

## **EAST AYRSHIRE LICENSING BOARD**

**Minute of the virtual Meeting of East Ayrshire Licensing Board, held digitally through Microsoft Teams, on Tuesday 2 February 2021 at 10am.**

**SEDERUNT:** Councillor Tom Cook (Chair), Councillor Fiona Campbell, Councillor John Campbell, Councillor Ian Grant, Councillor Claire Leitch and Councillor George Mair.

**ATTENDING:** David Mitchell (Clerk to the Licensing Board), Mrs C McEwan and Mr I Hiles (Licensing Standards Officers), Mrs P Duncan and Ms S Duncan (Licensing Board Administrators).

**APOLOGIES :** Councillor William Crawford, Councillor Drew Filson, Councillor Lillian Jones and Councillor Jacqui Todd.

### **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 15 December 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 5 December 2020 and 22 January 2021:-

Minor Variation	:	4
S33 Transfer	:	1
Grant of Personal Licence	:	5
Renewal of Personal Licence	:	1
Small Society Lottery Renewals	:	18

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had not been included in this report as, due to the COVID-19 restrictions, many Occasional Licence applications were withdrawn or could not be granted.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 1161 Personal Licences and 302 Premises Licences in force.

The Clerk confirmed to Members that the current reduction in licensing business due to the pandemic would result in a shortfall in licensing income. The Clerk advised that the Licensing Section staff were undertaking other duties, and were currently involved in the processing of taxi/private hire car grant funding applications.

Carolyn McEwan, LSO, reported that annual fees remained outstanding for four licensed premises. The LSO reported that despite compliance notices having been issued to three of the licensed premises, they remained outstanding and a Review Report for these premises would be submitted to the next Licensing Board meeting. The LSO further reported that the Company involved in the fourth licensed premises had been dissolved and therefore a compliance notice could not be issued. The LSO advised that attempts had been made to contact persons connected with the premises without success. A Review Report would also be submitted to the next Licensing Board meeting in respect of these premises.

Ian Hiles, LSO, reported that complaints in respect of licensed premises had fallen due to the current restrictions. The LSO reported that joint inspections with Environmental Health Officers had been taking place in respect of licensed premises and that no enforcement action had so far been required. The LSO further reported that joint inspections with Environmental Health Officers would now focus on food takeaway premises to ensure they were complying with the coronavirus legislation.

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 10.19am

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 Clerk reminded Members that the application had been continued from the last meeting of the Board as the applicant had failed to display the relevant notice at the premises, in terms of article 7 of the Licensing (Procedure)(Scotland) Regulations 2007.**

**The Clerk advised Members that the applicant’s Agent had been provided with the MS Teams link to join the meeting. The Agent was contacted by telephone during the meeting and he advised that it was the applicant who had intended to join the meeting. As neither the Applicant or the Agent joined the meeting, the Board Members agreed to continue the application to the next Board Meeting to allow the applicant or his representative to join the meeting to answer any questions in respect of the application.**

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