Department and were not relevant to the sale of alcohol.

The Board Members agreed that the objection letter was in respect of planning matters such as car parking spaces, and took account of the letter provided by Kilmarnock Football Club which dealt with this problem.

The Board Members unanimously agreed to grant the application as sought.

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

Balram Bhatia
21 Portland Street
Kilmarnock

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

Proposed licensed hours:-

	<u>On Sales</u>	<u>Off Sales</u>
Sunday – Saturday	12 Noon – 11.00pm	12 Noon – 10.00pm

Restaurant facilities will be available within the premises; the premises will cater for weddings, funerals, birthdays, group meetings, etc.; recorded music may be provided; all to be available within the core hours.

The proposed occupant capacity of the premises is 50.

Children and young persons will be permitted access to the premises for the consumption of a meal. Children aged 0 – 15 years must be accompanied by an adult. Young persons aged 16 and 17 years may be unaccompanied.

The restaurant part of the premises is fully on the ground floor and access is level with the street, with access being available without aid. The floor level internally is on the same level which includes the separate disabled toilet which is easily accessible. There is good open circulation between all tables. It is proposed that assistance dogs be allowed and large print menu available.

The Depute Clerk reminded Members that in terms of article 7 of the Licensing (Procedure)(Scotland) Regulations 2007, an applicant must display a notice at or near the premises to which an application for the grant of a new licence relates and in a place and height where the notice can conveniently be read by the public for a continuous period of 21 days. He advised that the notice in this case had not been displayed for the relevant period and accordingly the application was not a competent application for consideration by the Board.

The Board agreed to continue consideration of the application to the next meeting of the Board to allow the notice to be displayed.

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